U.S. Department of Justice
Executive Office for Immigration Review
Office of the Chief Immigration Judge

Chief Immigration Judge

5107 Leesburg Pike, Suite 2500
Falls Church, Virginia 22041

September 14, 2016

MEMORANDUM

TO: All Immigration Judges
All Court Administrators
All Attorney Advisors and Judicial Law Clerks
All Immigration Court Staff

FROM: Michael C. McGoings MCM
Chief Immigration Judge (Acting)

SUBJECT: Operating Policies and Procedures Memorandum 16-01: *Filing Applications for Asylum*

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I. Introduction

Effective immediately, applications for asylum (Application for Asylum and for Withholding of Removal, Form I-589) may be filed at the window or by mail. They are no longer required to be filed at a master calendar hearing. This applies to all Form I-589s, regardless of whether the application is for asylum, withholding of removal, or protection under the Convention Against Torture. Accordingly, those portions of prior policy memoranda that mandate that the application for asylum be filed at a hearing are hereby rescinded.

II. Processing Applications for Asylum

When receiving an application for asylum at the window or by mail, court staff should provide the 180-Day Asylum EAD Clock Notice to the respondent[1] and should process the filing in the same manner as any other application, date-stamping the application as usual.[2] If the application is filed at the window, court staff should hand the notice to the filer. If the application is filed by an attorney or representative by mail and includes a stamped self-addressed envelope, court staff should send the notice using that envelope. If the application is filed by a pro se respondent by mail, court staff should mail the notice to the respondent.

Immigration Judges and court staff are reminded that applications for asylum should only be rejected based upon the specific rejection criteria allowed in the June 17, 2008, memorandum by the Chief Clerk of the Immigration Court and the corresponding standardized rejection notices.[3] A copy of the memorandum and rejection notices are provided as Attachments A and B, respectively. If an application for asylum is rejected, the 180-Day Asylum EAD Clock Notice need not be provided.

This memorandum does not affect how the receipt of an application for asylum is to be recorded in CASE. Accordingly, court staff should continue to enter Form I-589 data in CASE in the same way as has been done before this memorandum. When processing an application for asylum that is filed at the window or by mail, the "initial asylum received date" is the date the application is filed, and not the date of the upcoming hearing.

III. Lodging Applications for Asylum

The asylum application lodging procedures set forth in Operating Policies and Procedures Memorandum (OPPM) 13-03, *Guidelines for Implementation of the ABT Settlement Agreement,*

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[1] Under the ABT Settlement Agreement, the Immigration Court is required to provide the 180-Day Asylum EAD Clock Notice at the time of filing.

[2] When an application for asylum is submitted in support of a motion, the application shall not be considered filed. For guidance on motions supported by an application for relief, see Immigration Court Practice Manual Chapter 5.2(g).

[3] Please note that court staff should ensure that the Form I-589 includes the applicant's signature in Part D. By contrast, Part G need not be signed at the time of filing.

remain in effect.[4] Accordingly, if a respondent or representative indicates to court staff at the window that a Form I-589 is being submitted for the purpose of lodging, or if a Form I-589 submitted by mail is clearly marked as being submitted for the purpose of lodging, court staff should process the application as directed in OPPM 13-03. However, if the Form I-589 is not clearly being submitted for the purpose of lodging, court staff should process the application as an ordinary filing as described above.

IV. Asylum Clock

The filing of an application for asylum at the window or by mail prior to an initial master calendar hearing will start the "asylum clock." Furthermore, the filing of an application for asylum at the window or by mail between master calendar hearings will start the asylum clock regardless of whether a "clock-stopping" code was previously entered. The asylum clock will then continue to run or stop at the next master calendar hearing, depending on the adjournment code used at that hearing. *See* OPPM 13-02, *The Asylum Clock.*

V. One-year Filing Deadline

An application for asylum filed at the window or by mail will be considered filed on the date of receipt for the purpose of the one-year filing deadline. *See* 8 C.F.R. § 1208.4(a)(2)(ii).

VI. Frivolous Application Advisals

When an application for asylum is filed at the window or by mail, the frivolous filing advisals may be given at a master calendar hearing or at the beginning of the individual calendar hearing, at the discretion of the judge.

VII. Conclusion

This change will also impact the Immigration Court Practice Manual and other guidance documents. I have directed that those changes be made, and the process is underway. If you have any questions, please consult with your Court Administrator or your Assistant Chief Immigration Judge, as appropriate.

