

**Instructions for Form I-290B,
Notice of Appeal or Motion****Instructions**

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers.

What Is the Purpose of This Form?

Form I-290B is used to file an appeal or motion on any decision under the immigration laws in any type of proceeding over which the Board of Immigration Appeals (BIA) does not have appellate jurisdiction.

When Should I Use Form I-290B?

Form I-290B may be used in the following circumstances:

1. To file an appeal with the Administrative Appeals Office (AAO); or
2. To file a motion to reconsider a decision of U.S. Citizenship and Immigration Services (USCIS) (either the AAO or a field office); or
3. To file a motion to reopen a decision of USCIS (either the AAO or a field office).

When a decision on a petition is appealed or a request for motion is made, the petitioner, an authorized official of a petitioning employer, or the petitioner's attorney or representative must sign this form. (The only exceptions are self-petitioners and certain managers or executives of the petitioning company.)

When a decision on a petition is appealed or a request for a motion is made, the petitioner, an authorized official of a petitioning employer, or the petitioner's attorney or representative must sign this form. (The only exceptions are self-petitioners and certain managers or executives of the petitioning company.)

Who May Not File This Form I-290B?

If you are the beneficiary of a visa petition or the beneficiary's attorney or representative, you may not file an appeal or motion.

General Instructions.**Step 1. Fill Out the Form I-290B**

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "none."

This form is divided into **Parts 1** through **4**. The following information should help you fill out the form.

Part 1. Information about you. *(Individual/Business/Organization filing appeal or motion.)*

1. **Family Name** (Last name) - Give your legal name. If you have two last names, include both and use a hyphen (-) between the names, if appropriate.
2. **Name of Business or Organization** - Give the complete name, without abbreviations.
3. **Mailing Address** - Give your complete mailing address.
4. **Daytime Phone Number** - Give a phone number with area code where you can be reached during the day.
5. **Fax Number** - Give a fax number with area code.
6. **E-mail Address** - If you have an E-mail address please provide it.

If you are acting as an attorney or representative - check the box provided and complete the rest of **Part 1** as follows:

1. **Family Name** (Last name) - Give your legal name. If you have two last names, include both and use a hyphen (-) between the names, if appropriate.
2. **Business/Organization/School Name** - Give the complete name, without abbreviations, if the party for whom you are filing is other than an individual.

3. **A #** - This is your client's USCIS (INS) file number. It begins with an "A" and can be found on a Permanent Resident Card or on correspondence that has been received from the Department of Homeland Security (DHS) or USCIS. If they do not have an A #, leave this blank.

Part 2. Information about an appeal/motion.

You must clearly indicate if you are filing an appeal or a motion. The adverse decision will indicate whether you may file an appeal or a motion. The requirements for motions to reopen and motions to reconsider are located at 8 C.F.R. § 103.5.

Part 3. Basis for an appeal/motion.

Your appeal or motion will be dismissed if you do not complete this part. If additional space is needed, attach a separate sheet(s) of paper.

Part 4. Signature.

You or your legal representative must sign and submit the Form I-290B. A Form G-28, Notice of Entry of Appearance as Attorney or Representative, must be attached if signed by a legal representative.

NOTE: If you wish, you may be represented at no expense to the U.S. Government by an attorney or other duly authorized representative. Your attorney or representative must submit a Form G-28, Notice of Entry of Appearance as Attorney or Representative, with the appeal. If the appeal or motion is filed by an attorney or representative without a properly executed Form G-28, it will be rejected.

Step 2. General requirements

1. Appeals.

A. Brief.

You do not need to submit a brief in support of your appeal, but you may submit one if you so choose. You may also submit additional evidence.

You may submit a brief and evidence with this form. Or you may send these materials to the AAO within 30 days of the date you sign this form. You must send any materials you submit after filing the appeal to:

**USCIS Administrative Appeals Office
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W., Room 3000
Washington, DC 20529**

If you need more than 30 days, you must explain why in a separate letter attached to this form. The AAO may grant more time **only** for good cause.

B. Oral Argument.

You may request oral argument before the AAO in Washington, D.C. in a separate letter attached to this form. The letter must explain specifically why an oral argument is necessary, i.e., why your argument cannot be adequately addressed in writing.

If your request is granted, the AAO will contact you about setting the date and time. The U.S. Government does not furnish interpreters for oral argument.

2. Motions.

Although a petitioner may be permitted additional time to submit a brief and/or evidence to support an appeal, no such provision applies to motions. Any additional evidence must be submitted concurrent with the motion.

3. Translations.

Any document containing foreign language submitted to the shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Where to File?

You must file your appeal or motion with the USCIS office that made the unfavorable decision within 30 calendar days after service of the decision (33 days if your decision was mailed). If you are appealing the revocation of an immigrant petition approval, you must file the appeal within 15 days of the revocation decision (18 days if the decision was mailed.) The date of service is normally the date of the decision.

Late filed appeals and motions will be rejected.

Do **not** send your appeal directly to the Administrative Appeals Office (AAO). Submit an original appeal or motion only. Additional copies are not required.

What Is the Filing Fee?

The filing fee for a Form I-290B is **\$585.00**.

