

WORD INDEX

A separate Citation Index -- containing cases, statutes, and regulations -- follows this Index.

A

- A number (alien registration number)
 - briefs 59
 - consolidated appeals 59, 64
 - inquiries 13
 - motions 77, 79
 - multiple 55, 59, 79
 - Notice of Appeal 55
 - required for inquiries 13
- AAO see Dep't of Homeland Security(DHS)
- AAU see Dep't of Homeland Security(DHS)
- accredited representatives
 - accreditation 25
 - appearances 25
 - attorneys, same rules as 26
 - discipline see discipline
 - fees 25
 - immigration specialists, compared to 25
 - list of 6
 - misconduct 26
 - Notice of Appearance 25
 - qualifications 25
 - recognized organizations 25
 - removal from list of 26
 - signatures 26, 39
 - verification 6, 26
- address obligations
 - alien (represented) 23
 - alien (unrepresented) 18
 - attorney see representative *below*
 - change of address form 18, 19, 22, 23, 138
 - compound changes of address 22
 - detained alien 19
 - representative 22
- adjustment of status 6, 47, 81, 89
- Administrative Appeals Off. see Dep't Homeland
- administrative closure see motion to recalendar
- administrative notice 69
- advance parole 7

- advisory opinions 10
- affirmed without opinion see summary affirmance
- Airborne Express see couriers
- alien I.D. number see A number
- alien registration number see A number
- amicus curiae
 - appeals 54
 - appearance by 30, 110
 - briefs 30, 65
 - motions 77
 - oral argument 30, 110, 111, 115
 - request to appear as 30
- anti-discrimination complaints 3
- Appeal Fee Waiver Request (Form EOIR-26A)
 - see fees
- appeal waiver see appeals
- appeals
 - aff'd without decision see summary affirmance
 - appeal waiver see waiver of appeal *below*
 - bond appeals see bond appeals
 - briefing 50, 58
 - circuit court 56
 - concurrent consideration of 70
 - consolidated see consolidated proceedings
 - cross-appeals 66
 - deadlines 57, 150
 - decision served on parties 52
 - departure while appeal pending 72, 100
 - detained aliens 57
 - DHS appeals 72
 - evidence 69
 - extensions see extensions
 - facts, assertions of 61
 - failure to oppose 71
 - fine appeals see fine appeals
 - form see Notice of Appeal
 - frivolous appeals 75
 - grounds for appeal 55
 - how to file 50, 54

appeals (cont.)

- Immigration Judge decisions 49
- intention to file a brief 55, 56
- interlocutory appeals 51, 72
- motion to reconsider, as opposed to 49
- new authority / new law after appeal 69
- non-opposition to appeal 71
- Notices of Appeal see Notice of Appeal
- order of documents see documents
- parties 52
- process 49
- rejected 50
- remand, after 88
- representatives 53
- right to appeal . see waiver of appeal *below*
- severed appeals 70
- stays see stays
- summary dismissal see summary dismissal
- third parties 54
- types of 49
- unrelated appeals 56, 59
- untimely 34, 57, 79
- visa petition see visa petition appeals
- visa revalidation see visa revalidation appeals
- visa revocation see visa revocation appeals
- waived see waiver of appeal *below*
- waiver of appeal 53, 72, 75, 123
- withdrwl of appeal 70, 89, 120, 121, 122, 126
- withdrawal of opposition 72
- appearance see Notice of Appearance
- applicants for temporary admission 118
- applications for relief see relief
- asesarios see immigration specialists
- ASQ 14, 66, App. B, App. I
- asylum 6, 13, 45, 84, 85, 108
- attorney complaints see discipline
- attorney discipline see discipline
- Attorney General . 2, 8, 10, 11, 62, 63, 120, 125
- attorneys (see also representation, discipline)
 - attorney of record see representation
 - bar admissions 20
 - change of address . see address obligations
 - disbarred see discipline
 - discipline see discipline
 - dismissal of counsel 23
 - expulsion see discipline
 - fees excessive see discipline
 - filings on behalf of another see representation

attorneys (cont.)

- free legal services see pro bono *below*
 - ineffective assistance of counsel see discipline
 - law firms 21, 22, 39
 - misconduct see discipline
 - multiple representation . see representation
 - new counsel 23
 - new law office 21
 - Notice of Appearance 20
 - pro bono 7, 19
 - Pro Bono Program 18
 - qualifications 19
 - referrals to practicing attorneys 19
 - release of counsel 23
 - right to counsel 19
 - sanctions see discipline
 - service of papers 22
 - signatures 20, 21
 - state bar numbers 20
 - substitution of counsel 23, 111
 - suspension see discipline
 - withdrawal of counsel 24, 111
 - automated status query system see ASQ
- B**
- battered spouses 118
 - BIA see Board of Immigration Appeals
 - BIA TIPS 14, App. B, App. I
 - binding see documents
 - Board of Immigration Appeals (BIA)
 - Board Members 3, 4
 - case management system 3
 - case screening 3
 - Chairman 4
 - Clerk's Office see Clerk's Office
 - decisions, types of 8
 - Department of Justice, relation to . 2, 149
 - en banc decisions 4
 - function 1
 - mailing address see mail
 - panel decisions 4
 - panel system 3
 - role 1
 - single Board Member decisions 3
 - Vice Chairmen 4
 - bond appeals
 - briefing 102
 - deadlines 101, App. D
 - fee 45, 102