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[4] Please note that the grounds for rejecting a lodged application for asylum as set forth in OPPM 13-03, Part III.B.2 accordingly remain in effect.

ATTACHMENT A

U.S. Department of Justice

Executive Office for Immigration Review

Office of the Chief Immigration Judge

5107 Leesburg Pike, Suite 2500
Falls Church, Virginia 22041

June 17, 2008

MEMORANDUM

TO: All Immigration Judges
All Court Administrators
All Attorney Advisors and Judicial Law Clerks
All Immigration Court Staff

FROM: Mark Pasierb
Chief Clerk of the Immigration Court

SUBJECT: Processing Defective Filings at the Immigration Courts Beginning on July 1, 2008

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I. Introduction

In August 2006, the Attorney General instructed the Executive Office for Immigration Review (EOIR) to publish a Practice Manual to provide guidance to the public on immigration court practice and to establish uniform procedures nationwide. On February 28, 2008, the Immigration Court Practice Manual was officially launched when it became publicly available on the EOIR internet homepage. The Practice Manual goes into effect on July 1, 2008.

This memorandum provides guidance to court staff on how to process defective filings beginning on July 1, 2008. This guidance covers: (1) filings by an attorney or representative, including Department of Homeland Security attorneys; (2) filings by a non-detained *pro se* respondent; (3) filings by a detained *pro se* respondent; (4) submissions directly to the court by third parties or represented respondents; (5) failure to file an EOIR-33/IC when a respondent changes his or her address; and (6) entry of an EOIR-28 when another attorney has already entered an appearance. Citations to the Practice Manual have been included for you to refer to as you review this memorandum.

Please note that the public will need time to become familiar with the Practice Manual. While the parties who appear before the courts are becoming familiar with the Practice Manual, court staff should be flexible in applying the provisions of this memorandum and the Practice Manual. During this initial period, staff are also encouraged to be especially helpful to the public on how to comply with the Practice Manual.

II. Filings by an attorney, representative, or DHS

This section provides guidance on how to process filings that do not comply with the provisions of the Practice Manual if the filing was submitted by an attorney or representative (including Department of Homeland Security attorneys).

A. Reject upon receipt

In the following situations, court staff should reject filings upon receipt and return the filings to the party. To return a filing to an attorney, representative, or DHS, please use the new uniform rejection notice entitled *Rejected Filing: Notice to Attorney or Representative*.

- *No proof of service* – the filing does not contain a proof of service. *See* Chapter 3.2.
- *Improper proof of service* – the proof of service does not comply with the Practice Manual's provisions. *See* Chapter 3.2.
- *No fee receipt, other proof of payment, or fee waiver request* – the filing requires payment of a fee, but the filing does not include a fee receipt, fee waiver request, or interim evidence of fee payment. *See* Chapters 3.4(b) and 3.4(h).

- Interim evidence of fee payment includes: (1) a respondent's notice from the Department of Homeland Security to appear for a biometrics appointment; (2) a printout from the website of DHS, U.S. Citizenship and Immigration Services, showing that the respondent's application has been received; (3) a photocopy of the check; (4) a photocopy of the money order receipt; or (5) an affidavit from the person who submitted the payment.

- Note: If interim evidence of fee payment is submitted, the judge may still require the fee receipt prior to adjudication at the hearing. Accordingly, court staff may advise the filing party to submit the fee receipt as soon as possible.

- *Fee incorrectly paid to court* – the respondent submitted a check or money order to the court, rather than the Department of Homeland Security. *See* Chapter 3.1(b).

- *No name* – the filing is missing the respondent's name. *See* Chapter 3.3(c)(vi).

- *No A-number* – the filing is missing the respondent's A-number. *See* Chapter 3.3(c)(vi).

- *No Notice of Entry of Appearance* – the attorney or representative has not yet entered an appearance by filing an EOIR-28, and the documents being submitted do not include an EOIR-28. *See* Chapter 2.1(b).

- *Other counsel entered* – if an attorney or representative files an EOIR-28, but another attorney or representative has already submitted an EOIR-28, please carefully review Section VII for instructions on how to handle.

- *Incorrect filing location (case at court)* – the respondent is in proceedings, but the filing was made at the wrong court. *See* Chapter 3.1(a).

