



Instructions for Notice of Appeal or Motion

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

USCIS
Form I-290B
OMB No. 1615-0095
Expires 01/31/2017

What Is the Purpose of Form I-290B?

Form I-290B, Notice of Appeal or Motion, is **primarily** used to **file**:

1. **An appeal** with the Administrative Appeals Office (AAO); or
2. **A motion** with the U.S. Citizenship and Immigration Services (USCIS) office that issued the latest decision in your case (including a field office, service center, or the AAO).

Please visit www.uscis.gov/i-290b/jurisdiction for the immigration benefit types that are eligible for an appeal or motion using this form.

Schools may also use Form I-290B for appeals or motions regarding certain denials of U.S. Immigration and Customs Enforcement (ICE) Form I-17, Petition for Approval of School for Attendance by Nonimmigrant Student, filed with ICE Student and Exchange Visitor Program (SEVIS). Form I-1290B may also be used for appeals and motions when ICE withdraws a school's approval for attendance by nonimmigrant students. If the decision is appealable, the notice letter will include instructions for filing an appeal or motion.

Who May Not File Form I-290B?

1. If you are the **beneficiary** of a petition or an attorney or accredited representative of the **beneficiary**, you **MAY NOT** file an appeal or motion unless otherwise instructed by USCIS and as specifically permitted by law. Only an **applicant** or **petitioner** may file an appeal or motion. Similarly, an attorney or accredited representative **MAY NOT** file an appeal or motion on the behalf of a **beneficiary**.
2. Do not use this form to file an appeal with the Board of Immigration Appeals (BIA). The BIA has jurisdiction over appeals of Form I-130, Petition for Alien Relative, and Form I-360, Self-Petition for a Widow(er) of a U.S. Citizen. You may file an appeal with the BIA using Form EOIR-29, which is available at the USCIS website at www.uscis.gov/eoir-29 and at the Department of Justice website at www.justice.gov/eoir/list-downloadable-eoir-forms.
3. Do not use this form to appeal the denial of a U.S. visa application by an overseas Department of State consular officer (for example, Forms DS-156, DS-156E, DS-156K, DS-117, DS-157, DS-230, or DS-260). For information about U.S. visa application denials, visit the Department of State website at <http://travel.state.gov/content/visas/en/general/denials.html>.
4. Do not use this form for appeals of Special Agricultural Worker or Legalization applications. You must file these appeals on Form I-694, Notice of Appeal of Decision Under Sections 245A or 210 of the Immigration and Nationality Act. Form I-694 is available at www.uscis.gov/i-694.

General Instructions

USCIS provides forms free of charge through the USCIS website. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at <http://get.adobe.com/reader/>. If you do not have Internet access, you may call the USCIS National Customer Service Center at **1-800-375-5283** and ask that we mail a form to you. For TTY (deaf or hard of hearing) call: **1-800-767-1833**. If you are filing this form electronically, you must follow the instructions provided on the USCIS website at www.uscis.gov/file-online.

Timeliness. In most cases, you must file your appeal or motion within **30 calendar days** of the date of service of the adverse decision (or within **33 calendar days** if we mailed the decision to you). However, if you are appealing a decision to revoke the approval of an immigrant petition under 8 CFR 205.2, you must file the appeal within **15 calendar days** (or within **18 calendar days** if we mailed the decision to you).

NOTE: If we sent you the decision by mail, the “date of service” is the date we mailed the decision, not the date you received it. See 8 CFR 103.8(b). Decisions are normally mailed the same day they are issued.

USCIS will reject a late-filed appeal unless the office that issued the adverse decision determines that the untimely appeal meets the requirements of a motion to reopen or a motion to reconsider.

USCIS will deny a late-filed motion, except we may excuse the failure to timely file a **motion to reopen** if we determine that the delay was reasonable and beyond your control.

Signature. Each form must be properly signed and filed. For all signatures on this form, USCIS will not accept a stamped or typewritten name in place of a signature. If you are filing this form electronically, when authorized, USCIS will accept your signature in an electronic format. If you are under 14 years of age, your parent or legal guardian may sign the form on your behalf. A legal guardian may also sign for a mentally incompetent person.

Filing Fee. Each form must be accompanied by the appropriate filing fee. (See the **What Is the Filing Fee** section of these Instructions.)

Evidence. At the time of filing, you must submit all evidence and supporting documentation listed in the **Specific Instructions** and/or **What Evidence Must You Submit** sections of these Instructions. If you are electronically filing this form, you must follow the instructions provided on the USCIS online filing website, at www.uscis.gov/file-online.