- bond appeals (cont.)
- how to file 101
 - interlocutory appeals, different from 73
 - jurisdiction 6, 99
 - moot 103
 - procedure 101
 - stays 93, 100, 102
 - transcripts 51, 103
- Border and Transportation Security
- see Department of Homeland Security
- briefing schedule
- bond appeals 103
 - deport. appeals see removal appeals *below*
 - fine appeals 124, 125
 - interlocutory appeals 73
 - motions 83
 - oral argument 107, 112
 - removal appeals 50
 - visa petition appeals 119
- briefs (see also documents)
- A number 59
 - amicus curiae 65
 - bond appeals 102
 - briefing notice 58
 - briefing schedules ... see briefing schedule
 - briefing waiver 68
 - captions 59
 - chronologies 61
 - citations see citations
 - citing text in 64
 - conformed copies 35
 - consolidated appeal 59, 64
 - contents, recommended 59
 - cover page 41, 59, App. F
 - deadlines 50, 65, App. D
 - decision not to file 68
 - deport. appeals see removal appeals *below*
 - evidence 69
 - extensions see extensions
 - failure to file 55, 56, 68, 69, 74
 - fee not required 58
 - filings receipts 35, 57, 66
 - fine appeals 123, 124
 - format 58
 - how to file 58
 - improperly filed 34
 - interlocutory appeals 73
 - late-filed brief, motion to accept 34, 68
- briefs (cont.)
- length 41, 58
 - motion briefs 82
 - multiple briefs 61
 - new argument 64
 - new authorities 64
 - oral argument 107, 112
 - pagination 41, 58
 - rejection of 34, 66
 - removal appeals 55, 58
 - reply briefs 65, App. D
 - response briefs 64, App. D
 - signatures 58
 - source of factual information 44
 - source of law 44
 - statement of facts 59, 60
 - summary dismissal see summary dismissal
 - supplemental briefs 40, 41, 64, 116
 - unrelated appeals 59
 - untimely see late-filed brief *above*
 - visa petition appeals 119
 - waive briefing ... see briefing waiver *above*
 - where filed 58
 - writing guidelines 58
- BT See Department of Homeland Security (DHS)
- C**
- cables see citations
 - calls see inquiries
 - captions see documents
 - case management see Board of Immigration Appeals
 - cases, specific see citations, Matter of CAT
 - CAT see United Nations
 - Certificate of Service see service
 - Certificate of Translation see language certification
 - Board, by Immigration Judge to 76
 - review by 7
 - signer's 38
 - translator's 38, App. H
- CFR see citations
- change of address see address obligations
 - changed circumstances see motion to reopen; motion to remand
- CIS see Department of Homeland Security (DHS)
- Citation Guidelines 156
 - citations
 - Attorney General decisions 62
 - bills 156

citations (cont.)
 Board decisions 61, 62, 156
 cables 156
 CFR 156
 concurring opinions 62, 156
 Congressional hearings 156
 Congressional reports 156
 Country Reports 156
 DHS decisions 63
 dissenting opinions 62, 156
 exhibits 64
 federal court cases 63, 156
 Federal Register 156
 Foreign Affairs Manual (FAM) 156
 forms 156
 governmental memoranda 44, 156
 guidelines 156
 hard-to-find source of law 44
 how to cite, generally 156
 I&N Decisions 62, 156
 Immigration and Nationality Act (INA) 156
 Immigration Judge decision 63, 156
 In re, use of 62, 156
 INA see Imm. and Nationality Act *above*
 indexed decisions 156
 INS decisions 156
 Interim Decisions (Int. Dec.) 9
 international materials 156
 law 61, 156
 legislative history 156
 Matter of, use of 62, 156
 memoranda 44, 156
 Practice Manual 156
 precise page numbers 62
 record of proceedings 61
 regulations 63, 156
 state court cases 63
 statutes 63, 156
 transcript 63
 treaties 156
 UNHCR Handbook 156
 unpublished Board decisions 62, 156
 US Code 156
 Visa Bulletin 156
 Citizenship and Imm. Servs/Dep't of Homeland
 classified information 12, 13
 Clerk's Office
 conformed copies 35

clerk's office (cont.)
 FOIA 139
 inquiries 14, 15, 35, 66, 97, 120, 125
 records of proceedings 12, 139
 role 5, 149
 collect calls see inquiries
 compelling circumstances 32, 96
 complaints about attorneys see discipline
 compound motions see motion
 concurrence see citations
 concurrent consideration of appeals see appeals
 concurring opinions see citations
 confidentiality 13, 133
 conformed copies see filing receipts
 consolidated proceedings
 A numbers 59
 briefs 59, 64
 consolidation, meaning of 69
 fees 46, 47
 Notices of Appeal, number of 54
 number of filings 41
 requests for consolidation 70
 Conv. Against Torture (CAT) see United Nations
 copies . . see no. of copies; record of proceedings
 Country Reports . . . see Dep't of State; citations
 couriers 31, 32, 33, 34
 courts see Immigration Courts
 cover page 59, 80, App. F
 credibility findings 8
 credible fear determinations 7
 criminal convictions 44, 80, 86, 90
 custody see bond appeals
D
 day, meaning of 33
 de novo review 8
 de novo review see review
 deadlines (*see also* extensions)
 appeals 34, 57, 101, 118, 121, 124
 bond appeals 101
 briefs 34, 50, 64, 65, 66, 68
 computing 33
 couriers 34
 cross-appeals 66
 day, meaning of 33
 delivery delays 34
 deport. appeals . . see removal appeals *below*
 detained aliens 57
 extension requests 34, 66, 67