- *Incorrect filing location (case at BIA)* – jurisdiction is with the BIA. *See* Chapter 6.3 and Appendix K.

- *Case not pending* – a Notice to Appear has not been filed. *See* Chapter 4.2(b).

  - Exceptions:

    - EOIR-33/ICs are accepted even if no Notice to Appear has been filed.

    - Bond redetermination requests are accepted even if no Notice to Appear has been filed. *See* Chapter 9.3(b).

- *Missing or improper signature* – the filing is not signed or the signature is improper, under the guidelines below. *See* Chapter 3.3(b).

- All signatures must be *original* signatures. Rubber-stamp signatures are not acceptable. Exception: do not reject Notices to Appear for signature defects. Determinations regarding signatures on Notices to Appear are made by the judge.
  - Signatures need not be legible, as long as the signature is accompanied by a printed name.
  - Signatures need not be dated.
  - Faxed signatures are only acceptable if the fax was authorized.
  - Photocopied signatures *are* acceptable on supporting documents only.
  - EOIR-28s without an original signature are rejected.

- *No translation or improper translation* – foreign language documents are rejected as outlined below. This applies whether the document was submitted by itself or as part of a larger package. If the document was submitted as part of a larger package, the entire package is rejected. *See* Chapter 3.3(a).
  - The document is untranslated.
  - The document is translated, but submitted without a certificate of translation.
  - The document is translated, but submitted with an improper certificate of translation.
- *No cover page* – the filing does not include a cover page. *See* Chapter 3.3(c)(vi).
- *Not two-hole punched* – the filing is not two hole-punched. *See* Chapter 3.3(c)(viii).
- *No pagination* – the filing does not contain page numbers. The filing is rejected only if it contains *no* page numbers. Do not reject merely because page numbers are not consecutive. *See* Chapter 3.3(c)(iii).
- *No proposed order* – for motions, no proposed order is included. *See* Chapter 5.2(b).
- *Other* – the filing is rejected for other unusual reasons not listed above. Please check with your supervisor before rejecting documents for any reasons not listed above. This space may also be used for any additional comments.

B. Give untimely filings to the judge

Untimely filings should be stamped and processed as usual and given to the judge, whether or not the filing was submitted with a motion to accept an untimely filing. *See* Chapter 3.1(d)(ii).

III. Filings by a non-detained unrepresented respondent

This section provides guidance on how to process filings that do not comply with the provisions of the Practice Manual if the filing was submitted by a non-detained *pro se* respondent. Note that, for non-detained *pro se* respondents, there are fewer defects for which filings will be rejected than for represented respondents.

A. Reject upon receipt

In the following situations, court staff should reject filings upon receipt and return the filings to the non-detained *pro se* respondent. To return a filing to a non-detained *pro se* respondent, please use the new uniform rejection notice entitled *Rejected Filing: Notice to Non-Detained Unrepresented Respondent*.

- *No proof of service or improper proof of service* – the filing does not contain a proof of service. *See* Chapter 3.2.
  - Exceptions: court staff should use their judgement to decide whether to accept a filing from a non-detained *pro se* respondent if:
    - There is a proof of service, but it does not fully comply with the Practice Manual's provisions; or
    - There is no proof of service, but circumstances warrant accepting the filing (for example, the filing is simple, such as a letter to the court, or the hearing date is near). *However*, if accepting a filing even though it does not have a proof of service, take the following steps:
      - Stamp the filing using a stamp reading "Served on the Department of Homeland Security";
      - Copy the filing;
      - Serve the filing on DHS; then
      - Place the filing in the ROP.
- *No name* – the filing does not contain the respondent's name. *See* Chapter 3.3(c)(vi).
- *No A-number* – the filing does not contain the respondent's A-number. *See* Chapter 3.3(c)(vi).
- *No fee receipt, fee waiver request, or interim evidence of payment* – the filing requires payment of a fee, but the filing does not include a fee receipt, fee waiver request, or interim evidence of fee payment. *See* Chapters 3.4(b) and 3.4(h).

- Interim evidence of fee payment includes: (1) a respondent's notice from the Department of Homeland Security to appear for a biometrics appointment; (2) a printout from the website of DHS, U.S. Citizenship and Immigration Services, showing that the respondent's application has been received; (3) a photocopy of the check; (4) a photocopy of the money order receipt; or (5) an affidavit from the person who submitted the payment. The receipt should be submitted as soon as available.

