U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

OMB #1125- 0008

Notice of Appeal to the Board of Immigration Appeals
of Decision of Adjudicating Official
in Practitioner Disciplinary Case

General Instructions -- Please read carefully before completing and filing Form EOIR-45.

1. When and Where to Appeal:

- You must send the Notice of Appeal, Form EOIR-45, so that it is **received** by the Board of Immigration Appeals (Board) within thirty (30) calendar days after the Adjudicating Official's oral decision or, if no oral decision was rendered, within thirty (30) calendar days after the date the Adjudicating Official's written decision was mailed.

- Simply mailing the Notice of Appeal within the time limit may not insure that the Notice of Appeal is timely received by the Board. If your Notice of Appeal is received outside of the time limit, it will be dismissed as untimely. Send or deliver your Notice of Appeal to:

Board of Immigration Appeals, Clerk's Office (note on the envelope *Disciplinary Appeal*)	
If by courier, overnight delivery service, or in person:	If by regular first class mail:
5201 Leesburg Pike, Suite 1300	**P.O. Box 8530**
Falls Church, VA 22041 (Hrs: Mon-Fri 8:00am to 4:30pm)	**Falls Church, VA 22041**

2. How to Pay for the Appeal:

- Attach to the Notice of Appeal, Form EOIR-45, a check or money order for exactly one hundred and ten dollars (U.S. $110) payable to the "United States Department of Justice." All checks must be drawn on a bank located in the United States. Write the Practitioner's name and the case number on the check or money order.

- If you cannot pay for the appeal, you must complete and submit a Fee Waiver Request (Form EOIR-26A). The Board will review your request and decide whether to allow the appeal to be filed without payment of the required fee.

3. Representation by an Attorney or Representative:

- You may be represented by an attorney or a representative who is authorized to appear before the Board. The government will not pay for your attorney or representative.

- If you are represented by an attorney or representative, he or she must file a Notice of Entry of Appearance Before the Board of Immigration Appeals (Form EOIR-27) at the same time this Notice of Appeal, Form EOIR-45, is filed.

4. **Submission of Briefs:**

- You must state detailed reasons for your appeal on the Notice of Appeal, Form EOIR-45, even if you indicate that you intend to file a brief. Please indicate in Item #5 on the Notice of Appeal, Form EOIR-45, if you will file a separate written brief or statement with the Board. The Board will send you a briefing schedule and, in most cases, a hearing transcript.

- Send a copy of your brief or statement to the Office of the General Counsel of the Executive Office for Immigration Review or the Immigration and Naturalization Service, whichever is the appellee in your case. You must also provide the Board with a certificate of service stating that you have mailed or delivered the brief or statement to EOIR or INS, as appropriate.

Office of the General Counsel, EOIR

ATTN: Bar Counsel
5107 Leesburg Pike, Suite 2400
Falls Church, Virginia 22041

Office of the General Counsel, INS
ATTN: Appellate Counsel
5113 Leesburg Pike, Suite 200
Falls Church, Virginia 22041

5. **Summary Dismissal of Appeal:**

- The Board may summarily dismiss any appeal for any of the following reasons: 1) the practitioner fails to specify the reasons for the appeal; 2) the only reason specified by the practitioner for his or her appeal involves a finding of fact or conclusion of law which was conceded by him or her in the disciplinary proceeding below; 3) the Board is satisfied, from a review of the record, that the appeal is filed for an improper purpose, such as to cause unnecessary delay, or that the appeal lacks an arguable basis in fact or law; 4) the practitioner indicates that he or she will file a separate written brief or statement in support of the appeal and he or she fails to file such a brief or statement within the time period scheduled and does not reasonably explain such failure, and/or 5) the appeal fails to meet essential statutory or regulatory requirements.

6. **Request for Oral Argument:**

- If you indicate in Item #4 on Form EOIR-45 that you request oral argument before the Board, the Board will inform you if your request is granted. The Board ordinarily will not grant a request for oral argument unless you also file a separate written brief or statement.

7. **Notification of Change of Address:**

- You or your attorney or representative must notify the Board within five (5) days of any change in address or telephone number by submitting the Form EOIR-27 (use Additional Information section.) A change of address notification is effective only for the case in which it is submitted.

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1. List Name of Practitioner: _____

Case Number: _____

Address: _____
(Number and Street) (Suite No.)

_____
(City) (State) (Zip Code)

For Official Use Only

2. Date of Adjudicating Official's decision: (mm/dd/yyyy) _____

3. **Basis for Appeal -- Please explain in detail the basis for your appeal. Use additional sheets of paper if necessary and attach to this form. Failure to specify the factual or legal basis for your appeal may lead to summary dismissal without further notice, unless you provide specific details in a timely, written brief or statement filed with the Board.**

Staple check or money order here.
Include practitioner's name and case number on the check.

(Attach more sheets if necessary.)

Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing the data needed, completing and reviewing the collection of information, and record-keeping. Send comments regarding this burden estimate or any other aspect of this information collection including suggestions for reviewing this burden to the Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2400, Falls Church, VA 22041.

(Form continues on back)

(Internet Version)

4. I ☐ do ☐ do not request oral argument before the Board of Immigration Appeals.

5. I ☐ will ☐ will not file a separate written brief or statement in addition to the "Basis for Appeal" written above or accompanying this form.

Your appeal may be summarily dismissed by the Board of Immigration Appeals if you indicate in Item #5 that you will file a separate written brief or statement and you fail to file such a brief or statement within the time period scheduled and you do not reasonably explain such failure.

6. Name of Practitioner's Attorney or Representative:

_____

Address: _____
(Number and Street) (Suite No.)

_____
(City) (State) (Zip Code)

An attorney or representative will not be recognized as the attorney of record on appeal and will not receive documents or correspondence in connection with the appeal unless he or she submits a completed Form EOIR-27.

SIGN HERE →

X _____ _____
Signature of Practitioner Date
(or Practitioner's Attorney or Representative)

CERTIFICATE OF SERVICE

(Must Be Completed)

I _____ mailed or delivered a copy of this notice of appeal
(Name)

on _____ to _____
(Date) (mm/dd/yyyy) (Appellee - INS or EOIR)

at _____.
(Address of Appellee)

SIGN HERE →

X _____
Signature of Practitioner (or Practitioner's Attorney or Representative)

Be sure you have:

- ☐ Read all of the General Instructions
- ☐ Provided all of the requested information
- ☐ Completed and signed the Certificate of Service
- ☐ Attached the required fee or fee waiver request
- ☐ Signed the form
- ☐ Served a copy of this form and all attachments on the Office of the General Counsel, ATTN: Bar Counsel Executive Office for Immigration Review or, where the Immigration and Naturalization Service Counsel, INS is the appellee, the Office of the General

(Internet Version)

☆U.S.GPO:1999 461-078/21809