



AMERICAN **BAR** ASSOCIATION

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Commission on Immigration

**A LEGAL GUIDE FOR  
ICE DETAINEES:  
Appealing to the Board of Immigration Appeals**

**Last Updated March 2020**

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Information contained in this guide was sourced in part from the Florence Immigrant and Refugee Rights Project (FIRRP)’s guide entitled “Appealing Your Case to the Board of Immigration Appeals,” last updated May 2013, The North Carolina YMCA guide entitled “How to Write a Brief.”

The materials contained herein represent the opinions of the authors and editors and should not be construed to be those of either the American Bar Association or Commission on Immigration unless adopted pursuant to the bylaws of the Association.

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## An Overview of the Appeal Process

Once the Immigration Judge has made his or her decision, the party (you or the government attorney) who lost has the right to appeal the decision to the appellate division of the Executive Office for Immigration Review (EOIR). This body is called the Board of Immigration Appeals (BIA). The BIA is located in Falls Church, VA, and it is in charge of reviewing immigration judge decisions when one of the parties appeals from any of the immigration courts throughout the United States.

If you are ordered removed by the Immigration Judge, you can appeal that decision to the BIA. Once the judge has made the decision, you will have thirty (30) calendar days to send in your appeal. If you win your case and are granted relief, the government also has the right to appeal the decision within thirty (30) days.

If you appeal a decision of an immigration judge, you must convince the BIA that the immigration judge made an error of law or fact in your case and that if the error had not been made, you would have won your case. Errors could include anything from a judge's misunderstanding of the requirements for a form of relief or if something hurt your ability to present your case fully, such as an issue with the interpreter or if you were not allowed to testify fully (meaning, you didn't have the opportunity to tell your entire story).

This guide is designed to provide information on how appeals to the BIA work including filing the notice of appeal, writing a brief, and what to do after a decision. It includes information about how to appeal an immigration judge's decision in both removal hearings and bond hearings.

## Reserving/Waiving the right to appeal

After your merits, or individual, hearing is complete, the immigration judge will give a decision by either reading the decision in the courtroom (an oral decision) or by sending you a written decision in the mail. If the judge gives his or her decision in the courtroom, he or she will ask the party who lost (you or the government attorney) if they would like to **reserve** or **waive** their right to appeal.

Reserving the right to appeal means that you are letting the immigration judge know that you may want to appeal the decision. Waiving the right to appeal means that you do not want to appeal the decision. In the case that you have been ordered removed and you waive your right to appeal, your removal order will become final.

If there is any chance that you will want to appeal, you should reserve appeal. At this point, the Judge may give you some information and some papers related to filing an appeal. Reserving appeal will start the clock on the thirty day time period to file your appeal. The day of the judge's decision is Day Zero (0) and the next day is Day One (1). If the judge does not issue a decision on your case on the day of the hearing, he or she will mail the decision to you. The date that is printed on the decision is the Day Zero (0) and the next day is Day One (1). Whether the judge gives you an oral decision or a written decision, you should have a copy of the judge's order with the date of the decision on it. This is the date that starts the clock.

If you waived your right to appeal at court, this is usually the end of your case and you will not be permitted to appeal. However, within the thirty day window after the date of the decision, if you decide that you want to appeal after all, you can send the notice of appeal to the BIA with an explanation of why you did not reserve appeal at court. This explanation may not be accepted, and your appeal may be rejected.

## Things To Consider When Deciding Whether to Appeal

If the judge decides to order you removed and you think you might want to appeal that decision, there are several factors to consider when deciding whether to appeal. If you are detained, you will likely stay in detention while your appeal is pending, which could take several months.