Use the following guidelines when you prepare your check or money order for the Form I-290B fee:

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; and

2. Make the check or money order payable to **U.S. Department of Homeland Security**, unless:
 - A. If you live in Guam and are filing your petition there, make it payable to **Treasurer, Guam**.
 - B. If you live in the U.S. Virgin Islands and are filing your petition there, make it payable to **Commissioner of Finance of the Virgin Islands**.

NOTE: Please spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."

Notice to Those Making Payment by Check. If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours, and will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct.

The form fee on this form is current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our website at **www.uscis.gov**, select "Immigration Forms" check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form; or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

Address Changes.

If you change your address while your **appeal** is pending, send a written notice of your change of address to the Administrative Appeals Office (AAO). Include the type of case that was denied and any available tracking number (receipt number and/or A-number). Mail the notice to:

**USCIS Administrative Appeals Office
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W., Room 3000
Washington, DC 20529**

If you change your address after you file a **motion**, where you send your notice depends on where your motion is pending. If your motion has been forwarded to the AAO, send a written notice of your change of address to the above address. If your motion has remained with the office where you submitted it, send the notice to that office. Include the type of case that was denied and any available tracking number (receipt number and/or A-number).

Processing Information.

Any Form I-290B that is not signed or accompanied by the correct fee, will be rejected with a notice that the Form I-290B is deficient. If completed timely, you may correct the deficiency and resubmit the Form I-290B. However, an appeal or motion is not considered properly filed until accepted by USCIS.

Once the appeal or motion is accepted, it will be reviewed. If you do not have any standing to file the appeal or motion, or the decision is not appealable or filed timely, the appeal or motion will be dismissed or rejected without further review.

Decision. You will be notified in writing of any action taken on your appeal or motion.

USCIS Forms and Information.

To order USCIS forms, call our toll-free number at **1-800-870-3676**. You can also get USCIS forms and information on immigration laws, regulations and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our internet website at **www.uscis.gov**.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, **InfoPass**. To access the system, visit our website. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Penalties.

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this Form I-290B, we will deny the Form I-290B and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

Privacy Act Notice.

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your Form I-290B.

Paperwork Reduction Act.

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at one hour and 30 minutes per response, including the time for reviewing instructions, completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0009. **Do not mail your application to this address.**

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-290B, Notice of Appeal or Motion

| | |
|--------------------------|-------------------------|
| In the Matter of: | File Number: A - |
|--------------------------|-------------------------|

START HERE - Please Type or Print (Use black ink.)

For USCIS Use Only

Part 1. Information about you. (Individual/Business/Organization filing appeal or motion.)

| | | |
|-------------|------------|-------------|
| Family Name | Given Name | Middle Name |
| | | |

Name of Business/Organization (if applicable)

| | |
|--|--------|
| Mailing Address - Street Number and Name | Apt. # |
| | |

C/O (in care of):

| | | |
|------|-------------------|-----------------|
| City | State or Province | Zip/Postal Code |
| | | |

| | |
|---------|-------------------------------------|
| Country | Daytime Phone # (Area/Country Code) |
| | () |

| | |
|---------------------------|-------------------------|
| Fax # (Area/Country Code) | E-Mail Address (if any) |
| () | |

I am an attorney or representative. If you check this box, you must provide the following information about the person or organization for whom you are appearing. (NOTE: You must attach a Form G-28, Notice of Entry of Appearance as Attorney or Representative.)

| | | |
|-------------|------------|-------------|
| Family Name | Given Name | Middle Name |
| | | |

Complete Name of Business/Organization/School (if applicable)

| | |
|--------------|---|
| A # (if any) | Daytime Phone # with Area or Country Code |
| | () |

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|---------------------------------|-------------------------|
| Fax # with Area or Country Code | E-mail Address (if any) |
| () | |

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|-------------|---------|
| Returned | Receipt |
| Date | |
| Date | |
| Resubmitted | |
| Date | |
| Date | |
| Reloc Sent | |
| Date | |
| Date | |
| Reloc Rec'd | |
| Date | |
| Date | |

Remarks

Part 2. Information about the appeal or motion.

Check the box below that that best describes your request. (Check one box.)

- A. I am filing an appeal. My brief and/or additional evidence is attached.
- B. I am filing an appeal. My brief and/or additional evidence is attached will be submitted to the AAO within 30 days.
- C. I am filing an appeal. No supplemental brief and/or additional evidence will be submitted.
- D. I am filing a motion to reopen a decision. My brief and/or additional evidence is attached.
- E. I am filing a motion to reconsider a decision. My brief and/or additional evidence is attached.
- F. I am filing a combined motion to reopen and reconsider a decision. My brief and/or additional evidence is attached.



A # (if any)

Part 2. Information about the appeal or motion. (Continued.)

Information on the relating application/petition.

Application/Petition Form # Receipt # Date of Denial (mm/dd/yyyy) USCIS Office Where Decision Issued

Part 3. Basis for the appeal or motion.

The appeal must include a statement explaining any error or conclusion of law in the decision being appealed and/or any erroneous statement of fact stated in the decision. You must complete this part even if you are sending a brief later. If requesting a motion to reopen or reconsider you must provide the basis for the request.

Part 4. Signature of person filing the appeal/motion or his or her authorized representative.

Signature

Signer's Printed Name

Date (mm/dd/yyyy)

**Make sure your appeal or motion is complete before filing.
Refer to the last page of the Instructions for the appeal or motion check list.**