- Note: If interim evidence of fee payment is submitted, the judge may still require the fee receipt prior to adjudication at the hearing. Accordingly, court staff may advise the filing party to submit the fee receipt as soon as possible.

- *Fee incorrectly paid to court* – the respondent submitted a check or money order to the court, rather than the Department of Homeland Security. *See* Chapter 3.1(b).

- *Incorrect filing location (case at court)* – the respondent is in proceedings, but the filing was made at the wrong court. *See* Chapter 3.1(a).

- *Incorrect jurisdiction (case at BIA)* – jurisdiction is with the BIA. *See* Chapter 6.3 and Appendix K.

- *Case not pending* – a Notice to Appear has not been filed. *See* Chapter 4.2(b).

  - Exceptions:

    - EOIR-33/ICs are accepted even if no Notice to Appear has been filed.

    - Bond redetermination requests are accepted even if no Notice to Appear has been filed. *See* Chapter 9.3(b).

- *No translation* – foreign language documents are rejected if untranslated. This applies whether the document was submitted by itself or as part of a larger package. If the document was submitted as part of a larger package, the entire package is rejected. *See* Chapter 3.3(a).

  - Note: unlike filings by attorneys or representatives, foreign language documents from non-detained *pro se* respondents are accepted if:

    - translated but submitted without a certificate of translation; or

    - translated but submitted with an improper certificate of translation.

- *Other* – the filing is rejected for other unusual reasons not listed above. Please check with your supervisor before rejecting documents for any reasons not listed above. This space may also be used for any additional comments.

B. Give untimely filings to the judge

Untimely filings should be stamped and processed as usual and given to the judge, whether or not the filing was submitted with a motion to accept an untimely filing. *See* Chapter 3.1(d)(ii).

IV. Filings by a detained unrepresented respondent

This section provides guidance on how to process filings that do not comply with the provisions of the Practice Manual if the filing was submitted by a detained *pro se* respondent. Note that, for detained *pro se* respondents, the court only rejects filings in very limited circumstances.

A. Reject upon receipt

In the following situations, court staff should reject filings upon receipt and return the filings to the detained *pro se* respondent. To return a filing to a non-detained *pro se* respondent, please use the new uniform rejection notice entitled *Rejected Filing: Notice to Detained Unrepresented Respondent*.

- *No name* – the filing does not contain the respondent's name. *See* Chapter 3.3(c)(vi).
- *No A-number* – the filing does not contain the respondent's A-number. *See* Chapter 3.3(c)(vi).
- *Incorrect filing location (case at court)* – the respondent is in proceedings, but the filing was made at the wrong court. *See* Chapter 3.1(a).
- *Incorrect filing location (case at BIA)* – jurisdiction is with the BIA. *See* Chapter 6.3 and Appendix K.
- *Case not pending* – a Notice to Appear has not been filed. *See* Chapter 4.2(b).
  - Exceptions:
    - EOIR-33/ICs are accepted even if no Notice to Appear has been filed.
    - Bond redetermination requests are accepted even if no Notice to Appear has been filed. *See* Chapter 9.3(b).
- *Other* – the filing is rejected for other unusual reasons not listed above. Please check with your supervisor before rejecting documents for any reasons not listed above. This space may also be used for any additional comments.

B. No proof of service

If a filing from a detained *pro se* alien does not include a proof of service, do not reject the filing. Rather, the filing should be served on DHS by following the steps below:

- Stamp the filing using a stamp reading "Served on the Department of Homeland Security";
- Copy the filing;
- Serve the filing on DHS; then
- Place the filing in the ROP.

C. Give untimely filings to the judge

Untimely filings should be stamped and processed as usual and given to the judge, whether or not the filing was submitted with a motion to accept an untimely filing. *See* Chapter 3.1(d)(ii).

V. Filings submitted directly by a third party or a represented respondent

This section provides guidance on how to process a filing in two situations:

- the filing is submitted directly to the court by a third party (someone who is not the respondent, the attorney, or DHS); or
- the filing is submitted directly to the court by a respondent who is represented, rather than by the attorney or representative (filings by represented respondents are supposed to be filed by the attorney).

