

## TERMS AND CONDITIONS

As part of its goal to move toward electronic filing and paperless courts, the Executive Office for Immigration Review (EOIR) is conducting a pilot program (pilot) for all new cases that will feature expanded electronic filing of case-related documents for those who opt-in to the pilot. EOIR will conduct this pilot from July 2018 through July 2019. Registered attorneys, fully accredited representatives, and authorized Department of Homeland Security personnel (DHS) who represent DHS before EOIR may participate in the pilot. Participation is optional. For additional information, please visit the [I<sup>3</sup> website](#).

During the pilot, filing Forms EOIR-27 and EOIR-28 will not change. You will continue to use eFiling for those documents consistent with the practice before the pilot. Pilot users will use eInfo for all other pilot-related transactions.

The following terms and conditions govern the pilot, along with the Department of Justice [Privacy Policy](#) incorporated herein. You, the user, must agree to the following terms and conditions to participate.

### **Acknowledgements:**

The user acknowledges the following and agrees to:

- Participate in the pilot for all cases that begin during the pilot. Selection of specific cases for the pilot is prohibited (i.e., using electronic filing for some cases and continuing to file paper documents for others). By opting-in to the pilot, the user is expected to file documents electronically for all cases for which the user has filed valid Forms EOIR-27 or EOIR-28 during the pilot period.
- Provide a valid email address on his or her Notice of Entry of Appearance (Form EOIR-27 or EOIR-28)
- Accept service of process electronically through the email address provided on the Form EOIR-27 or EOIR-28. The user must immediately file a new EOIR-27 or EOIR-28 if their email address changes. A user who provides an invalid email address waives service.
- Read and comply with the Technical Filing Requirements below, which provide technical specifications for all documents filed electronically during the pilot.
- Follow current guidance provided in the [OCIJ Practice Manual](#) or the [BIA Practice Manual](#) regarding substantive requirements for all documents. This remains unchanged.
- Serve other party(ies) with paper copies of filings. Electronically filing a document with EOIR does not constitute valid service on the opposing party.

- Accept responsibility for all activity conducted under the user's account. Users are responsible for preventing unauthorized use of the account. If a user believes there has been unauthorized use, the user must notify ECAS Technical Support immediately by emailing [ECAS.TechSupport@usdoj.gov](mailto:ECAS.TechSupport@usdoj.gov) or calling 1-877-388-3842.

The user acknowledges that EOIR reserves the right to:

- Add or remove a particular case from the pilot. There may be certain cases in which paper filings are preferable. EOIR will notify the user upon such occurrence.
- Suspend or restrict a user's access to the pilot in the event of misuse. Misuse includes, but is not limited to, misfiling case-related documents by repeatedly inputting and uploading incorrect or inaccurate information into the system.
- Refer a user to EOIR's Disciplinary Counsel, anti-fraud officer, or other appropriate parties when there may be a violation of these terms and conditions or the EOIR Rules of Professional Conduct (8 C.F.R. § 1003.102) or when fraudulent activity is suspected.

#### **Technical Filing Requirements:**

Uploaded documents must meet the following requirements, as included in the [Attorney Upload Guidelines](#). Further, immigration judges reserve the discretion to allow for or reject documents that do not comply with the requirements below, including untimely filings.

- Documents must be uploaded through eInfo. Documents sent as email attachments will not be accepted.
- Documents must be less than 25 MB.
- Documents must have page numbers.
- Resolution for documents must be at least 300 DPI.
- Documents must include certificates of service.
- Documents requiring signatures must be signed. See Signatures for Electronic Filings requirements and guidance below.
- Separate submissions cannot be combined into a single file (i.e., do not combine submissions for different document types from the dropdown into one uploaded file). For example, if a user wants to file an asylum application, a supporting brief, and country conditions documentation, the user should file (1) the application separately; (2) the brief separately; and (3) the country conditions evidence package separately.
- No compound motions are allowed. Each motion must be its own submission.

- Bond requests must be uploaded separately under the “My Bonds” screen. Bond requests should not be uploaded within a removal proceeding as a motion or under the “Other” category.
- To meet any applicable deadlines, documents must be filed in a timely manner by midnight in the time zone of the court location.
- Documents may be in portrait or landscape layout sized 8.5 x 11 inches.
- PDF is the preferred format for all submissions. JPEG (or JPG) may also be used, but should be limited to submissions that cannot be submitted in PDF, such as photographs.