Biometric Services Appointment. USCIS may require that you appear for an interview or provide fingerprints, photograph, and/or signature at any time to verify your identity, obtain additional information, and conduct background and security checks, including a check of criminal history records maintained by the Federal Bureau of Investigation (FBI), before making a decision on your appeal or motion. After USCIS receives your **appeal or motion** and ensures it is complete, we will inform you in writing or by email notice if you e-file your form, if you need to attend a biometric services appointment. If an appointment is necessary, the notice will provide you the location of your local or designated USCIS Application Support Center (ASC) and the date and time of your appointment or, if you are currently overseas, instruct you to contact a U.S. Embassy, U.S. Consulate, or USCIS office outside the United States to set up an appointment.

If you are required to provide biometrics, at your appointment you must sign an oath reaffirming that:

1. You provided or authorized all information in the form,
2. You reviewed and understood all of the information contained in, and submitted with, your form, and
3. All of this information was complete, true, and correct at the time of filing.

If you fail to attend your biometric services appointment, USCIS may dismiss or deny your appeal or motion.

Copies. You should submit legible **photocopies** of documents requested, unless the Instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of an application, petition, or request. If USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.

NOTE: If you submit original documents when not required or requested by USCIS, **your original documents may be immediately destroyed upon receipt.**

Translations. If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English. The certification **must include the** translator's signature. **DHS recommends the certification contain the translator's printed name and the date and the translator's** contact information.

How to Fill Out Form I-290B

1. Type or print legibly in black ink.
2. If you need extra space to complete any item within this form, use the space provided in **Part 7. Additional Information** or attach a separate sheet of paper; type or print your name and Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.
3. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks, "Provide the name of your current spouse"), type or print "N/A," unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for example, "How many children do you have" or "How many times have you departed the United States"), type or print "None," unless otherwise directed.

Specific Instructions

Form I-290B is divided into **Parts 1.** through **7.**

Part 1. Information About the Applicant or Petitioner

Item Numbers 1.a. - 1.c. Full Name. If an individual applicant or petitioner is filing this appeal or motion, provide his or her full legal name. If the applicant or petitioner has two last names, include both and use a hyphen (-) between the names, if appropriate. If the applicant or petitioner has only one name, enter the name in the Family Name (Last Name) field.

Item Number 2. Business or Organization Name (if applicable). If a business or organization is filing this appeal or motion, provide its complete name, without abbreviations.

Item Number 3. Alien Registration Number (A-Number, if applicable). This is the USCIS (or former Immigration and Naturalization Service (INS)) file number. It begins with an "A" and can be found on a Permanent Resident Card or on correspondence from the Department of Homeland Security (DHS) or USCIS. If the applicant or petitioner does not have an A-Number, leave this blank.

Item Number 4. USCIS Online Account Number (if any). If the applicant or petitioner has previously filed an application, petition, or request using the USCIS online filing system (previously called USCIS Electronic Immigration System (USCIS ELIS)), provide the USCIS Online Account Number you were issued by the system. You can find your USCIS Online Account Number by logging in to your account and going to the profile page. If you previously filed certain applications, petitions, or requests on a paper form at a USCIS Lockbox facility, you may have received a USCIS Online Account Access Notice issuing you a USCIS Online Account Number. If you received such a notice, your USCIS Online Account Number can be found at the top of the notice. If you were issued a USCIS Online Account Number, enter it in the space provided. The USCIS Online Account Number is not the same as an A-Number. If you do not have a USCIS Online Account Number, leave this blank.

Item Numbers 5.a. - 5.i. Mailing Address. Provide the applicant's or petitioner's complete mailing address (including military APO/FPO address, if applicable).

Part 2. Information About the Appeal or Motion

Item Numbers 1.a. - 1.f. Appeal or Motion Request (Select **only one** box). Select a single box from **Item Numbers 1.a. - 1.f.** Do not select more than one box or make any changes to the form. **If you select more than one box, your filing may be rejected.**

You must clearly indicate if you are filing an appeal or a motion. **The notice you received with the** adverse decision will **state** whether you may file an appeal or a motion. Although **you may be eligible to** file an appeal and a motion, you **may** only file one or the other using a single Form I-290B.

The requirements for **appeals** are located at 8 CFR **Section 103.3**, and the requirements for motions are located at 8 CFR **Section 103.5**.

