

 An official website of the United States government
[Here's how you know](#)



(a) Types of Representatives

The regulations specify who may represent parties in immigration proceedings. See 8 C.F.R. § [1292.1](#). As a practical matter, there are four categories of people who may present cases in immigration court: unrepresented aliens ([Chapter 2.2](#)), attorneys ([Chapter 2.3](#)), accredited representatives ([Chapter 2.4](#)), and certain categories of persons who are expressly recognized by the immigration court ([Chapters 2.5](#), [2.8](#), and [2.9](#)).

Attorneys and accredited representatives must register with EOIR in order to practice before the immigration court. See 8 C.F.R. § [1292.1\(a\)\(1\)](#), [\(a\)\(4\)](#), [\(f\)](#); [Chapters 2.3\(b\)\(1\)](#) (eRegistry), [2.4](#) (Accredited Representatives).

No one else is recognized to practice before the immigration court. Non-lawyer immigration specialists, visa consultants, and “notarios,” are *not* authorized to represent parties before an immigration court.

(b) Entering an Appearance

All representatives must file a Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court (Form EOIR-28). See 8 C.F.R. §§ [1003.17\(a\)](#), [1003.23\(b\)\(1\)\(ii\)](#). A Form EOIR-28 may be filed in one of two ways: either as an electronic Form EOIR-28, or as a paper Form EOIR-28.

Persons appearing without an attorney or representative (“pro se”) should not file a Form EOIR-28. The immigration court will not recognize a representative using a Form EOIR-27 or a Form G-28.

Note that different forms are used to enter an appearance before an immigration court, the Board of Immigration Appeals, and the Department of Homeland Security (DHS). The forms used to enter an appearance before the Board and DHS are as follows:

(1) The Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals (Form EOIR-27) is used to enter an appearance before the Board

(2) The Notice of Entry of Appearance of Attorney or Representative (Form G-28) is used to enter an appearance before DHS

(c) Electronic Entry of Appearance

In order to file an electronic Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court (Form EOIR-28), an attorney or accredited representative should refer to the instructions for the EOIR eRegistry, which can be found on the EOIR website.

Attorneys and accredited representatives who electronically file a Form EOIR-28 close to a hearing may be required to complete a paper Form EOIR-28 at the hearing.

After registering with the EOIR eRegistry, attorneys and accredited representatives may file either an electronic or paper Form EOIR-28 in the following situations:

(1) The first appearance of the representative, either at a hearing or by filing a pleading, motion, application, or other document

(2) Whenever a case is remanded to the immigration court

(3) Any change of business address or telephone number for the attorney or representative

(4) Upon reinstatement following an attorney’s suspension or expulsion from practice

(d) Paper Entry of Appearance

When filing a paper Form EOIR-28, representatives should be sure to use the most current version of the form, which can be found on the EOIR website. See also [Chapter 11](#) (Forms), [Appendix D](#) (Forms). A paper, not an electronic, Form EOIR-28 must be filed in the following situations:

(1) A bond redetermination request made before the filing of a Notice to Appear with an immigration court

(2) A motion to reopen

(3) A motion to reconsider

(4) A motion to recalendar proceedings that are administratively closed

(5) A motion to substitute counsel

(6) Disciplinary proceedings**(e) Notice to Opposing Party**

In all instances of representation, DHS must be served with a copy of the Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court (Form EOIR-28). See [Chapter 3.2](#) (Service on the Opposing Party). Even when an attorney or accredited representative files a Form EOIR-28 electronically with the immigration court, a printed copy of the electronically filed Form EOIR-28 must be served on the Department of Homeland Security for each case. See [Chapter 3.2\(c\)](#) (Method of service).

(f) Who May File

Whenever a party is represented, the party should submit all filings and communications to the immigration court through the representative. See 8 C.F.R. § [1292.5\(a\)](#). An individual who is not a party to a proceeding may not file documents with the court. See [Chapters 5.1\(c\)](#) (Persons Not Party to the Proceedings), [3.2](#) (Service on the Opposing Party).

[Chapter 2 - Appearances Before the Immigration Court](#)

up

[2.2 - Unrepresented Aliens \("Pro se" Appearances\)](#)

Updated July 27, 2021