deadlines (cont.)
failure to meet 34
fine appeals 124
legal holidays 33
motions 34
overnight delivery 32, 34
rejection, effect of 34
removal appeals 57
reply briefs 65, 66
response briefs 64
timely, meaning of 33
transcription request, effect on 51
visa petition appeals 118
visa revalidation appeals 122
visa revocation appeals 121
weekends 33
decisions (see also citations)
I&N Decisions 9, 11, 62
Interim Decisions (Int. Dec.) 9, 61
judicial review 3, 11
precedent 9, 10, 11
published 9
sent by regular mail 52
service on parties 8, 9, 49, 90, 103, 120, 125
slip opinions 61
unpublished 10
defective filings 34
defective payment see fees
defective transcripts see transcripts
delay, duty to avoid 67
delivery see mail
Department of Homeland Security (DHS)
AAO see Administrative Appeals *below*
AAU see Administrative Appeals *below*
Administrative Appeals Office 3, 149
appeal, right to 53
application fees 47
Board, relationship to 1, 2
bond decisions 100, 101
Border and Transportation Security 149
briefing 117, 119, 123, 124, 125
BTS see Border *below*
CIS see Citizenship *below*
Citizenship and Immigration Services 149
duties of 10
filing fees, DHS exempt from 46
filing fees, when pay to DHS 118
fines and penalties 123

DHS (cont.)
ICE see Immigration and Customs *below*
Immigration and Customs Enforcement 149
Immigration and Naturalization Service,
relationship to 2
Immigration Court, relationship to 2, 60
motion limits 85, 87
party, deemed a 53
references to 60
remands to 88
stays 93
USCIS see Citizenship *above*
visa petitions 10, 117
Department of State
Country Reports 44, 69, 156
Foreign Affairs Manual (FAM) 63, 156
Visa Bulletin 81, 156
departure
effect on appeal 72, 100, 103
effect on motion 84, 87, 90
voluntary departure see voluntary departure
detained aliens
address obligations 18, 19
appeal deadline 57
briefing deadlines 66
cover page 80, App. F
legal representation by 29
motions 80
oral argument 107, 111
DHL see couriers
disbarment see discipline
discipline
accredited representatives 127
appeals 132
asesarios see immigration specialists
authority to discipline 127
bribery 128
censure 133
coercion 128
complaint form 129
complaint, how to file 130
confidentiality 133
contempt of court 129
criminal convictions 128, 131
default orders 132
DHS attorneys 127
DHS Office 130, 131, 132, 135
disbarment 19, 21, 128, 130, 131

discipline (cont.)
 duty to advise clients 133
 duty to report 20, 130
 excessive fees 128
 expulsion 21, 133
 failing to appear for scheduled hearings 128
 failure to answer notice 132
 failure to report 21
 false certifications 128
 false statements 128
 fees see excessive fees above
 filing deadlines, effect on 134
 filings after discipline 24
 frivolous appeal 75
 frivolous behavior 75, 127, 128
 guilty of crime 130
 hearing 132
 imm. specialists . see immigration specialists
 ineffective assistance of counsel 128, 130, 134
 jurisdiction 24, 127
 law students 27
 list of disciplined practitioners 134
 mailings after discipline 24
 misconduct 27
 motions 133
 nolo contendere plea 130
 notarios see immigration specialists
 notary public see immigration specialists
 Notice of Appeal (Form EOIR-45) 132
 Notice of Appearance 21
 Notice of Intent to Discipline . 130, 131, 133
 Office of General Counsel 5, 129, 130
 Office of Professional Responsibility .. 127
 pending cases, effect on 131, 133, 134
 petition for immediate suspension 131
 practitioner defined 127
 procedure 130
 public disclosure 133
 reinstatement 134
 resignation 128, 130
 runners, use of 128
 sanctions 133
 solicitation 128
 state bar number 21
 suspension 19, 21, 24, 128, 130, 131
 unauthorized practice of law 127, 128
 unethical conduct 127
 unprofessional conduct 127

discipline (cont.)
 visa consultants . see immigration specialists
 dissent see citations
 dissenting opinions see citations
 document fraud 3
 documents
 ACCO fasteners 42
 binding 42
 captions 41, 59, 79
 certified copies 43
 cover pages 40, 41, 59, 138, App. E
 criminal convictions 44, 80
 fonts 42
 footnotes 42, 61
 handwritten filings 39
 headings 61
 highlighting 44, 80
 hole-punching 42
 line spacing 42
 number of copies 41
 one-sided 43
 order of documents 39
 originals 43
 page limits 41, 58
 paper size and quality 41
 photocopies 43, 44
 photographs 42, 43
 source of fact 44
 source of law 44
 stapling 42
 supporting documents ... 39, 40, 43, 44, 79
 tabs 41
 translations see language
 draft orders 82
 duty to report discipline see discipline
E
 e-filing 16, 33, 137
 e-mail see mail
 employer sanctions 3, 8
 employment-based petition see visa pet. appeal
 English language see language
 envelopes see mail
 EOIR see Executive Office for Immigration Review
 EOIR ID numbers see representation
 EOIR-26 see Notice of Appeal
 EOIR-27 see Notice of Appearance
 EOIR-28 see Notice of Appearance
 EOIR-29 see Notice of Appeal