If you file an appeal, the USCIS office that issued the adverse decision will review the appeal before it is sent to the AAO. See 8 CFR Section 103.3. If the office determines that favorable action is warranted, it may treat your appeal as a motion and approve your application or petition, making further AAO review unnecessary. If the office decides that favorable action is not warranted, it will forward your appeal to the AAO for review.

NOTE: You cannot appeal a decision of the AAO to the AAO. However, you may file a motion on an AAO decision.

Item Number 2. USCIS Form for the Application or Petition That is the Subject of This Appeal or Motion. Provide the form number for **the application or petition that is the subject of your appeal or motion** (for example, Form I-140, Form I-360, Form I-129, Form I-485, Form I-601.) If you **are filing this form electronically** and the form number is not listed in the drop-down menu, select “Other.”

Item Number 3. Receipt Number for the Application or Petition. Provide the receipt number for the application or petition that is the subject of your appeal or motion. A receipt number is an inventory control number assigned to a case by USCIS. Receipt numbers generally start with three letters (EAC, LIN, MSC, NBC, SRC, WAC, or YSC) followed by a series of numbers (for example, SRC 12 345 67890). Receipt numbers are located on USCIS-issued notices.

Item Number 4. Requested Nonimmigrant or Immigrant Classification. Provide the specific classification requested (for example, H-1B, R-1, O-1, EB-1, EB-2, EB-3, if applicable). **If you are filing this form electronically and the classification is not listed in the drop-down menu, select “Other.”**

Item Number 5. Date of the Adverse Decision. Provide the date of the decision that is the **subject of** your appeal or motion, in mm/dd/yyyy format.

Item Number 6. Office That Issued the Adverse Decision. Provide the name of **the office that issued the decision that is the subject of your appeal or motion**. If you are filing a motion on **an AAO** decision, the correct office is “Administrative Appeals Office (AAO).” If you are **filing this form electronically, and the office name is not listed in the drop-down menu, select “Other.”**

Part 3. Basis for the Appeal or Motion

You must **type** or print the basis for the appeal or motion in **Part 7. Additional Information** or on a separate sheet of paper. **If you attach a separate sheet of paper, include** your name and A-Number (if any) on the top of each sheet; indicate the **Page Number, Part Number, and Item Number** to which your answer refers; and sign and date each sheet.

Appeal: Provide a statement that specifically identifies an erroneous conclusion of law or fact in the decision being appealed. **You must provide this information with the Form I-290B, even if you intend to file a brief later.** If you need extra space to complete this section, use the space provided in **Part 7. Additional Information**.

Motion to Reopen: **A motion to reopen** must state new facts and must be supported **by documentary** evidence demonstrating eligibility **for the required immigration benefit** at the time **you filed the application or petition**.

Motion to Reconsider: A motion to reconsider must demonstrate that the decision was based on an incorrect application of law or policy, and that the decision was incorrect based on the evidence in the case record at the time of the decision. The motion must be supported by citations to appropriate statutes, regulations, precedent decisions, or statements of USCIS policy.

Combined Motions to Reopen and Reconsider: You may file a combined motion to reopen and motion to reconsider. We will separately determine whether the combined motion satisfies the requirements of a motion to reopen and a motion to reconsider. We may grant both motions, grant one motion but deny the other, or deny both motions.

Part 4. Applicant's or Petitioner's Statement, Contact Information, Certification, and Signature

Complete **Section A, Item Numbers 1.a. - 6.b.**, if you are filing an appeal or motion based on an application or petition filed by an individual. Complete **Section B, Item Numbers 1.a. - 8.b.**, if you are filing an appeal or motion based on a petition filed by a business or organization. Select the appropriate box to indicate whether you read this form yourself or whether you had an interpreter assist you. If someone assisted you in completing the form, select the box indicating that you used a preparer. Further, you must sign and date your form and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). If you are completing **Section B as an authorized signatory of a business or organization**, you must also provide your full legal name and title. Every form **MUST** contain the signature of the applicant or petitioner (or parent, legal guardian, or authorized signatory, if applicable). A stamped or typewritten name in place of a signature is not acceptable.

Part 5. Interpreter's Contact Information, Certification, and Signature

Item Numbers 1.a. - 7.b. If you used anyone as an interpreter to read the Instructions and questions on this form to you in a language in which you are fluent, the interpreter must fill out this section, provide his or her name, the name and address of his or her business or organization (if any), his or her daytime telephone number, his or her mobile telephone number (if any), and his or her email address (if any). The interpreter must sign and date the form.