You might also want to consider how strong your case is and whether you think you will be successful on appeal. An appeal must include your arguments as to what error of law or fact the judge made, so you should consider whether an error was made before you appeal. Some examples of errors could be:

- You had an interpreter for your hearing that you could not understand.
- The judge cut off your or one of your witness' testimony before it was finished.
- The ICE attorney asked you harassing or overly-aggressive questions.
- You submitted written evidence that was excluded (not considered at the hearing).
- You have a mental or medical issue that kept you from understanding fully what was going on at the hearing.

If the judge decides to grant you relief, then you probably will not want to appeal. However, if the judge grants you withholding of removal and you believe that you should have been granted asylum, you can appeal that decision. The government attorney may also appeal the decision of the immigration judge granting you relief.

While your appeal is pending with the BIA, your removal order will be stayed – meaning that while the BIA is deciding on your appeal, you won't be removed from the United States. However, if the BIA dismisses your appeal, the government can deport you unless you are granted a stay of removal by ICE or by the Federal Circuit Court of Appeals if you are appealing the BIA's decision.

## Filing A Notice of Appeal

When you decide that you want to appeal, you will have to file a few forms with the BIA. These forms **must be received by the BIA within thirty (30) days of the immigration judge's decision**. It is a good idea to keep a copy of everything you submit to the BIA and to get proof of mailing to show the date you sent the forms. If possible, get a delivery receipt showing the date your forms were delivered to the BIA.

### Check List of Forms to Send

- **Form EOIR-26**, Notice of Appeal from a Decision of an Immigration Judge – This is the actual appeal form. Instructions are provided, and you should read them carefully.
  - Question 8 asks if you plan to file a written brief – which is your opportunity to write in more detail the reasons why you are appealing the immigration judge's

decision. If you check “Yes” and you do not file a brief, your appeal will likely be dismissed. If you decide that you want to file a brief, you will receive a copy of the record in your case including transcripts of the hearings, which you can use to write your brief. If you check “No” you should write all the reasons why you are appealing on a separate piece of paper and submit it with the Form EOIR-26.

- If you are planning to file a brief, in Question 6, where it asks you to write your reasons for appeal, you should include a statement that reserves your right to raise other arguments in your brief. An example of such a statement is: “Respondent reserves the right to raise additional arguments upon receipt of transcript.”
  
- ❑ **Filing fee of \$110 or Form EOIR-26A, Fee Waiver Request** – If you cannot pay the \$110 filing fee, you will need to file a request to waive the fee, which is Form EOIR-26A. This form will ask for information about your finances.
  
- ❑ **Form EOIR-33/BIA, Alien’s Change of Address/Phone Number Form** – If you are released from detention while your appeal is pending, you must inform the BIA of your new address within five working days. If you are detained and will not be released, you don’t have to complete this form.
  
- ❑ **Form EOIR-27, Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals** – If you have an attorney representing you on appeal, they will need to file this form. If you are going to do your own appeal, you do not need this form.

### Mailing Address

Your appeal must be received by the BIA by mail within thirty (30) days of the immigration judge’s decision. The BIA’s mailing address is:

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

You must also mail a copy of your forms to the Assistant Chief Counsel of DHS – ICE, also known as the Office of the Principal Legal Advisor. A list of ICE offices is attached at Appendix A. You must serve the ICE office where your immigration case was held. For example, if you were ordered removed by the Denver Immigration Court, you will send a copy of the brief to the Denver ICE office. Some detention facilities have ICE offices just for those facilities. If you are detained at one of those facilities, you should serve the ICE office at your facility.

### Filing an Appeal Brief

After the BIA receives your appeal forms and if you have indicated that you want to write a brief, the BIA will send you a package which will include a written-transcript of your hearing, including all the questions that were asked and answers that were given. You can use the

transcript to look for specific information that supports your arguments. For example, you can look for direct quotes from the transcript that show that the immigration judge got a fact or an aspect of the law wrong or missed something important.