EOIR-45 see discipline
evidence
 administrative notice 69
 admitted into the record 69
 affidavits 35, 80
 criminal conviction 44, 80
 declarations 35, 80
 language 80
 motion to accept late filing 35
 motion to reconsider 86
 motion to remand 69, 88
 motion to reopen 84, 85
 motion to stay 95
 new evidence on appeal 69, 119, 124
 newly available see motions
 statements made in brief 69
 statements made in motion 69, 80
 supplemental evidence 80
 unavailability of 88, 119
 visa petitions 81
excessive fees see discipline
Executive Office for Immigration Review (EOIR)
 Board of Immigration Appeals (BIA) see Board
 Clerk's Office see Clerk's Office
 forms 136, App. E
 Office of General Counsel (OGC) 26, 139, 149
 Office of the Chief Administrative Hearing
 Officer (OCAHO) 3, 149
 Office of the Chief Immigration Judge (OCIJ) 149
 Public Affairs Office 5, 105, 110
 rulemaking 143
exhibits
 citation to 64
 oral argument 113
 tabbing 41
expedite requests 16, 42, 48, 96, 97
extensions
 appeals 57
 briefing 51, 66, 67
 caption on request 67
 defective filings 34
 extension request pending, effect of 34
 failure to file brief after extension 68
 rejected filings 50
 request, contents of 67
 request, effect of pending 34
 substitution of counsel, based on 23
 timely filed, must be 67

extensions (cont.)
 unopposed requests 34
F
false statements see discipline
FAM see Department of State
families
 children see petitions below; representation
 consolidated proceedings 46, 69, 77
 filings, including every name on 53, 77
 guardians see representation
 motions 77
 non-party family members 54, 77
 Notice of Appeal 52
 parents see representation
 petitions, family-based 117
 rep. by family member see representation
 signatures see representation
faxes 15, 32
federal courts 11, 56
Federal Express see couriers
Federal Register 143, 156
Fedex see couriers
fee waiver see fees
fee waiver form see fees
fees
 amount of payment 46
 Appeal Fee Waiver Request
 see fee waiver below
 appeal of Imm. Judge decision 45, 46, 57
 application for relief, amount 47
 application for relief, paid to DHS 47
 application for relief, when filed with motion 81
 application for relief, when paid 47, 81
 attaching 47
 attorney fees see attorneys
 bond appeal 45, 102
 bounced check 47
 briefs see briefs
 cash 47
 checks 47
 credit cards 47
 currency see payable below
 defective payment 34, 47, 50
 DHS filings 46
 difference between filing and application 45, 47
 excessive 128
 failure to pay see defective payment above
 fee required 45

fees (cont.)
 fee waiver 39, 40, 46, 57, 80
 fee waiver form 46, 57, 80, 137
 fine appeal 124
 FOIA 140
 forgot to pay . . . see defective payment *above*
 form of payment 47
 joint motion 46
 missing . . . see defective payment *above*
 money orders 47
 motion to reconsider 45
 motion to reopen 45
 motion to stay deportation 45, 95
 motion to stay removal 45, 95
 motion while appeal pending 45, 46
 motions generally 46, 80
 number of payments 46
 payable in U.S. dollars only 47
 reimbursement 46
 relief . . . see applications for relief *above*
 stays 45, 95
 visa petition appeals 118
 visa petition filing fee 82
 visa revalidation appeals
 see visa petition *above*
 visa revocation appeals
 see visa petition *above*
 waived fees . . . see fee waiver *above*
 when filing fee is not required 45
 when filing fee is required 45
 wrong amount, rejected for 46
 fiancees 8
 filed, meaning of 34
 filing on behalf of . . . see representation
 filing receipts
 briefs 57, 66
 conformed copies 35, 66
 motions generally 82
 motions to reconsider 15, 82
 motions to reopen 15, 82
 Notices of Appeal 57
 supplemental filings 57
 timeliness, adjudication of 35
 when issued 35, 50
 when not issued 35
 fine appeals
 adjudication 125
 assessment of fines 123

fine appeals (cont.)
 briefing 123, 124, 125
 deadline 124, App. D
 evidence 124
 fee 124
 form 123
 how to file 123
 invalidation of fine 126
 jurisdiction 7, 123
 motions 126
 personal interviews 126
 processing 123, 125
 remands 124, 126
 representation 124
 standing 123
 status inquiries 125
 waiver of appeal 123
 withdrawal of appeal 126
 FOIA . . . see Freedom of Information Act
 fonts . . . see documents
 footnotes 42, 61
 foreign student advisors 30
 forms
 appeals . . . see Notice of Appeal
 blank forms 136, App. E
 Certificate of Service 36
 colors 137
 completed forms 138
 computer-generated 137
 DHS forms App. E
 e-filing . . . see e-filing
 EOIR forms 136, App. E
 fee waiver . . . see fees
 FOIA . . . see Freedom of Information Act
 motions . . . see motion
 non-form filings 138
 originals 138
 photocopied 137
 requesting 136, App. E
 signatures 138
 free legal services . . . see representation
 Freedom of Information Act (FOIA)
 A number 140
 classified material 140
 Clerk's Office 139
 costs . . . see fees *below*
 denials 141
 fee 140