A. Filing is submitted by a third party

If a filing is submitted by a third party, court staff should reject the filing upon receipt and return the filing to the individual who submitted it. *See* Chapter 2.1(d). To return a filing to a third party, please use the new uniform rejection notice entitled *Rejected Filing: Filing Submitted Directly by Represented Respondent or by Third Party*. A copy of the rejection notice should be sent to the respondent (if unrepresented) or the respondent's attorney (if represented), and to the Department of Homeland Security.

B. Filing is submitted by a represented respondent

If a filing is submitted to the court directly by a represented respondent, rather than by the attorney or representative, court staff should use their judgement to decide whether to reject the filing or whether to process it and give it to the judge. *See* Chapter 2.1(d). For example, if a

respondent writes a letter to the court reporting that his or her attorney has acted improperly, it may well be appropriate to accept the letter and bring it to the attention of the judge.

If court staff elects to reject a filing because it was submitted directly to the court by a represented respondent, please use the new uniform rejection notice entitled *Rejected Filing: Filing Submitted Directly by Represented Respondent or by Third Party*. A copy of the rejection notice should be sent to the respondent's attorney and the Department of Homeland Security.

VI. Respondent changes address but fails to file an EOIR-33/IC

Sometimes the court will receive a letter from a respondent notifying the court that he or she has moved, but the respondent does not include an EOIR-33/IC. Likewise, a respondent will sometimes file documents with a return address that is different than the official address in CASE. In these situations, court staff should *not* change the address in CASE. *See* Chapter 2.2(c). Rather, court staff should follow the steps below:

- Issue the notice entitled *Notice and Warning: Form EOIR-33 Required for Any Change of Address*. Attach an EOIR-33 I/C to the notice and send it to the respondent's official address listed in CASE. Also send a copy of the notice and an EOIR-33/IC to the respondent's new, unofficial, address.
    - If the court receives a completed EOIR-33/IC from the respondent, change the respondent's address in CASE to the address provided on the EOIR-33/IC.
    - If the court does not receive a completed EOIR-33/IC, do not change the respondent's address in CASE.

VII. Processing an EOIR-28 where another attorney has entered an appearance

This section provides detailed guidance on how to process an EOIR-28 where another attorney or representative has already entered an appearance in the case. To determine how to process the EOIR-28, please follow the steps below.

A. EOIR-28 is filed *without* a motion to substitute

Where a respondent is already represented, and a new attorney or representative files an EOIR-28 *without* a motion to substitute:

- *Check whether annotated* – determine whether the EOIR-28 is annotated to reflect that the new attorney or representative is making an appearance "on behalf of" the previous attorney or is joining as "co-counsel." *See* Chapters 2.3(e) and 2.3(j).

- *If "on behalf of"* – if the EOIR-28 is annotated to reflect an "on-behalf-of" appearance, place the EOIR-28 in the Record of Proceedings, and enter the appearance in CASE as a non-prime attorney or representative.

- *If "co-counsel"* – if the EOIR-28 is annotated to reflect that the attorney or representative is joining as "co-counsel," place the EOIR-28 in the Record of Proceedings, and enter the appearance in CASE as a non-prime attorney or representative.

- *If not annotated* – if the EOIR-28 is not annotated, it is rejected, using the new uniform rejection notice entitled *Rejected Filing: Notice to Attorney or Representative*.

B. EOIR-28 is filed *with* a motion to substitute

Where a respondent is already represented, and a new attorney files an EOIR-28 *with* a motion to substitute:

- *Enter motion in CASE* – enter the motion to substitute in CASE (do not enter the EOIR-28 in CASE), and forward the submission to the judge. *See* Chapter 2.3(i)(i).

  - *If granted* – if the judge grants the motion to substitute, enter the attorney or representative in CASE.

  - *If denied* – if the judge issues an order denying the motion to substitute, do not enter the attorney or representative in CASE. Stamp the EOIR-28 using a stamp reading "Motion to Substitute Denied" and place the EOIR-28 in the Record of Proceedings.

VIII. Conclusion

This memorandum provides guidance to court staff on how to process defective filings beginning on July 1, 2008. If you have questions regarding this memorandum or the attached uniform rejection notices, please contact your court administrator.