### **Tips for Writing Your Brief**

When writing your brief, you should be sure of what your arguments are and work on organizing the facts and any legal arguments you are making in support of those arguments. The following things should be included in the brief:

#### A Statement of Fact

This section should describe the relevant facts of your case and the decision that the immigration judge made. If there are facts that are being disputed (meaning that you and the government attorney disagree on the facts of your case), this section should lay out which facts are in dispute. You should make sure to refer back to the transcript by using the page numbers (“Transcript at Page [ ]”). You can also refer back to the immigration judge’s decision (“IJ Decision at Page [ ]”). Your brief should not include new facts that were not part of the proceedings before the immigration judge (and therefore, not in the transcript).

#### Procedural History

This section should describe what has happened in the case before the appeal. When was the first hearing? When was the final hearing? Where were the hearings held? What was the immigration judge’s decision? Were there any previous appeals, motions to reopen, motions to reconsider, or any other motions filed in the case?

#### Statement of Issues

This is a list of issues that you would like the BIA to review. In other words, this section will lay out the specific legal or factual problems with the immigration judge’s decision. Usually, these arguments will center on whether or not the government can deport you and/or whether you are eligible for a form of relief from deportation.

#### Standard of Review

The BIA reviews issues of fact by an immigration judge under the “clearly erroneous” standard of review. This means that if you are raising an issue with the facts presented in the case, then the BIA will only overturn the judge’s decision if it was very clearly wrong. This is a very high standard. The BIA reviews issues of law, discretion, and judgement under the “de novo” standard of review. This means that if you are raising issues of the law or if you are raising an issue that the judge abused his or her discretion, the BIA can look at it with new eyes. This standard is not as high.

#### Argument

In this section you should list the mistakes that you believe the immigration judge made during the hearing. You should separate each of your arguments and provide the relevant law and facts that support your argument. For example, you could format each argument in the following way:

1. State the issue.
2. Say what the law about the issue is.
3. Apply the law to your situation.
4. Write a sentence stating your conclusion.

## Conclusion

This is your opportunity to summarize your arguments and restate what you are asking for. For example, you may be asking the BIA to reverse the immigration judge's decision and grant your application for relief.

## **Briefing Deadlines<sup>1</sup>**

When the BIA sends the transcript, it will also send a schedule to submit your brief. Generally, a person with a BIA appeal will have twenty one (21) days to file a brief. You may request an extension of time by writing to the BIA. If you are seeking an extension, you must send it to the BIA **BEFORE** the deadline to submit your brief. You must also serve a copy of the request on the government.<sup>2</sup> An extension request should be clearly marked "BRIEFING EXTENSION REQUEST" and include the following:

1. The existing brief deadline;
2. The reason for requesting the extension;
3. A statement that you have tried to meet the existing deadline;
4. A statement that you will meet the revised deadline; and
5. Proof of Service on the other party (the government)

You will have to meet the original deadline until the BIA grants your extension request. If the BIA grants the extension, you will be given an additional twenty one (21) days. The BIA doesn't look favorably on extension requests and extensions are very rarely granted more than once.

If you do not file an extension request and you miss your deadline, you will have to file your brief with a motion to accept a late-filed brief. These are rarely accepted and can only be filed once. This motion must include the reasons why the brief is late and should be supported by affidavits or other supporting evidence.

## **Practical Issues<sup>3</sup>**

- Page Limits** – All briefs should have page numbers and the page limit for the brief is twenty five (25) pages. If you absolutely must submit a brief that is longer than twenty five pages, you will have to provide a motion to increase the page limit with the reasons why your argument requires more space.
- Format** – Briefs should be printed on standard size paper (8 ½" x 11") in black or dark ink in a readable font (Times New Roman size 12 is recommended or printed neatly by hand). Text should be double spaced, and footnotes should be single spaced.
- Cover Page** – The cover page should include your name, followed by "Respondent," your address (or the facility address if you are detained), you're a-number, the title ("Respondent's Brief on Appeal"), and the type of proceeding (removal, bond, etc.)
- Signature** – You must sign your brief at the end of the document

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<sup>1</sup> This information was taken from the Board of Immigration Practice Manual last updated February 2020.