- FOIA (cont.)
- filing deadlines, effect on 140
 - form 139
 - how to file a request 139
 - information required 140
 - limitations 140
 - non-parties 12, 13, 139
 - Office of General Counsel 5, 139
 - parties 139
 - privacy 141
 - processing time 140
 - purpose of 139
 - requests 13, 139
 - statutory exemptions 140
 - who may file a request 139
- frivolous appeal see discipline
- frivolous behavior see discipline
- G**
- Government Printing Office (GPO) . 9, 137, 143
- guardian see representation
- H**
- H nonimmigrant visas 8
- hand delivery see mail
- Handbook see United Nations
- handwritten filings see documents
- harmless error 74
- headings see documents
- highlighting see documents
- hole-punching see documents
- holidays see deadlines
- Homeland Security . . . see Dep't of Homeland S.
- I**
- I&N Decisions see decisions
- ICE see Department of Homeland Security (DHS)
- ID numbers
- aliens see A number
 - representatives see representation
- immigrant petitions
- appeals see visa petition appeals
 - employment-based 3, 8, 117
 - family-based 6, 117, 121
- Immigration and Nationality Act (INA) see citations
- Immigration and Naturalization Service (INS)
- Board, relationship to 2
 - Department of Homeland Security,
 relationship to 2
- Immigration Courts 2, 60
- Immigration Judges 2, 10, 49, 60
- immigration specialists 17, 25, 28, 29, 127
- in absentia proceedings 6, 7, 51, 84, 93
- In re, use of 62
- INA
- 204(a)(1) 118
 - 212(d)(3) 6
 - 240(b) 7
 - 240(b)(5) 93
 - 240B 7
 - 242B 7, 93
 - 244(e) 7
 - 273 123
- INA see citations
- inadmissibility see waivers of inadmissibility
- indexed decisions 10, 62
- ineffective assistance of counsel . . . see discipline
- inquiries
- automated status query system . . . see ASQ
 - calls 13, App. B
 - collect calls 13
 - filings tips see BIA TIPS
 - identity of assigned Board Member(s) 5
 - legal advice 14
 - necessary information for making 13
 - oral argument 105
 - projected processing times 15
 - specific staff members, directed to 15
 - status inquiries\$4, 15, 120, 125, App. B, App. I
 - visa petition appeals 120
- INS . . . see Immigration and Naturalization Service
- Int. Dec. see decisions
- Interim Decisions see decisions
- interlocutory appeals see appeals
- Internet 16, 137, 142, App. B
- J**
- joint motion see fee; motion; service
- judicial review 11
- jurisdiction
- advance parole 7
 - appeals vs. motions to reconsider .. 49, 53
 - appeals, types of 6, 7
 - applications for new relief 47
 - attorney discipline see discipline *below*
 - bond appeals 6, 99
 - departed aliens 84
 - deportation proceedings 6, 49
 - employer sanctions 8
 - exclusion proceedings 6, 49

jurisdiction (cont.)

- fines and penalties 7, 8, 123
- immigrant petitions (employment-based) . 8
- immigrant petitions (family-based) .. 6, 117
- Immigration Judge decisions 49, 50
- Immigration Judge vs. Board 49
- in absentia proceedings 6, 7
- motions 6, 78, 85, 87, 88
- orphan petitions 7
- removal proceedings 6, 49
- stays 94
- visa petition appeals 6, 117
- visa revalidation appeals 6, 121
- visa revocation appeals 6, 121
- voluntary departure 6, 7
- waivers of inadmissibility 6

L

- L** nonimmigrant visas 8
- language
 - Certificate of Translation App. H
 - certified translations 38, 80
 - English requirement 38, 80
 - motions 38, 80
 - Notice of Appeal 38
 - Spanish, information in 14
 - supporting documents 38, 80
 - translations see certified above
 - translators 38
- late-filed briefs see briefs
- law firms see attorneys
- law graduates 26, 27
- law library see library
- law students 26, 27
- legal advice see inquiries
- legal services see attorneys
- legislative history see citations
- library 5, 9, 11, 12, 142
- limited appearances see representation
- LLIRC see library

M

- mail
 - Airborne Express see couriers
 - attention ("attn.") line 15, 31, App. A
 - attorney misconduct 24
 - Board's mailing address App. A
 - changes of address see address obligations
 - couriers see couriers
 - delivery delays 34

mail (cont.)

- DHL see couriers
- e-filing see e-filing
- e-mail 16
- envelopes 15, 31, 32, 35
- express mail 32, App. A
- faxes see faxes
- Federal Express see couriers
- first class mail 34, App. A
- hand delivery 32, 36, App. A
- mailbox rule see mailbox rule
- overnight delivery 31, 32, 33, 34, App. A
- postage 31
- priority mail App. A
- return receipt requested App. A
- separate envelopes 32
- special delivery App. A
- United Parcel Service see couriers
- unrelated cases 32
- mailbox rule 31, 57
- Matter of
 - use of 62
 - [case name] App. J
- Air India "Flight No. 101", 21 I&N Dec. 890 (BIA 1997) 126
- Beechcraft B-95, #N21JC, 17 I&N Dec. 147 (BIA 1979) 126
- Chirinos, 16 I&N Dec. 276 (BIA 1977) . 103
- Coelho, 20 I&N Dec. 464 (BIA 1992) 88
- Crammond, 23 I&N Dec. 179 (BIA 2001) 90
- Fedorenko, 19 I&N Dec. 57 (BIA 1984) 61, 69
- Gadda, 23 I&N Dec. 645 (BIA 2003) 127, 133
- Guzman, 22 I&N Dec. 722 (BIA 1999) 85
- H-A-, 22 I&N Dec. 728 (BIA 1999) 81
- Joseph, 22 I&N Dec. 660 (BIA 1999) ... 102
- K-, 20 I&N Dec. 418 (BIA 1991) 73
- Lopez, 22 I&N Dec. 16 (BIA 1998) 79
- Mladineo, 14 I&N Dec. 591 (BIA 1974) .. 78
- Patino, 23 I&N Dec. 74 (BIA 2001) 53
- Rosales, 19 I&N Dec. 655 (BIA 1988) .. 24
- Sano, 19 I&N Dec. 299 (BIA 1985) 118, 121
- Shih, 20 I&N Dec. 697 (BIA 1993) 53
- Soriano, 19 I&N Dec. 764 (BIA 1988) 19, 125
- Velarde, 23 I&N Dec. 253 (BIA 2002) ... 81
- Zaidan, 19 I&N Dec. 297 (BIA 1985) .. 121
- motion (see also motion to...)
 - appeal affirmed without opinion 79
 - appeal form, do not use 136

