

Amicus Invitation No. 26-14-07
AMICUS INVITATION (Constitutional law), DUE AUGUST 13, 2026

JULY 14, 2026

The Board of Immigration Appeals welcomes interested members of the public to file amicus curiae briefs discussing the below issue:

ISSUE PRESENTED:

- 1) Is the Board of Immigration Appeals bound by Supreme Court of the United States (or applicable circuit court) precedent on issues of constitutional law, even in situations where an application of that precedent would require the Board to find a statute or regulation unconstitutional?

Request to Appear as Amicus Curiae: Members of the public who wish to appear as amicus curiae before the Board must submit a written request labeled “REQUEST TO APPEAR AS AMICUS CURIAE” pursuant to EOIR Policy Manual, Part I: Introduction § 5.3 (b)(6), and Part VII: Appendices, Appendix A (Directory), and Appendix D (Cover Pages). The Request to Appear as Amicus Curiae must explicitly identify that it is responding to Amicus Invitation No. **26-14-07**. The decision to accept or deny a Request to Appear as Amicus Curiae is within the sole discretion of the Board. Please see EOIR Policy Manual, Part I: Introduction § 5.3(b)(6).

Filing a Brief: Please file your amicus brief in conjunction with your Request to Appear as Amicus Curiae pursuant to EOIR Policy Manual, Part III: Board Practice Manual § 3.6 (i). The brief accompanying the Request to Appear as Amicus Curiae must explicitly identify that it is responding to Amicus Invitation No. **26-14-07**. An amicus curiae brief is helpful to the Board if it presents relevant legal arguments that the parties have not already addressed. However, an amicus brief must be limited to a legal discussion of the issue(s) presented. The decision to accept or deny an amicus brief is within the sole discretion of the Board. The Board will not consider an amicus brief that exceeds the scope of the amicus invitation.

Request for Case Information: Additional information about the case, including the parties’ contact information, may be available. Please contact the Clerk’s Office at the below address for this information prior to filing your Request to Appear as Amicus Curiae and amicus brief.

Page Limit: The Board asks that amicus curiae briefs be limited to **30 double-spaced pages**.

Deadline: Please file a Request to Appear as Amicus Curiae and amicus brief with the Clerk’s Office at the address below by **AUGUST 13, 2026**. Your request must be received at the Clerk’s Office within the prescribed time limit. Motions to extend the time for filing a Request to Appear as Amicus Curiae and amicus brief may not be entertained. It is *not* sufficient simply to mail the documents on time. We strongly urge the use of an overnight courier service to ensure the timely filing of your brief.

Service: Please mail three copies of your Request to Appear as Amicus Curiae and amicus brief to the Clerk's Office at the address below. If the Clerk's Office accepts your brief, it will then serve a copy on the parties and provide parties time to respond.

Joint Requests: The filing of parallel and identical or similarly worded briefs from multiple amici is disfavored. Rather, collaborating amici should submit a joint Request to Appear as Amicus Curiae and amicus brief. *See generally* EOIR Policy Manual, Part I: Introduction § 5.3 (b) (6) and Part III: Board Practice Manual § 3.6(i).

Notice: A Request to Appear as Amicus Curiae may only be filed by an attorney, accredited representative, or an organization represented by an attorney registered to practice before the Board pursuant to 8 C.F.R. § 1292.1(f). A Request to Appear as Amicus Curiae filed by a person specified under 8 U.S.C. § 1367(a)(1) will not be considered.

Attribution: Where more than three attorneys or representatives sign an amicus brief or filing, the Board will name only the first three individuals in the published case. If you wish a different set of three names or have a preference on the order of the three names, please specify the three names in your Request to Appear as Amicus Curiae and amicus brief.

Clerk's Office Contact and Filing Address:

To send by courier or overnight delivery service, or to deliver in person:

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

Business hours: Monday through Friday, 8:00 a.m. to 4:30 p.m.

Fee: A fee is not required for the filing of a Request to Appear as Amicus Curiae and amicus brief.