<sup>2</sup> For a list of ICE offices and their mailing addresses, see Appendix A.

<sup>3</sup> Taken from Chapter 3.3, Documents, Filing with the Board, BIA Practice Manual, <https://www.justice.gov/eoir/page/file/1250701/download>



- **A-Number** – Your A-number should appear on the cover page of the brief and on the bottom right corner of every additional page.
- **KEEP A COPY OF YOUR BRIEF AFTER YOU SUBMIT IT!**

### **Checking the Status of The Appeal**

To check whether the BIA has received or made a decision your appeal, you can call the EOIR Hotline 1-800-898-7180 (detention facility speed dial code 111#). The BIA may take longer in some cases to make decisions than in others, so there is no standard time for a BIA appeal to be completed. However, the BIA is supposed to make a decision within six months if you are detained.

### **What Happens After the Decision**

The BIA can make any number of decisions on your case. The BIA may affirm the immigration judge's decision (meaning the BIA is agreeing with the immigration judge), reverse the immigration judge's decision (meaning the BIA is making the opposite decision from the immigration judge), or may remand the case for another hearing (meaning the BIA is sending the case back to the immigration judge).

If the BIA affirms the decision to remove you or if the BIA reverses the immigration judge's grant of relief from removal, you have the right to appeal that decision to the Federal Circuit Court of Appeals. This appeal is called a Petition for Review. As with the immigration judge's decision, you will have thirty (30) days from the date of the BIA's decision to file a Petition for Review with the Circuit Court of Appeals. The state where the immigration judge made the initial decision will determine which circuit court will hear the appeal. In Appendix C you will find a list of the Circuit Courts of Appeal and which states belong to which circuit. ICE can remove you from the country while your Circuit Court of Appeals case is pending unless you request and are granted a stay of removal from that court.

If you are granted relief by the immigration judge, the government may appeal the decision. If they don't appeal, and you are detained, you will likely be released after the appeal period has passed (thirty days). If they appeal and you are detained, it is likely that you will remain detained while the appeal is pending. However, you may request a new bond hearing from the judge because you have been granted relief.

### **Appealing a Bond Decision**

Bond hearings are different from removal proceedings. Bond hearings are to determine if ICE should let you out of detention. Removal hearings are to assess the merits of your immigration case. Decisions on both types of proceedings can be appealed to the BIA.

In a bond hearing, the immigration judge may choose to grant you bond (an amount of money you can pay to be released from detention which can be returned to you after the conclusion of your removal proceedings) or can choose NOT to grant you a bond and you will remain in detention.

When deciding to give someone a bond, the immigration judge will look at several factors including your criminal history, whether you are a danger to society or whether you are a flight risk (meaning, whether the judge thinks you will come to court if you are released from

detention). If the immigration judge denies you bond, he or she will ask if you want to appeal the decision. If you want to appeal, just like removal proceeding decisions, you should reserve appeal and you will have thirty days to send in paperwork.

With bond appeals, the BIA will send a written decision explaining the reasons why bond was denied or why bond was set at a specific amount. You will use this document to write your brief. You will not receive a transcript of the bond hearing. Just like a removal proceeding appeal, you will receive a briefing schedule and you will write a brief explaining why the immigration judge's decision was wrong. If you lose the bond appeal, you can file a petition challenging your detention with the local Federal District Court.