motion (cont.)	
appeal outside Board's jurisdiction	78, 79
appeal pending, filed while	120
applications for relief, underlying	47, 81
automatic stays	93
briefs	64, 65, 82
caption	79
cases already decided by the Board	78
cases never before the Board	78
cases pending before the Board	78
changed circumstances	see new circum.
compound motions	82
construed by content, not title	79
copy of Immigration Judge order	80
cover page	41, App. F
departure of alien	84, 90
detained alien	80
draft orders	82
evidence	69, 80, 86
fee	45, 46, 47, 80
fee waivers	46
filed, when deemed	31
filing receipts	35, 82
fine appeal	126
form	79
format	79
grounds for motion	80
how to file	78
joint motion	46, 85
jurisdiction	78
language	38, 80
leaving U.S. . .	see departure of alien above
new circumstances	84
new eligibility for relief	88
new evidence	88
new facts	84, 86
new law	86
newly available evidence	84
non-opposition	90
Notice of Appeal improper	43, 56, 79
Notice of Appearance	77
number limits	82
number of copies	41
number of pages	41
opposition to a motion	82
oral argument	82, 106
order of documents	see documents
parties	77
motion (cont.)	
proof of service	36, 80
reinstatement	90, 135
reply briefs	see briefs above
representation	77
response briefs	see briefs above
return to practice	134
signature	38
stays	93
subsequent to remand	78
summary affirmances	see summary affirmation
time limits	82
timely, when deemed	33
transcripts	83
untimely	34
visa petition appeal	120
visa revalidation appeal	122
visa revocation appeal	121
where to file	App. K
motion to accept late-filed brief	68
motion to accept supplemental brief	64
motion to accept untimely filing	34, 68
motion to amend	90
motion to consolidate	89
motion to expedite	96, 97
motion to hold in abeyance	90
motion to join	89
motion to recalendar	19, 86, 89
motion to reconsider	
appeal form, do not use	136
appeal, decision to	49
automatic stays	88
compound motions	82
denial of late-filed brief motion	68
denial of prior motion	86
DHS motions	87
fee	45, 80
filing receipts	15, 35, 82
form	79
how to file	see motion
identification of error	87
jurisdiction	78
new law	86, 87
number limits	86, 87
persons outside the United States	87
pre-7/1/96 decisions	86
pre-7/31/96 motions	86
purpose	86

motion to reconsider (cont.)	
summary affirmance order	74, 79, 87
time limits	86, 87
transcripts	51
visa petitions	120
motion to remand	
appeal form, do not use	136
changed circumstances	
see new evidence <i>below</i>	
DHS, remand to	88
fine appeal	124
form	79
how to file	see motion
motion to reopen, treated as	85, 87
motion to withdraw appeal, difference from	71
new eligibility for relief	88
new evidence	69, 88, 119
purpose	88
requirements	88
time and number limits	88
where to file	App. K
motion to reopen	
administratively closed cases	86
appeal form, do not use	136
appeal pending, filed while	85, 87
automatic stays	86, 93
changed circumstances	84
compound motions	82
criminal convictions	86
deadline	see time limits <i>below</i>
DHS motions	85
evidence	84, 85
fee	45, 80
filing receipts	15, 35, 82
form	79
how to file	see motion
in absentia	see in absentia proceedings
joint motions	46, 83, 85
jurisdiction	78, 85, 87
motion to recalendar, difference from	86, 89
motion to remand, when treated as ..	85, 87
new circumstances, based on	84
new evidence	84
new facts	83, 84
Notice of Appearance	77
number limits	84
persons outside the United States	84
pre-9/30/96	85
motion to reopen (cont.)	
purpose	83
stays	86, 93
time limits	83, 84
transcripts	51
unrepresented aliens	19
visa petitions	120
where to file	App. K
motion to sever appeals	see appeals
motion to stay	45, 94, 95
motion to withdraw appeal	71
motion to withdraw as counsel	23, 24, 111
motions	see motion; motion to ...
multiple representation	see representation
N	
new authority	see new law
new evidence	see evidence
new facts	see motions; motion to reopen
new law	
after appeal has been decided	86
oral argument	113
while appeal is pending	64, 69
new law office	see attorneys
news media	see press
nonprofit organizations	19, 25, 27
notarios	see immigration specialists
notary public	see immigration specialists
Notice of Appeal (Form EOIR-26)	
additional copies	55
additional sheets	55
address obligations	18
appeal package, part of	39
bond appeal	101
brief accompanying	55
brief in support of	55
Certificate of Service	36, 56
color	137
completion of	55
consolidated appeals	54
deadline	57
families	52, 54
filing receipt	50, 57
grounds for appeal	55, 74
how to file	see appeals
important data	55
instructions	55
language	38
motion, form not used for ..	56, 79, App. E