### **Signatures for Electronic Filings:**

All electronically filed documents requiring signatures must be signed.

Representative signatures: Representatives may submit documents with a scanned copy of their handwritten signature, a conformed signature, or an electronic signature. Representatives are not required to provide a signature attestation as all documents submitted under the representative’s login are automatically considered attested to by that representative. CONFORMED SIGNATURE EXAMPLE: /S/ John Doe

Alien signatures: A representative who is electronically filing a document that requires the alien’s signature may submit a scanned copy of the document containing the alien’s handwritten ink signature. The representative may also use a conformed signature for the alien as long as the representative maintains a copy of the document with the alien’s handwritten ink signature. In all cases, the representative must bring the document with the alien’s handwritten signature on it to their court hearings. CONFORMED SIGNATURE EXAMPLE: /S/ John Doe

If using a conformed signature for the alien, the representative must include a signature attestation with the filing. The signature attestation must be attached to the end of the electronically filed document and is required to state that the representative has the document containing the alien’s handwritten signature on-file.

SIGNATURE ATTESTATION EXAMPLE: “I hereby attest that I have on file all original handwritten signatures corresponding to any signatures indicated by a conformed signature (/S/ Name) within this electronically filed document.”

### **Three-Step Filing Process:**

Filing is a three-step process. You have not completed the filing process for a document until you have:

- (1) Uploaded the document according to the Filing Requirements above,
- (2) Received an email from EOIR confirming receipt of the document, and

(3) Received an email from EOIR confirming official inclusion of the document into the electronic record of proceeding (eROP). Confirmation emails will be sent from [erop@usdoj.gov](mailto:erop@usdoj.gov), so you may need to check your spam folder and designate that email as an approved sender. Emails filtered to a spam folder by the recipient's provided email address are still regarded as having been delivered or served.

Note: If you file a document for the wrong A-number or you file an incorrect document, you must promptly notify the court with administrative control over the case via phone or in-person upon discovery of a misfiled or incorrect submission. The document will not be considered filed for the correct case until it is actually filed for the correct case and the user receives a confirmation email from EOIR indicating its inclusion into the correct eROP.

### **eROP Download Process:**

An eROP may be downloaded only for those cases in which a user has submitted an EOIR-27 or EOIR-28. The download button for eROPs available for downloading will be black. When a user requests to download an eROP, the download button will change colors, from black to red, to indicate that an eROP download request has been started. When the eROP is ready for downloading, the download button again will change colors. This time, the download button changes from red to green, indicating that the eROP is now available for downloading. The eROP will be available within 24 hours of requesting the download. Once the eROP is available, the eROP will be available for download for 24 hours. The eROP will consist of one consolidated, zipped file containing all of the PDF or JPG files that have been accepted into the official record of proceedings.

### **Disclaimer:**

Due to the nature of the internet, EOIR cannot guarantee that access to or operation of the pilot will be uninterrupted or error-free. EOIR will make every effort to promptly correct or cure any defects upon discovery, but parties are strongly encouraged to file documents in advance of the specified deadlines. Please review the [OCIJ](#) or [BIA](#) Practice Manuals for further information.

For pilot-related technical questions, you may contact ECAS Technical Support. ECAS Technical Support is available via phone at 1-877-388-3842 from 6 AM to 8 PM EST, Monday through Friday. It is also available via email at [ECAS.TechSupport@usdoj.gov](mailto:ECAS.TechSupport@usdoj.gov).

**By checking "Accept," I certify that I have read, understood, and shall comply with these terms and conditions. I understand that these terms and conditions, and all hyperlinks contained therein, provide requirements and guidance for all individuals with access to the system and define the consequences of behavior not consistent with the terms and conditions, which may result in criminal, civil, or administrative penalties. I further understand that I shall accept these terms and conditions prior to being granted access to the pilot.**

**Should a user wish to opt-out of the pilot, the user should check “Decline,” and the user will be unable to electronically file documents other than EOIR-27s and EOIR-28s. All other pre-pilot electronic capabilities will be available. Should a user wish to opt-out after opting-in, the user should click “Opt-Out” in the footer of eInfo.**

**Users are reminded that all existing statutes, regulations and guidance for practice before the agency are in effect during the pilot except as specified in these terms and conditions.**

Accept

Decline