ATTACHMENT B

U.S. Department of Justice

Executive Office for Immigration Review

Immigration Court

Name:

A **Date of Notice:**

REJECTED FILING
NOTICE TO ATTORNEY OR REPRESENTATIVE

This notice is to inform you that the filing received by the Immigration Court on _____, is being rejected for the reasons given below. We have returned your filing and all attachments for correction of the defects. If you return the documents, you must return them promptly to the Immigration Court. See Practice Manual Chapter 3.1(d)(i). You must also attach this rejection notice to the documents. In addition, you must serve a copy of the corrected filing on the Department of Homeland Security.

Documents being rejected: _____.

☐ **No Proof of Service –** The filing did not include a proof of service. An exact copy of your filing must be served on the opposing party. *See Practice Manual Chapter 3.2 and Appendix G.*

☐ **Improper Proof of Service –** The Proof of Service does not comply with the applicable requirements. *See Practice Manual Chapter 3.2 and Appendix G.*

☐ **No Fee Receipt, Other Proof of Payment, or Fee Waiver Request –** There is a fee required for this filing. The fee must be paid to the Department of Homeland Security. You did not provide a fee receipt, other proof of payment, or fee waiver request. *See Practice Manual Chapter 3.4.*

☐ **Fee Incorrectly Paid to Court –** You have attached a check or money order to this filing. The Immigration Court does not accept fees. For filings that require fees, you must submit the fee to the Department of Homeland Security. *See Practice Manual Chapter 3.4.*

☐ **No Name –** The filing is missing the respondent's name. *See Practice Manual Chapter 3.3 and Appendix F.*

☐ **No A-Number –** The filing is missing the respondent's A-number. *See Practice Manual Chapter 3.3 and Appendix F.*

☐ **No Notice of Entry of Appearance –** No Notice of Entry of Appearance (Form EOIR-28) has been filed indicating that you are the attorney or representative of record. Until you have filed a Form EOIR-28 with the court, you cannot represent this respondent before the court. *See Practice Manual Chapter 2.1.*

☐ **Other Counsel Entered –** A properly filed Form EOIR-28 indicates that the respondent is presently being represented by another attorney or accredited representative. The court cannot accept your Form EOIR-28 until you either file a motion to substitute or annotate your Form EOIR-28 to reflect an "on-behalf-of" appearance or an appearance as co-counsel, as appropriate. *See Practice Manual Chapter 2.3.*

☐ **Incorrect Filing Location (Case at Court)** This Immigration Court is not, at this time, the correct filing location. Our records indicate that the _____ Immigration Court is the correct filing location.

☐ **Incorrect Filing Location (Case at BIA) –** This Immigration Court is not, at this time, the correct filing location. Our records indicate that the Board of Immigration Appeals is the correct filing location.

☐ **Case not Pending –** According to our records, this case is not pending before this Immigration Court, nor does it appear in our national computer database as pending before any Immigration Court. Please check the A-number and name of the respondent and/or contact the Department of Homeland Security regarding the filing of a Notice to Appear. The Immigration Court cannot schedule a hearing or take any action unless the Department of Homeland Security has filed the charging document with the Immigration Court.

☐ **Missing or Improper Signature –** The filing is not properly signed. Most filings require an original signature by the filing party. *See Practice Manual Chapter 3.3(b).*

☐ **No Translation or Improper Translation –** You did not provide an English translation for a foreign language document, or you provided an improper translation. *See Practice Manual Chapter 3.3(a).*

☐ **No Cover Page –** You did not provide a cover page. *See Practice Manual Chapter 3.3(c)(vi) and Appendix F.*

☐ **Not Two-Hole Punched –** The filing was not two-hole punched. *See Practice Manual Chapters 3.3(c)(iv) and 3.3(c)(viii).*

☐ **No Pagination –** The filing was not page-numbered. *See Practice Manual Chapter 3.3(c)(iii).*

☐ **No Proposed Order –** You filed a motion seeking a ruling but did not provide a proposed order. *See Practice Manual Chapter 5.2(b) and Appendix Q.*

☐ **Other:** _____

The Immigration Court Practice Manual may be found at www.usdoj.gov/eoir.

Certificate of Service

This document was served by: ☐ Mail ☐ Personal Service

To: ☐ Alien ☐ Alien c/o Custodial Officer ☐ Alien's Att/Rep ☐ DHS

Date: _____ By: Court Staff _____

Attachments: ☐ EOIR-33 ☐ EOIR-28 ☐ Legal Services List ☐ Other

U.S. Department of Justice

Executive Office for Immigration Review

Immigration Court

Name:

A **Date of Notice:**

REJECTED FILING
NOTICE TO NON-DETAINED UNREPRESENTED RESPONDENT

On _____, the Immigration Court received the attached documents from you. The Immigration Court is returning these documents to you. The documents are being returned to you because they were not correctly filed.