Notice of Appeal (cont.)
 oral argument 105
 original 43, 55
 required for appeal 54
 signature 43
 summary dismissal see summary dismissal
 Notice of Appeal (Form EOIR-29)
 bond appeals 101
 color 138
 fine appeals 123
 visa petition appeals 118
 Notice of Appearance (Form EOIR-27)
 accredited officials 29
 accredited representatives 25
 alien's signature 20
 attorneys 20, 21
 change in law firm, used for 21
 change of address, not used for alien 23
 change of address, used for attorney 22
 color 138
 difference from EOIR-28 17, 20
 discipline information 21
 fine appeals 124
 law graduates 27
 law students 27
 motions generally 77
 motions to reconsider 77
 motions to reopen 77
 multiple clients 22
 new counsel 23
 oral argument 110
 pro se aliens 17
 representation see representation
 reputable individuals 29
 required of all representatives 17
 service upon other party 17, 20
 state bar number 20
 unrepresented persons 17
 visa petition appeals 118
 Notice of Appearance (Form EOIR-28) 20
 Notice of Entry see Notice of Appearance
 number of copies 41

O

OCAHO see Executive Office
 OCIJ see Executive Office
 Office of General Counsel . see Executive Office
 Office of Immigration Litigation (OIL) 3, 149
 Office of Information and Privacy 141

Office of Professional Responsibility see discipline
 Office of the Chief Imm. Judge see Exec. Office
 Office of the Clerk see Clerk's Office
 OGC see Executive Office
 OIL see Office of Immigration Litigation
 oral argument
 amicus curiae 111, 115
 argument and rebuttal 114, 115
 closed argument 108, 109
 location 108
 motions 82, 106
 new law 113
 news media 110
 notification 107
 open argument 108, 109
 Oral Argument Coordinator 105, App. B
 public access 11, 108
 Q&As 107
 recording 109
 representation 110, 111
 responding parties 106
 seating 109, 110
 selection criteria 106
 selection of cases 105
 supplemental briefs 112, 116
 weather, delays due to 112
 order of documents see documents
 orders see decisions; draft orders
 original
 applications for relief 81
 documents 43
 forms 43, 138
 motion 43
 Notice of Appeal 43, 55
 signatures 20, 38, 43
 supporting documents 43
 orphan petitions 7, 117
 overnight delivery see mail

P

 page limits see documents
 pagination see briefs
 paper size see documents
 Paralegals 28, 39
 parent see visa petitions; representation
 parties
 generally see appeals
 omitted see motion to amend
 petitions see visa petition appeals

photocopies see documents; forms
 photographs 42, 43
 post-conviction relief see criminal convictions
P
 Practice Manual
 authority 1
 citation to App. J
 copies 142
 Internet 142
 photocopying 142
 public input 142
 purpose 1
 Q&As see Questions and Answers
 reproduction 142
 revisions 1
 updates 142
 precedent decisions see decisions
 press 5, 105, 108, 109, 110
 pro bono see attorneys
 Pro Bono Program see attorneys
 pro se see representation
 processing times 15
 Proof of Service see service
 Public Affairs Office see Executive Office
 published decisions see decisions
Q
 Questions and Answers 16, 142
R
 receipt rule 31
 receipts see filing receipts
 reconsideration see motion to reconsider
 record of proceedings
 briefs, addition of 66
 citation to 61, 63
 confidentiality 13
 contents 12, 52, 119, 125
 copies 12, 13, 139
 defects in recorded record 51
 federal courts 11
 FOIA see Freedom of Information Act
 inspection by non-parties 12
 inspection by parties 12
 management 5
 oral argument 109, 113
 removal of 12
 stipulations see stipulations
 tape recording 51, 83
 references
 cases see citations

references (cont.)
 Department of Homeland Security 60
 Immigration Judges 60
 parties 60
 record of proceedings see citations
 third parties 60
 regulations see citations
 rejected
 filing 34, 36, 47, 50, 66, 78
 meaning of 34
 no fee 46, 47
 wrong fee 46, 47
 relatives see families
 release of counsel see attorneys
 relief
 application 81
 application fee, amount of 47
 application fee, different from filing fee 47
 application fee, when paid 47, 81
 forms 137, App. E
 Immigration Courts 2, 10
 imminent ineligibility for 96
 jurisdiction 47
 newly available eligibility for 47, 88, 89
 prima facie eligibility 81
 remand
 circuit court see circuit court remand
 motion see motion to remand
 reopening see motion to reopen
 reply briefs see briefs
 Representation
 accredited officials of foreign governments 29
 appearance see Notice of Appearance
 asesarios see immigration specialists
 attorney discipline see discipline
 attorney of record see representative *below*
 child 28
 clergy 29
 communications 18
 discipline see discipline
 entering an appearance 17
 EOIR ID numbers 20
 family member 28, 39
 fellow inmates 29
 filing on behalf of 22
 filings, representative should submit 18
 fine appeals 124
 former employees of the Department of

representation (cont.)
 Justice 29
 free legal services see attorneys
 guardian 28
 ID numbers . see EOIR ID numbers *above*
 imm. specialists . see immigration specialists
 law firms see attorneys
 law graduates 27
 law students 27
 limited appearances 21
 motions 17
 multiple representation 21, 22, 39, 110
 notarios see immigration specialists
 notary public . . see immigration specialists
 notice to opposing party 17
 on behalf of . . see filing on behalf of *above*
 oral argument 110
 parent 28
 Pro Bono Program see attorneys
 pro bono see attorneys
 pro se 18
 representative of record 21, 22, 23, 26, 77, 110
 reputable individual 28, 29
 signatures see signatures
 state bar numbers see attorneys
 types of representatives 17
 visa consultants . see immigration specialists
 visa petition denials 118
 reputable individuals 28
 reputable individuals see representation
 response briefs see briefs
 review
 de novo 8
 scope of review 8
 review . . see scope of review; *de novo* review
 right to counsel 19