## Appendix A – Mailing Address for ICE Offices

State	Office	Mailing Address	Phone Number	Area Of Responsibility
Arizona	Office of the Principal Legal Advisor, Phoenix	2035 N. Central Ave., Phoenix, AZ, 85004	(602) 744-2412	Arizona
	Office of the Principal Legal Advisor, Phoenix (Eloy)	Eloy Detention Center, 1705 East Hanna Road, Eloy, AZ, 85131	(520) 464-3032	
	Office of the Principal Legal Advisor, Phoenix (Florence)	Florence Detention Center, 3250 N. Pinal Parkway Avenue, Florence, AZ, 85132	(520) 868-3310	
	Office of the Principal Legal Advisor, Phoenix (Tucson)	6431 S. Country Club Road, Tucson, AZ, 85706	(520) 295-4167	
California	Office of the Principal Legal Advisor, Los Angeles	606 South Olive Street, 8th Floor, Los Angeles, CA, 90014	(213) 894-2805	Great Los Angeles Metropolitan Area, Nevada
	Office of the Principal Legal Advisor, Los Angeles – Detained	300 N. Los Angeles Street, Suite 8108, Los Angeles, CA, 90012		
	Office of the Principal Legal Advisor, Los Angeles (Adelanto)	Adelanto Detention Facility, 10250 Rancho Road, Adelanto, CA, 92301	(760) 561-6460	
	Office of the Principal Legal Advisor, San Diego	880 Front Street, Suite 2246, San Diego, CA, 92101	(619) 436-0277	San Diego and Imperial County
	Office of the Principal Legal Advisor, San Diego (El Centro)	Imperial Regional Detention Facility, 1111 N. Imperial Avenue, El Centro, CA, 92243	(760) 336-4705	

	Office of the Principal Legal Advisor, San Diego (Otay Mesa)	P.O. Box 438150, San Diego, CA 92143-8150	(619) 661-8724	
	Office of the Principal Legal Advisor, San Francisco	P.O. Box 26449, San Francisco, CA 94126-6449	(415) 705-4604	Northern and Central California
	Office of the Principal Legal Advisor, San Francisco - Detained	630 Sansome Street, 11th Floor, San Francisco, CA, 94111	(415) 705-1855	
Colorado	Office of the Principal Legal Advisor, Denver	12445 East Caley Avenue, Centennial, CO, 80111-6432	(303) 784-6560	Colorado, Idaho (ERO) , Montana, Utah, and Wyoming
Connecticut	Office of the Principal Legal Advisor, Boston (Hartford)	Ribicoff Federal Building, 450 Main Street, Room 483, Hartford, CT, 06103-3060	(860) 240-3615	
	Office of the Principal Legal Advisor, Miami (Detained)	Krome Service Processing Center, 18201 SW 12th Street, Miami, FL, 33194-2700	(305) 207-2001	
	Office of the Principal Legal Advisor, Miami	333 S. Miami Avenue, Suite 200, Miami, FL, 33130	305) 400-6160	South Florida, Puerto Rico, and the Virgin Islands
Florida	Office of the Principal Legal Advisor, Miami (Pompano Beach)	Broward Transitional Center, 3900 North Powerline Road, Pompano Beach, FL, 33073	(954) 545-6060	
	Office of the Principal Legal Advisor, Orlando	3535 Lawton Road, Suite 100, Orlando, FL, 32803	(407) 812-3600	Central and North Florida
	Office of the Principal Legal Advisor, Atlanta	180 Ted Turner Drive, SW, Suite 332, Atlanta, GA, 30303	(404) 893-1400	Georgia, North Carolina, and South Carolina
Georgia	Office of the Principal Legal Advisor, Atlanta	Peachtree Summit Federal Building Annex, 401 W. Peachtree Street, NW,	(404) 730-9756	

