

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

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

When Should I Use Form I-290B?

Form I-290B, Notice of Appeal or Motion, 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. The appeal or motion must be filed with U.S. Citizenship and Immigration Services (USCIS) in accordance with the regulations at 8 C.F.R. § 103.3 and § 103.5.

Form I-290B must be filed within 30 calendar days after service of the decision. If the decision is mailed, the form must be filed within 33 days. If the appeal relates to a revocation of an immigrant petition approval, the appeal must be filed within 15 calendar days after service of the decision, 18 days if the decision was mailed. The date of service is normally the date of the decision.

Late filed appeals and motions may be rejected.

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

1. To file an appeal with the Administrative Appeals Office (AAO);
2. To file a motion to reconsider a decision of USCIS (either the AAO or a field office);
3. To file a motion to reopen a decision of USCIS (either the AAO or a field office); or
4. To file a motion to reopen a decision of USCIS under the Northwest Immigrant Rights Project (NWIRP) Settlement.
5. To file a motion to reopen a decision of USCIS under the Special Immigrant Juvenile (SIJ) *Perez-Olano* Settlement Agreement (POSA).

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 Form I-290B. (In the case of self-petitioners and applicants for certain waivers, the self-petitioner or waiver applicant must sign the form.)

Who May Not File 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

Fill Out 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 name and Alien Registration Number (A-Number) of the petitioner/applicant, 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."

Form I-290B is divided into **Parts 1** through **4**. The following information should help you fill out the form.

Part 1. Information About Petitioner/Applicant

*(Individual/Business/Organization/Attorney/
Representative 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-Number** - This is the 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 you do not have an A-Number, leave this blank.

Part 2 - Information About the Appeal or 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 the Appeal or Motion

Your appeal or motion will be dismissed if you do not complete Part 3. If additional space is needed, attach a separate sheet of paper.

Part 4 - Signature of Person Filing the Appeal/Motion or His or Her Authorized Representative

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

General Requirements

Your appeal or motion must include the following items.

Your signed and completed Form I-290B

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 Form G-28 with the appeal or motion. If the appeal or motion is filed by an attorney or representative without a properly executed Form G-28, it will be dismissed or rejected.

Appeals

1. 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. Any brief and/or additional evidence must specifically reference the appeal for which it is being submitted. If an affected party has filed multiple appeals with the AAO, separate copies of the brief and/or evidence must be provided for each individual appeal. Failure to do so may result in the return of the brief or evidence to the individual or entity that submitted it and preclude such material from consideration.

You may submit a brief and evidence with Form I-290B. Or you may send these materials to the AAO within 30 days of filing the appeal. 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., MS2090
Washington, DC 20529-2090**

If you need more than 30 days, you must explain why in a separate letter attached to Form I-290B. The AAO may grant more time **only** for good cause.

2. Oral Argument

You may request oral argument before the AAO in Washington, D.C. in a separate letter attached to Form I-290B. 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.

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.

Translations

Any document containing a foreign language submitted to USCIS 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.

What Is the Filing Fee?

The filing fee for Form I-290B is **\$630**.

NOTE: The fee will be the same when an appeal or motion is taken from the denial of a petition with one or multiple beneficiaries, provided that they are all covered by the same petition, and therefore, the same decision.

The fee for Form I-290B may be waived, if the applicant can show an inability to pay and the appeal or motion is from denial of an immigration benefit request where the applicant or petitioner was not required to pay a fee, or the fee for the underlying application or petition could have been waived.

No fee is required when Form I-290B is filed to appeal a denial of a petition for a special immigrant visa by a Special Immigrant Iraqi or Afghan national who worked for or on behalf of the U.S. Government in Iraq or Afghanistan.

The fee will not be refunded, regardless of the action taken in your case.

For additional information on fees, fee waivers, and refunds visit our Web site at www.uscis.gov.

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:

If you live outside the United States, Guam, or the U.S. Virgin Islands, contact the nearest U.S. consulate or embassy for instructions on the method of payment.

NOTE: 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 is current as of the edition date appearing in the lower right corner of Form I-290B. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our Web site at www.uscis.gov, select "Check Filing Fees" 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.

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.

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

You must file your Notice of Appeal or Motion at the USCIS Vermont Service Center for unfavorable decisions made on:

1. A VAWA (self-petitioning spouse or child of an abusive U.S. Citizen or Lawful Permanent Resident) related Form I-360 to include work authorization (Form I-765);

2. Any T Visa related application/petition to include application for T nonimmigrant status (Form I-914/I-914A), application for adjustment of status (Form I-485), work authorization (Form I-765) or advanced parole (Form I-131); or
3. Any U Visa related application/petition to include petition for U nonimmigrant status (Form I-918/I-918A), application for adjustment of status (Form I-485), work authorization (Form I-765), advanced parole (Form I-131), application to extend U nonimmigrant status (Form I-539) and petition to request immigration benefits on behalf of a family member who never held U nonimmigrant (Form I-929).

**USCIS Vermont Service Center
75 Lower Welden St.
St. Albans, VT 05479-0001**

If you are filing a Notice of Appeal or Motion of any other decision made by a USCIS Service Center, mail to:

For U.S. Postal Service (USPS) deliveries, use the following address:

**USCIS 290B
P.O. Box 21100
Phoenix, AZ 85036**

For Express Mail or courier deliveries, use the following address:

**USCIS
Attn: 290B
1820 E. Skyharbor Circle S
Suite 100
Phoenix, AZ 85034**

If you are filing a motion to reopen a decision of USCIS under the **NWIRP Settlement**, mail the motion to:

For U.S. Postal Service (USPS) deliveries, use the following address:

**USCIS
P.O. Box 804727
Chicago, IL 60680-4180**

For private courier (non-USPS) deliveries, use the following address:

**USCIS
Attn: NWIRP
131 South Dearborn - 3rd Floor
Chicago, IL 60603-5517**

If you are filing a motion to reopen a decision of USCIS under the Special Immigrant Juvenile (SIJ) **PEREZ-OLANO Agreement Settlement (POSA)**, mail the motion to:

For U.S. Postal Service (USPS) deliveries, use the following address:

USCIS
P.O. Box 5510
Chicago, IL 60680-5510

For private courier (non-USPS) deliveries, use the following address:

USCIS
Attn: POSA
131 South Dearborn - 3rd Floor
Chicago, IL 60603-5517

Because USCIS mailing address change periodically, you may verify that the addresses for your appeal are correct by following one of the steps below:

1. Visit our Web site at www.uscis.gov, select "FORMS," then "I-290B," and read the "Where to File" on the opening page; or
2. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the mailing information.

Address Changes

While your **appeal** is pending, if you change your address, send a written notice of your change of address to the 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., MS2090
Washington, DC 20529-2090

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

An appeal or motion that is not signed or is not accompanied by the proper fee **will be dismissed or rejected** with a notice that the appeal is deficient. If completed timely, you may correct the deficiency and resubmit the appeal. However, an appeal or motion is not considered properly filed until it is 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

You can get USCIS forms and immigration-related information on the USCIS Internet Web site at www.uscis.gov. You may also obtain forms and information by telephoning our National Customer Service Center at **1-800-375-5283**.

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 Web site. 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 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 90 minutes per response, including the time for reviewing instructions and 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 Products Division, Office of the Executive Secretariat, 20 Massachusetts Ave., N.W., Washington, DC 20529-2020; OMB No. 1615-0009. This form expires May 31, 2012. **Do not mail your application to this address.**