Part 6. Contact Information, Declaration, and Signature of the Person Preparing this Form, if Other Than the Applicant or Petitioner

Item Numbers 1.a. - 8.b. This section must contain the signature of the person who completed your form, if other than you, the applicant or petitioner. If the same individual acted as your interpreter and your preparer, that person should complete both **Part 5.** and **Part 6.** If the person who completed this form is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped you complete this form **MUST** sign and date the form. A stamped or typewritten name in place of a signature is not acceptable. If the person who helped you prepare your form is an attorney or accredited representative whose representation extends beyond preparation of this form, he or she may be obliged to also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with your form. **All appeals filed by an attorney or representative on behalf of an applicant or petitioner must contain a new, properly executed Form G-28.**

Part 7. Additional Information

Item Numbers 1.a. - 7.d. If you need extra space to provide any additional information within this form, including the statement regarding the basis for the appeal or motion from **Part 3.**, use the space provided in **Part 7. Additional Information.** If you need more space than what is provided in **Part 7.**, you may make copies of **Part 7.** to complete and file with your form, or attach a separate sheet of paper. Type or print your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers, and sign and date each sheet.

We recommend that you print or save a copy of your completed form to review in the future and for your records.

What Evidence Must You Submit?

If you do not submit all evidence requested in these Instructions, USCIS may reject, dismiss, or deny your appeal or motion.

For motions, you must file any brief and/or additional evidence together with Form I-290B. All motions must also contain a statement about whether the USCIS decision that is the basis of the motion is, or has been, the subject of any judicial proceeding; and, if so, the court, nature, date, and status or result of the proceeding.

NOTE: There are additional evidentiary requirements for a motion to reopen an application or petition denied due to abandonment. See 8 CFR 103.5(a)(2).

For appeals, you must file any brief and/or additional evidence within 30 calendar days of filing Form I-290B. **Any brief and/or evidence submitted after you file Form I-290B must be sent directly to the AAO**, even if the appeal has not yet been transferred to the AAO.

For the AAO's mailing address, visit www.uscis.gov/aao. The submission must clearly identify the appeal it relates to. If you have filed multiple related appeals with the AAO, you must provide separate copies of any brief and/or additional evidence for each appeal. Otherwise, the AAO may not be able to consider the submitted information for the related appeals.

You may request an oral argument before the AAO in Washington, D.C., by submitting a letter attached to Form I-290B. The letter must explain specifically why an oral argument is necessary (for example, why your argument cannot be adequately addressed in writing.) **The AAO has sole discretion to grant or deny the request. If the AAO grants your request, it will inform you of the date, time, place, and conditions of the oral argument.** The U.S. Government does not provide interpreters for oral arguments.

What Is the Filing Fee?

The filing fee for Form I-290B is **\$675**.

No fee is required **if you are filing Form I-290B to appeal a denial of a petition for a special immigrant visa by an Iraqi or Afghan national who worked for or on behalf of the U.S. Government in Iraq or Afghanistan.**

NOTE: The filing fee is not refundable, regardless of any action USCIS takes on this form. **DO NOT MAIL CASH.** You must submit all fees in the exact amounts.

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**.
NOTE: Spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."
3. If you live outside the United States, contact the nearest U.S. Embassy or U.S. Consulate for instructions on the method of payment

Notice to Those Making Payment by Check. If you send us a check, USCIS will convert it 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 will keep a copy of it. If USCIS cannot process the EFT for technical reasons, you authorize us to process the copy in place of your original check. If your check is returned as unpayable, USCIS will re-submit the payment to the financial institution one time. If the check is returned as unpayable a second time, we will reject your form and charge you a returned check fee.

How to Check If the Fees Are Correct

Form I-290B's filing fee is current as of the edition date in the lower left 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 the USCIS website at www.uscis.gov, select "FORMS" and check the appropriate fee; or
2. Call the USCIS National Customer Service Center at **1-800-375-5283** and ask for fee information. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

NOTE: You only need to pay one filing fee if you are filing an appeal or motion relating to a single application or petition, even if the application or petition has multiple beneficiaries.

Fee Waiver

USCIS may waive the fee for Form I-290B under 8 CFR 103.7(c) if you can show an inability to pay and:

1. The appeal or motion is from a denial of an immigration benefit request for which you were not required to pay a fee; or
2. The fee for the underlying application or petition could have been waived.