S

sanctions see discipline
 scope of review see review
 self-petitioners see visa petition appeals
 separate envelopes see mail service
 Certificate of Service 56, App. G
 delivery, method of 36
 Immigration Service (INS) . see Immigration and
 joint motion 36
 motions 38, 80, 95
 Notice of Appeal 36, 56

Service (cont.)
 Notice of Appearance 37
 proof of service 34, 36, 37, 50, 56, 80, App. G
 representation, notice of 17
 representative, service of papers on . 22, 37
 required of all filings 36
 stays 95
 timing 36
 severance of appeals see appeals
 signatures
 accredited representatives 26, 39
 aliens 20
 appeals 38
 attorneys 20, 21
 briefs 38, 58
 Certificates of Service 37
 computer-generated signatures 38
 faxes 38
 forms 43, 138
 law firms 22, 38
 motions 38
 Notices of Appeal 43
 original 38, 43
 paralegals 39
 proof of service . . see Certificates *above*
 signature stamps 38
 simulated 38
 single Board Member see Board
 slip opinions see decisions
 Spanish see language
 state bar numbers see attorneys
 State Department see Department of State
 status inquiries see inquiries
 statutes see citations
 stays
 adjudication 94
 appeal (direct appeal) 93
 appeal (in absentia order) 93
 appeal (removal decision) 93
 automatic stays 93
 bond appeal 102
 discretionary stays 94
 duration 94
 emergency stays 95
 fee 45, 95
 how to request 94
 motion required 94
 motion to reconsider 88

stays (cont.)	
motion to reopen	86
motions to reopen	86
non-emergency stays	96
notice	94
pending motions	94
procedure for requesting	95
written order	94
stipulations	52, 119, 125
sua sponte ..	see certification; motion to reopen
substitution of counsel	see attorneys
summary affirmance	73, 79, 87
summary dismissal	
appeal	see failure to specify <i>below</i>
attorney sanctions	75
concessions of fact or law	75
failure to file brief	55, 56, 69, 74
failure to file brief after extension request	68
failure to meet appeal requirements	75
failure to specify grounds for appeal	56, 74
improper purpose	75
jurisdiction, appeal outside Board's	75
meaning of	74
relief granted	75
sanctions	see discipline
supplemental authorities	see new law
supplemental briefs	40, 64, 112, 116
suspension from practice	see discipline
T	
tabs	see documents
telephone calls	see inquiries
telephone inquiries	see ASQ; inquiries
Temporary Protected Status	6
third parties	18, 54, 60, 77, 118, 121
time, how to compute	33
timely, meaning of	33
TIPS	see BIA TIPS
Torture Convention	see United Nations
transcripts	
bond appeals	51, 103
briefing deadlines, effect on	51
briefing schedule, sent with	50
citation to	63
correction requests	51
defects in	51
Immigration Judge decisions	51
interlocutory appeals	51
motions generally	83

transcripts (cont.)	
motions to reconsider	51
oral argument	116
requests for transcription	51, 83
stipulations	see stipulations
tape recordings	83
when prepared	51
translation	see language
translators	see language
U	
unauthorized practice of law	28, 127
United Nations	
Convention Against Torture (CAT)	
6, 45, 46, 84, 108, App. J	
Convention on Refugees	App. J
Protocol on Refugees	App. J
UNHCR Handbook	App. J
United Parcel Service (UPS)	see couriers
unpublished cases	see citations; decisions
unrelated appeals	see appeals
unrepresented ("pro se")	see representation
untimeliness	see deadlines
untimely appeals	see appeals
untimely briefs	see briefs
US Code	see citations
USCIS ..	see Dep't of Homeland Security (DHS)
V	
Virtual Law Library	see library
Visa Bulletin	see Department of State
visa consultants	see immigration specialists
visa petition appeals	
adjudication	120
briefing	119
deadline	118, App. D
employment-based petitions	3, 8, 117
evidence	119
family-based petitions	6
fee	118
how to file	118
jurisdiction	117
motion to remand	119
motions	120
processing	119
record on appeal	119
representation	118
self-petitioners	118
standing	118
status inquiries	120

- visa revalidation appeals
 - briefing 122
 - deadline 122, App. D
 - fee see how to file *below*
 - how to file 122
 - jurisdiction 121
 - motions 122
 - processing 122
 - standing 121
- visa revocation appeals
 - briefing 121
 - deadline 121, App. D
 - fee see how to file *below*
 - how to file 121
 - jurisdiction 121
 - motions 121
 - processing 121
 - self-petitioners 121
 - standing 121
- voluntary departure
 - effect on appeal see departure
 - effect on motion see departure
 - jurisdiction see jurisdiction
 - length of 7
- W**
 - waived appeals see appeals
 - waived fees see fees
 - waiver of appeal see appeals
 - waivers of inadmissibility 6, 8, 118
 - web site see Internet; App. B
 - widows/widowers 118
 - withdrawal of appeal see appeals
 - withdrawal of counsel see attorneys
 - withholding of removal 6, 45, 46, 84, 108

