



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
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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/eligibility 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 Form I-17, Petition for Approval of School for Attendance by Nonimmigrant Student, filed with the U.S. Immigration and Customs Enforcement (ICE) Student and Exchange Visitor Program (SEVP), or when SEVP withdraws its approval for nonimmigrant students to attend the school. The notice letter from SEVP will include instructions for filing an appeal and/or motion, if applicable.

Who May Not File Form I-290B?

1. If you are the **beneficiary** of a petition or application, you **MAY NOT** file an appeal or motion unless specifically permitted by law. Beneficiaries of valid employment-based immigrant visa petitions who are eligible to change jobs or employers and who have properly requested to do so under the Immigration and Nationality Act (INA) section 204(j), 8 U.S.C. 1154(j) (called “porting”), are considered affected parties for revocation proceedings, including appeals and motions of revocations, relating to the immigrant visa petitions filed on their behalf. USCIS must first make a favorable determination concerning the beneficiary’s porting eligibility in order for the beneficiary to be eligible to participate in the revocation proceeding as an affected party.
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 on our 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 a discretionary Adam Walsh “no risk” determination.** Regardless of the form type being appealed, you may not appeal a discretionary Adam Walsh Act (AWA) “no-risk” determination to either the BIA or the AAO. Instead, you must file a motion with the office that issued the adverse discretionary determination in order to request an administrative review of that determination.

However, the AAO does have jurisdiction in AWA cases to review determinations regarding general eligibility requirements, including whether the required relationship has been established and whether an offense qualifies as a “specified offense against a minor.”

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

We provide free forms through the USCIS website. To view, print, or complete 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 Contact Center and ask that we mail a form to you.

Timeliness. If you are appealing a decision to revoke the approval of an immigrant petition under 8 Code of Federal Regulations (CFR) 205.2, you must file the appeal within **15 calendar days** of the date of service of the unfavorable decision (or within **18 calendar days** if we mailed the decision to you). For all other cases, you must file your appeal or motion within 30 calendar days (or within 33 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 appeal. However, the office that issued the unfavorable decision may determine that the untimely appeal meets the requirements of a motion to reopen or a motion to reconsider and issue a separate decision.

USCIS will dismiss a late motion. However, we may excuse the failure to timely file a **motion to reopen** if you demonstrate that the delay was both reasonable and beyond your control.

Signature. You (or your signing authority) must properly complete your form. USCIS will not accept a stamped or typewritten name in place of any signature on this form. 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. If your form is not signed, or if the signature is not valid, we will reject your form. See 8 CFR 103.2(a)(7)(ii)(A). If USCIS accepts a request for adjudication and determines that it has a deficient signature, USCIS may deny the request.

Validity of Signatures. USCIS will consider a photocopied, faxed, or scanned copy of an original handwritten signature as valid for filing purposes. The photocopy, fax, or scan must be of the original document containing the handwritten ink signature.

Filing Fee. See Form G-1055, available at www.uscis.gov/forms, for specific information about the fees applicable to this form.

Evidence. When you file your form, you must submit all evidence and supporting documents listed in the **What Evidence Must You Submit** and/or **Specific Instructions** sections of these Instructions.

Biometric Services Appointment. USCIS may require you to appear for an interview or provide biometrics (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 application or petition. If we determine that a biometric services appointment is necessary, we will send you an appointment notice with the date, time, and location of your appointment. If you are currently overseas, your notice will instruct you to contact a U.S. Embassy, U.S. consulate, or USCIS office outside the United States to schedule an appointment.

At your biometrics 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 do not attend your biometric services appointment, we may deny your form.

Copies. You should submit legible photocopies of requested documents unless the Instructions specifically instruct you to submit an original document. USCIS may request an original document at any time during our process. If we request an original document from you, we will return it to you after USCIS determines it no longer needs the original.

NOTE: If you submit original documents when they are not required or requested, **USCIS may destroy them after we receive them.**

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 they are competent to translate from the foreign language into English. The certification must also include their signature, printed name, the signature date, and their contact information.

USCIS Contact Center. For additional information on the form and Instructions about where to file, change of address, and other questions, visit the USCIS Contact Center at www.uscis.gov/contactcenter or call at **800-375-5283** (TTY **800-767-1833**). The USCIS Contact Center provides information in English and Spanish.

Disability Accommodations/Modifications. To request a disability accommodation/modification, follow the instructions on your appointment notice or at www.uscis.gov/accommodationsinfo.