If you believe you are eligible for a fee waiver, complete Form I-912, Request for Fee Waiver (or a written request) and submit it and any required evidence of your inability to pay the filing fee with this form. You can review the fee waiver guidance at www.uscis.gov/feewaiver.

Where To File?

Use the chart at www.uscis.gov/i-290b-addresses to determine the correct filing address for your appeal or motion. Form I-290B is not considered received by USCIS unless you file it at the proper location.

You may also call our National Customer Service Center at **1-800-375-5283** for the most current information about where to file this form. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

DO NOT FILE FORM I-290B DIRECTLY WITH THE AAO.

Address Change

Most non-U.S. citizens must notify USCIS of their new address within 10 days of moving. In addition, applicants or petitioners must inform USCIS of their new address for any pending or recently approved case to ensure that all notices are sent to the correct address. For information on filing a change of address, go to the USCIS website at www.uscis.gov/addresschange or contact the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

NOTE: Do not submit a change of address request to the USCIS Lockbox facilities because the Lockbox does not process change of address requests. If you have an online account, you may also change your address in the USCIS online filing system by logging into your user account and updating your Account Profile.

If you move while you have a pending appeal or motion before the AAO, please also send the AAO a written change of address notice to ensure that your decision is sent to your new address. Your change of address notice should state the type of application or petition that is the subject of the appeal or motion, and reference any relevant receipt numbers and A-Numbers. The AAO's mailing address is available at www.uscis.gov/aa0 or by calling the USCIS National Customer Service Center at the number below.

To find out where your case is currently located, call the USCIS National Customer Service Center number at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**. To find out the status of your case, visit the USCIS website at: <https://egov.uscis.gov/casestatus/landing.do>.

Processing Information

Initial Processing. Once USCIS accepts your form we will check it for completeness. If you do not completely fill out this form, you will not establish a basis for your eligibility and USCIS may reject, dismiss, or deny your appeal or motion.

Requests for More Information. We may request that you provide more information or evidence to support your appeal or motion. We may also request that you provide the originals of any copies you submit. If USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.

Decision. The decision on Form I-290B involves a determination of whether you have established eligibility for the immigration benefit you are seeking. USCIS will notify you of the decision in writing or, for forms filed electronically, through an electronic notice.

USCIS Forms and Information

To ensure you are using the latest version of this form, visit the USCIS website at www.uscis.gov where you can obtain the latest USCIS forms and immigration-related information. If you do not have Internet access, you may order USCIS forms by calling the Forms Request Line at **1-800-870-3676**. You may also obtain forms and information by calling the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Instead of waiting in line for assistance at your local USCIS office, you can schedule an appointment online at www.uscis.gov. Select "Schedule an Appointment" and follow the screen prompts to set up your appointment. Once you finish scheduling an appointment, the system will generate an appointment notice for you.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-290B, we will deny your motion or dismiss your appeal, and may deny (or revoke the approval of) any other immigration benefit. In addition, you will face severe penalties provided by law, and may be subject to criminal prosecution.

DHS Privacy Notice

AUTHORITIES: The information requested on this form, and the associated evidence, is collected under the Immigration and Nationality Act section 103 and 8 CFR Sections 103.3 and 103.5.

PURPOSE: The primary purpose for providing the requested information on this form is to enable you to file an appeal or motion to reopen or motion to reconsider certain decisions by USCIS or a bond breach determination issued by U.S. Immigration and Customs Enforcement. DHS will use the information you provide on this form to adjudicate your appeal or motion.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, including your Social Security number, and any requested evidence, may delay a final decision or result in dismissal of your appeal or denial of your motion.

ROUTINE USES: DHS may share the information you provide on this form with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records forms [DHS/USCIS-001 - Alien File, Index, and National File Tracking System and DHS/USCIS-007 - Benefits Information System] and published privacy impact assessments [DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System and Associated Systems and DHS/USCIS/PIA-062 Administrative Appeals Office Case Management System], which can be found at www.dhs.gov/privacy. DHS may also share the information, as appropriate, for law enforcement purposes or in the interest of national security.

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 Office of Management and Budget (OMB) control number. The public reporting burden for this collection of information is estimated at 90 minutes per response including the time for reviewing, gathering the required documentation and information, completing the form, preparing statements, attaching necessary documentation, 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 Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0095. **Do not mail your completed Form I-290B to this address.**

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03/29/2018