You can correct the mistake and return the documents to the Immigration Court. If you return the documents, you must return them promptly to the Immigration Court. You must also attach this rejection notice to the documents. In addition, you must give or mail a copy of your documents to the Department of Homeland Security, Office of the Chief Counsel. On your documents, you must state that you gave or mailed a copy to the Department of Homeland Security, Office of the Chief Counsel.

Documents being rejected: _____.

The Immigration Court is returning your documents because:

☐ **No Proof of Service or Improper Proof of Service –** You must give or mail a copy of your document to the Department of Homeland Security. On your document, you must state that you gave or mailed a copy to the Department of Homeland Security. The address is:

☐ **No Name –** Your document is missing your name.

☐ **No A-Number –** Your document is missing your A-Number.

☐ **No Fee Receipt, Other Proof of Payment, or Fee Waiver Request –** There is a fee required to file these documents. The fee must be paid to the Department of Homeland Security. You did not provide a fee receipt, other proof that you paid the fee, or a request not to pay the fee.

☐ **Fee Incorrectly Paid to Court –** You have attached a check or money order to this filing. The Immigration Court does not accept fees. For filings that require fees, you must submit the fee to the Department of Homeland Security.

☐ **Incorrect Filing Location (Case at Court) –** This Immigration Court is not, at this time, the correct location to file your document. You should file your submission at:

☐ **Incorrect Filing Location (Case at BIA) –** This Immigration Court is not, at this time, the correct location to file your document. Our records indicate that the Board of Immigration Appeals is the correct location to file your document. The address is:

Board of Immigration Appeals, Clerk's Office
5107 Leesburg Pike, Suite 2000
Falls Church, VA 22041

☐ **Case not Pending –** The Immigration Court does not have a record of your case.

Please make sure that you have put your correct name and A-number on your documents.

If you did not put your correct name and A-number on your documents, you should correct the mistake and return the documents to the Immigration Court. Please read the instructions at the top of this notice.

If you did put your correct name and A-number on your documents, the Department of Homeland Security has not started your case with the Immigration Court. To start your case, the Department of Homeland Security must file a Notice to Appear with the Immigration Court. You cannot file documents with the Immigration Court until the Department of Homeland Security files a Notice to Appear with the Immigration Court.

☐ **No Translation –** Part of this document is not in English. If you submit a document that is not in English, you must include a translation into English. You must also include a certification that the document was correctly translated.

☐ **Other:** _____.

If you have any questions about how to file documents with the Immigration Court, you can find information in the Immigration Court Practice Manual at www.usdoj.gov/eoir.

Certificate of Service

This document was served by: ☐ Mail ☐ Personal Service
To: ☐ Alien ☐ Alien c/o Custodial Officer ☐ Alien's Att/Rep ☐ DHS
Date: _____ By: Court Staff _____
Attachments: ☐ EOIR-33 ☐ EOIR-28 ☐ Legal Services List ☐ Other

U.S. Department of Justice

Executive Office for Immigration Review

Immigration Court

Name:

A **Date of Notice:**

REJECTED FILING
NOTICE TO DETAINED UNREPRESENTED RESPONDENT

On _____, the Immigration Court received the attached documents from you. The Immigration Court is returning these documents to you. The documents are being returned to you because they were not correctly filed.

You can correct the mistake and return the documents to the Immigration Court. If you return the documents, you must return them promptly to the Immigration Court. You must also attach this rejection notice to the documents. In addition, you must give or mail a copy of your documents to the Department of Homeland Security, Office of the Chief Counsel. On your documents, you must state that you gave or mailed a copy to the Department of Homeland Security, Office of the Chief Counsel

Documents being rejected: _____.

The Immigration Court is returning your documents because:

☐ **No Name –** Your document is missing your name.

☐ **No A-Number –** Your document is missing your A-Number.

