

General Instructions—Please read carefully before completing and filing Form EOIR-45.

1. When and Where to Appeal:

You must send the Notice of Appeal, Form EOIR-45, so that it is **received** by the Board of Immigration Appeals (Board) within thirty (30) calendar days after the Adjudicating Official's oral decision or, if no oral decision was rendered, within thirty (30) calendar days after the date the Adjudicating Official's written decision was mailed. Simply mailing the Notice of Appeal within the time limit may not ensure that the Notice of Appeal is timely received by the Board. If your Notice of Appeal is received outside of the time limit, it will be dismissed as untimely.

Filing by Mail:

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

Filing by Personal Delivery:

Board of Immigration Appeals
Clerk's Office
Disciplinary Appeal
5107 Leesburg Pike, Lobby Filing Window
Falls Church, Virginia 22041

2. How to Pay for the Appeal:

Amount: The current filing fee amount is listed on the EOIR website at:
<https://www.justice.gov/eoir/types-appeals-motions-and-required-fees>.

Payment: All appeal filing fees must be paid electronically through the EOIR Payment Portal at: <https://ePay.eoir.justice.gov>. Payments by cash, check, money order, or cashier's check are not accepted. Payment that is uncollectible does not satisfy a fee requirement and may result in the rejection of the appeal. To pay electronically through the EOIR Payment Portal webpage, you will need to select the filing type and enter your Case Number; this information will be printed on your receipt once payment is complete. You will be redirected to the U.S. Treasury Pay.gov website to complete payment. Upon completion of your transaction, you will be directed back to the EOIR Payment Portal webpage to print your EOIR fee payment receipt. **You must submit your EOIR fee payment receipt with your appeal form.**

Fee Waiver Request: If you cannot pay for the appeal, you must complete and submit a Fee Waiver Request (Form EOIR-26A). The Board will review your request and decide whether to allow the appeal to be filed without payment of the required fee.

Your appeal may be rejected or dismissed if you fail to submit an EOIR fee payment receipt, a properly completed Fee Waiver Request (Form EOIR-26A), or your electronic payment is uncollectible.

3. Representation by an Attorney or Representative:

You may be represented by an attorney or a representative who is authorized to appear before the Board. *See* 8 C.F.R. § 1001.1(f) and (j). The government will not pay for your attorney or representative. If you are represented by an attorney or representative, he or she must file a Notice of Entry of Appearance Before the Board of Immigration Appeals (Form EOIR-27) at the same time that this Notice of Appeal, Form EOIR-45, is filed.

4. Submission of Brief:

The Board may not issue a briefing schedule in all appeals. Please indicate in Item #6 whether you intend to file an additional written brief or statement, if the Board issues a briefing schedule. You should provide detailed reasons for your appeal on the Notice of Appeal in Item #4 and attachments.

5. Summary Dismissal of Appeal:

The Board may summarily dismiss any appeal for any of the following reasons: 1) the practitioner fails to specify the reasons for the appeal; 2) the only reason specified by the practitioner for his or her appeal involves a finding of fact or conclusion of law which was conceded by the practitioner in the disciplinary proceeding below; 3) the Board is satisfied, from a review of the record, that the appeal is filed for an improper purpose, such as to cause unnecessary delay, or that the appeal lacks an arguable basis in fact or law; 4) the practitioner indicates that he or she will file a separate written brief or statement in support of the appeal and then fails to file such a brief or statement within the time period scheduled and does not reasonably explain such failure; and/or 5) the appeal fails to meet essential statutory or regulatory requirements. The Board may also summarily dismiss any discretionary appeal under 8 C.F.R. § 1003.1(d)(2)(ii).

6. Request for Oral Argument:

If you indicate in Item #5 on Form EOIR-45 that you request oral argument before the Board, the Board will inform you if your request is granted. Even if you ask for oral argument, you still must give detailed reasons for your appeal on the Notice of Appeal in item #4 and attachments.

7. Notification of Change of Address:

You or your attorney or representative must notify the Board within five (5) days of any change of address or telephone number by submitting the Form EOIR-27 (Check the box in the address section to indicate a new address). A change of address notification is effective only for the case in which it is submitted.

8. Further Information:

For further guidance, please see the EOIR Policy Manual, Part I: Introduction, Chapter 8, at: www.usdoj.gov/eoir.