		Suite 2850, Atlanta, GA, 30308		
	Office of the Principal Legal Advisor, Atlanta (Lumpkin)	Stewart County Detention Facility, 146 CCA Road, Lumpkin, GA, 31815	(229) 838-1109	
Hawaii	Office of the Principal Legal Advisor, Honolulu	595 Ala Moana Boulevard, Honolulu, HI, 96813	(808) 532-2149	Hawaii, Guam, and Commonwealth of Northern Mariana Islands
Illinois	Office of the Principal Legal Advisor, Chicago	525 W. Van Buren Street, Suite 701, Chicago, IL, 60607	(312) 542-8200	Illinois, Indiana, Kansas, Kentucky, Missouri, and Wisconsin
Kentucky	Office of the Principal Legal Advisor, Chicago (Louisville)	332 West Broadway, Suite 505, Louisville, KY, 40202		
Louisiana	Office of the Principal Legal Advisor, New Orleans	1250 Poydras Street, Suite 2100, New Orleans, LA, 70113	(504) 599-7938	Alabama, Arkansas, Louisiana, Mississippi, and Tennessee
	Office of the Principal Legal Advisor, New Orleans (Jena)	LaSalle Detention Center, 830 Pinehill Road, Jena, LA, 71342	(318) 992-1455	
	Office of the Principal Legal Advisor, New Orleans (Oakdale)	1010 E. Whatley Road, Oakdale, LA, 71463-1128	(318) 335-7500	
Massachusetts	Office of the Principal Legal Advisor, Boston	JFK Federal Building, 15 New Sudbury Street, Room 425, Boston, MA, 02203	(617) 565-3140	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont
Maryland	Office of the Principal Legal Advisor, Baltimore	Fallon Federal Building, 31 Hopkins Plaza, Room 1600, Baltimore, MD, 21201	(410) 637-4060	Maryland

Michigan	Office of the Principal Legal Advisor, Detroit	Rosa Parks Federal Building, 333 Mt. Elliott Street, 2nd Floor, Detroit, MI, 48207	(313) 568-6033	Michigan and Ohio
Minnesota	Office of the Principal Legal Advisor, Minneapolis-St. Paul	1 Federal Drive, Suite 1800, Fort Snelling, MN, 55111	(612) 843-8935	Iowa, Minnesota, Nebraska, North Dakota and South Dakota
Missouri	Office of the Principal Legal Advisor, Chicago (Kansas City)	2345 Grand Boulevard, Suite 500, Kansas City, MO, 64108	(816) 391-7200	
North Carolina	Office of the Principal Legal Advisor, Atlanta (Charlotte)	5701 Executive Center Drive, Suite 300, Charlotte, NC, 28212	(704) 248-9605	
Nebraska	Office of the Principal Legal Advisor, Minneapolis-St. Paul (Omaha)	1717 Avenue H, Room 174, Omaha, NE, 68110	(402) 536-4804	
New Jersey	Office of the Principal Legal Advisor, Newark	970 Broad Street, Room 1300, Newark, NJ, 07102	(973) 776-5400	New Jersey
	Office of the Principal Legal Advisor, Newark (Elizabeth)	Elizabeth Detention Facility, 625 Evans Street, Room 135, Elizabeth, NJ, 07201	(908) 282-5755	
New Mexico	Office of the Principal Legal Advisor, El Paso (Chaparral)	Otero County Processing Center, Trial Attorney Unit 26 McGregor Range Road, Chaparral, NM, 88081		
Nevada	Office of the Principal Legal Advisor, Los Angeles (Las Vegas)	501 S. Las Vegas Blvd, Suite 200, Las Vegas, NV, 89101	(702) 433-7288	
New York	Office of the Principal Legal Advisor, Buffalo	250 Delaware Avenue, Suite 773, Buffalo, NY, 14202	(716) 464-6000	Northern and Western New York