☐ **Incorrect Filing Location (Case at Court) –** This Immigration Court is not, at this time, the correct location to file your document. You should file your submission at:

☐ **Incorrect Filing Location (Case at BIA) –** This Immigration Court is not, at this time, the correct location to file your document. Our records indicate that the Board of Immigration Appeals is the correct location to file your document. The address is:

Board of Immigration Appeals, Clerk's Office
5107 Leesburg Pike, Suite 2000
Falls Church, VA 22041

☐ **Case not Pending –** The Immigration Court does not have a record of your case.

Please make sure that you have put your correct name and A-number on your documents.

If you did not put your correct name and A-number on your documents, you should correct the mistake and return the documents to the Immigration Court. Please read the instructions at the top of this notice.

If you did put your correct name and A-number on your documents, the Department of Homeland Security has not started your case with the Immigration Court. To start your case, the Department of Homeland Security must file a Notice to Appear with the Immigration Court. You cannot file documents with the Immigration Court until the Department of Homeland Security files a Notice to Appear with the Immigration Court.

☐ **Other: _____.**

If you have any questions about how to file documents with the Immigration Court, you can find information in the Immigration Court Practice Manual at www.usdoj.gov/eoir.

Certificate of Service

This document was served by: ☐ Mail ☐ Personal Service

To: ☐ Alien ☐ Alien c/o Custodial Officer ☐ Alien's Att/Rep ☐ DHS

Date: _____ By: Court Staff _____

Attachments: ☐ EOIR-33 ☐ EOIR-28 ☐ Legal Services List ☐ Other

U.S. Department of Justice

Executive Office for Immigration Review

Immigration Court

Sender's Name and Address:

Respondent's Name:

A **Date of Notice:**

REJECTED FILING
FILING SUBMITTED DIRECTLY BY REPRESENTED RESPONDENT
OR BY THIRD PARTY

On _____, the Immigration Court received the attached documents from you.

The documents being rejected: _____.

These documents are being returned to you because:

☐ You are not the respondent in this case. For these documents to be accepted, they must be submitted (1) by the respondent, if the respondent is not represented; (2) by the respondent's attorney or representative, if the respondent is represented; or (3) by the Department of Homeland Security. *See Practice Manual Chapters 2.1(d); 3.2(f).*

Or

☐ You are the respondent in this case, but you are represented by an attorney or representative. For these documents to be accepted, they must be submitted by your attorney or representative. *See Practice Manual Chapters 2.1(d); 3.2(f).*

☐ Other: _____

If you have any questions about how to file documents with the Immigration Court, you can find information in the Immigration Court Practice Manual at www.usdoj.gov/eoir.

Court Staff: _____ Date: _____

cc: **Respondent (if unrepresented):** ***Or*** **Respondent's Representative:**

and

Department of Homeland Security:

U.S. Department of Justice

Executive Office for Immigration Review

Immigration Court

Name:

A **Date of Notice:**

NOTICE AND WARNING
FORM EOIR-33 REQUIRED FOR ANY CHANGE OF ADDRESS

The Immigration Court's records indicate that you may have moved. The Court needs your correct address so that we can send you important hearing notices and decisions. In order to receive notices and decisions, you must tell the Court your correct address. To do so, fill out and mail to the Court the attached Change of Address Form (Form EOIR-33/IC).

Please complete the enclosed Form EOIR-33/IC and return it to the Court immediately. If the Court does not receive a completed Form EOIR-33/IC, all future correspondence, notices, and decisions will be sent to you at your currently registered address listed above.

WARNINGS:

Change of Address Form. By law, you must file a Change of Address Form (Form EOIR-33/IC), with the Immigration Court every time you change your mailing address. You must file this form even if you have an attorney or representative.

Deadline. You must file a Form EOIR-33/IC within 5 days of changing your address.

Failure to use the Change of Address Form. The Court will not change an address based on a letter or the return address on an envelope. If you do not use Form EOIR-33/IC, you might not receive important documents from the Court, including notices telling you when to appear in Court. You must use Form EOIR-33/IC to report your change of address.

Notifying the Department of Homeland Security. Each time you submit a Form EOIR-33/IC (or any other document to the Court), you must give or mail a copy of the item to the DHS Office of Chief Counsel listed above. You must also attach a Proof of Service showing that you did this. (See Appendix G of the Immigration Court Practice Manual for an example).

If you have any questions about how to file documents with the Immigration Court, you can find information in the Immigration Court Practice Manual at www.usdoj.gov/eoir.

cc: Unofficial Alien Address