	Office of the Principal Legal Advisor, Buffalo (Batavia)	Buffalo Federal Detention Facility, 4250 Federal Drive, Batavia, NY, 14020	(585) 344-6600	
	Office of the Principal Legal Advisor, New York	26 Federal Plaza, Room 1130, New York, NY, 10278	(212) 264-5916	Long Island, New York City, and Southern Counties
	Office of the Principal Legal Advisor, New York (Newburgh)	Hudson Valley, 15 Governor Drive, Newburgh, NY, 12550	(845) 831-1576	
	Office of the Principal Legal Advisor, New York (Varick Street)	Varick Street, 201 Varick Street, Room 1130, New York, NY, 10014	(212) 863-3550	
Ohio	Office of the Principal Legal Advisor, Detroit (Cleveland)	925 Keynote Circle, Room 201, Brooklyn Heights, OH, 44131	216) 749-9955	
Oregon	Office of the Principal Legal Advisor, Seattle (Portland)	1220 SW 3rd Avenue, Suite 300, Portland, OR, 97204	(503) 326-2059	
Pennsylvania	Office of the Principal Legal Advisor, Philadelphia	900 Market Street, Suite 346, Philadelphia, PA, 19107	(267) 479-3500	Delaware, Pennsylvania, and West Virginia
	Office of the Principal Legal Advisor, Philadelphia (York)	York County Prison, 3400 Concord Road, York, PA, 17402	(717) 840-7249	
Puerto Rico and the U.S. Virgin Islands	Office of the Principal Legal Advisor, Miami (San Juan)	7 Tabonuco Street, Suite 300, Room 313, Guaynabo, PR 00968	(787) 706-2352	
Tennessee	Office of the Principal Legal Advisor, New Orleans (Memphis)	80 Monroe Avenue, Suite 502, Memphis, TN, 38103	(901) 544-0630	

Texas	Office of the Principal Legal Advisor, Dallas	125 E. John Carpenter Fwy., Suite 500 Irving, TX, 75062	(972) 373-2300	North Texas and Oklahoma
	Office of the Principal Legal Advisor, El Paso	11541 Montana Avenue, Suite O El Paso, TX, 79936	(915) 856-2316	West Texas and New Mexico
	Office of the Principal Legal Advisor, Houston	126 Northpoint Drive, Room 2020 Houston, TX, 77060	(281) 931-2046	Southeast Texas
	Office of the Principal Legal Advisor, Houston (Conroe)	Montgomery Processing Center 806 Hilbig Road Suite 2-201 Conroe, TX, 77301	(936) 520-5870	
	Office of the Principal Legal Advisor, San Antonio	1015 Jackson-Keller Road, Suite 100 San Antonio, TX, 78213	(210) 979-4600	Central and South Texas
	Office of the Principal Legal Advisor, San Antonio (Dilley)	South Texas Family Residential Center 300 El Rancho Way Dilley, TX, 78017	(830) 378-6500	
	Office of the Principal Legal Advisor, San Antonio (Harlingen)	1717 Zoy Street Harlingen, TX, 78552	(956) 389-7051	
	Office of the Principal Legal Advisor, San Antonio (Los Fresnos)	Port Isabel Detention Center 27991 Buena Vista Blvd Los Fresnos, TX, 78566	(956) 547-1700	
	Office of the Principal Legal Advisor, San Antonio (Pearsall)	South Texas Detention Complex 566 Veterans Drive Pearsall, TX, 78061	(210) 231-4630	
Utah	Office of the Principal Legal Advisor, Denver (Salt Lake City)	2975 Decker Lake Drive, Stop C West Valley City, UT, 84119-6098	(801) 886-7300	
Virginia	Office of the Principal Legal Advisor, Washington, D.C.	500 12th Street SW, Mail Stop 5902 Washington, D.C. 20536-5902	(703) 235-2700	District of Columbia and Virginia



Washington	Office of the Principal Legal Advisor, Seattle	1000 Second Avenue, Suite 2900 Seattle, WA, 98104	(206) 613-6500	Alaska, Idaho (HSI), Oregon, and Washington
	Office of the Principal Legal Advisor, Seattle (Tacoma)	Northwest ICE Processing Center 1623 East J Street, Suite 2 Tacoma, WA, 98421	(253) 779-6059	

## Appendix B – Directory<sup>4</sup>

**Automated Case Information Hotline**.....(800) 898-7180 or (240) 314-1500  
24 hours, 7 days a week, Detention Facility Speed Dial Code: 111#

**BIA Telephonic Instructions and Procedures System (BIA TIPS)**.....(703) 605-1007  
24 hours, 7 days a week

**BIA Clerk’s Office**.....(703) 605-1007  
8:00 a.m. to 4:30 p.m. (Eastern Time), Monday – Friday, except holidays

**Emergency Stay Unit (ESU)**.....(703) 306-0093  
9:00 a.m. to 5:30 p.m. (Eastern Time), Monday – Friday, except holidays

**Emergency Stay Telephonic Information**.....(703) 605-1007  
24 hours, 7 days a week

**Oral Argument Coordinator**.....(703) 605-1007  
8:00 a.m. to 4:30 p.m. (Eastern Time), Monday – Friday, except holidays

**Law Library and Immigration Research Center (LLIRC)**.....(703) 605-1103  
9:00 a.m. to 4:00 p.m. (Eastern Time), Monday – Friday, except holidays

**Office of the General Counsel, EOIR**.....(703) 305-0470  
9:00 a.m. to 5:00 p.m. (Eastern Time), Monday – Friday, except holidays

**Communications and Legislative Affairs Division, EOIR**.....(703) 305-0289  
9:00 a.m. to 5:00 p.m. (Eastern Time), Monday – Friday, except holidays

**Recognition & Accreditation Coordinator**.....R-A-Info@usdoj.gov

### **Internet**

**Address**.....[www.justice.gov/eoir](http://www.justice.gov/eoir)

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<sup>4</sup> Taken from the BIA Practice Manual, last updated February 2020.

## Appendix C – Circuit Courts of Appeal by State

<b>Circuit</b>	<b>States</b>
<b>First</b>	Maine, New Hampshire, Massachusetts, Rhode Island, Puerto Rico
<b>Second</b>	Vermont, New York, Connecticut
<b>Third</b>	Pennsylvania, New Jersey, Delaware, U.S. Virgin Islands
<b>Fourth</b>	Maryland, Virginia, West Virginia, District of Columbia, North Carolina, South Carolina
<b>Fifth</b>	Texas, Louisiana, Mississippi
<b>Sixth</b>	Ohio, Tennessee, Kentucky, Michigan
<b>Seventh</b>	Wisconsin, Indiana, Illinois
<b>Eighth</b>	Minnesota, Iowa, Missouri, Arkansas, North Dakota, South Dakota, Nebraska
<b>Ninth</b>	Washington State, Oregon, California, Nevada, Arizona, Northern Mariana Islands Montana, Idaho, Alaska, Guam, Hawaii
<b>Tenth</b>	Wyoming, Utah, Colorado, New Mexico, Kansas, Oklahoma
<b>Eleventh</b>	Alabama, Georgia, Florida

# Appendix D – Sample Brief Cover Page

Your Name

DETAINED

Your Facility Name

Your Facility Address

**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
BOARD OF IMMIGRATION APPEALS  
FALLS CHURCH, VIRGINIA**

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**In the Matter of:**

)

)

**Your Name**

)

**A# XXX-XXX-XXX**

)

**In Removal Proceedings**

)

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**RESPONDENT’S BRIEF IN SUPPORT OF  
APPEAL OF THE IMMIGRATION JUDGE’S DECISION**

## Appendix E – Sample Certificate of Service

### CERTIFICATE OF SERVICE

I, \_\_\_\_\_, certify that on \_\_\_\_\_ I served a copy of  
Your Name Date

copy of this **BRIEF IN SUPPORT OF APPEAL OF THE IMMIGRATION JUDGE’S  
DECISION.**

This document was served by:

Mail:

Office of Chief Counsel  
Immigration and Customs Enforcement  
[Address]  
[City, State]

Personal Service to \_\_\_\_\_

\_\_\_\_\_  
Your Name

\_\_\_\_\_  
Date