How to Complete 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 you are filing this appeal or motion as an individual, provide your full legal name. If you have two last names, include both and use a hyphen (-) between the names, if appropriate. If you have only one name, enter the name in the Family Name (Last Name) field. **Do not complete this item if a business or organization is filing this appeal or motion.**

Item Number 2. Date of Birth. If you are filing this appeal or motion as an individual, provide your date of birth. **Do not complete this item if a business or organization is filing this appeal or motion.**

Item Number 3. 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 4. Alien Registration Number (A-Number) (if any). Provide your A-Number. We use your A-Number to identify your immigration records. It begins with an “A” and can be found on correspondence you have received from the Department of Homeland Security (DHS) or USCIS. If you do not have an A-Number, type or print “N/A.”

Item Number 5. USCIS Online Account Number. You will only have a USCIS Online Account Number (OAN) if you previously filed a form that has a receipt number that begins with IOE. If you filed the form online, you can find your OAN in your account profile. If you mailed us the form, you can find your OAN at the top of the Account Access Notice we sent you. If you do not have a receipt number that begins with IOE, you do not have an OAN. The OAN is not the same as an A-Number.

Item Numbers 6.a. - 6.i. Mailing Address (Safe or Alternate Address, if Applicable). Provide the address where you would like to receive written correspondence regarding your form.

NOTE: If you are filing an appeal or motion related to a decision on an application or petition for Violence Against Women Act (VAWA) benefits, T nonimmigrant status, or U nonimmigrant status, or have a pending or approved petition or application for these benefits, and you do not feel safe receiving mail about the appeal or motion at your home or other physical address, provide a safe mailing address in **Part 1., Item Numbers 6.a. - 6.i.** If you are filing an appeal or motion related to a Special Immigrant Juvenile petition, you may use the space for mailing address to designate an alternate address to receive mail regarding your Form I-290B. The safe or alternate address you provide as a mailing address may be a post office box (P.O. Box), the address of a friend, your attorney, a community-based organization that is helping you, or any other address where you can safely and timely receive mail.

Part 2. Information About the Appeal or Motion

You must clearly indicate if you are filing an appeal or a motion. The notice you received with the unfavorable decision will state whether you may file an appeal or a motion. Although you may be eligible to file both an appeal and a motion, you may only file one or the other using a single Form I-290B. **If you select a box for both an appeal and a motion, we may dismiss or reject your form.** The requirements for appeals are located at 8 CFR 103.3, and the requirements for motions are located at 8 CFR 103.5.

If you are filing an appeal, select one box from **Item Numbers 1.a. - 1.c.**

NOTE: The office that issued the unfavorable decision will review your appeal before sending it to the AAO. See 8 CFR 103.3(a)(2). If the office determines that favorable action is warranted, it may treat your appeal as a motion and approve your application or petition. If you do not submit any supporting evidence concurrently with your appeal, the office will not treat the appeal as a motion to reopen before sending it to the AAO. If the office decides that favorable action is not warranted, it will forward your appeal to the AAO for review.

Select the box for **Item Number 1.a.** if you are submitting a brief and/or additional evidence with your appeal.

Select the box for **Item Number 1.b.** if you are not submitting a brief and/or additional evidence with your appeal, but you will submit a brief and/or additional evidence **directly to the AAO** within 30 calendar days of filing your appeal.

Select the box for **Item Number 1.c.** if you will not be submitting any brief or additional evidence in support of your appeal.

If you are filing a motion, select one box from **Item Numbers 2.a. - 2.c.** Select the box for **Item Numbers 2.a.** if you are filing a motion to reopen. Select the box for **Item Number 2.b.** if you are filing a motion to reconsider. Select the box for **Item Number 2.c.** if you are filing a combined motion to reopen and motion to reconsider. Unlike an appeal, you must submit any brief and/or additional evidence with your motion.

You cannot appeal the AAO's decision to the AAO. If you do, USCIS will reject your appeal. However, you may file a motion on an AAO decision.

Item Number 3. Immigration Form 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). **Only type or print one form number.** You may only file an appeal or motion for one application or petition at a time. If you want to file appeals or motions on multiple applications or petitions, you must file a separate Form I-290B for each application or petition.

Item Number 4. Receipt Number for the Application, Petition, or Other Request. Provide the receipt number for the application or petition that is the subject of your appeal or motion. **Only type or print one receipt number.**

A receipt number is an inventory control number USCIS assigned to a case. Receipt numbers generally start with three letters (EAC, LIN, MSC, NBC, SRC, WAC, YSC, or IOE) followed by a series of numbers (for example, SRC 12 345 67890). Receipt numbers are located on USCIS-issued notices.

Item Number 5. Requested Immigrant or Nonimmigrant Classification. Provide the specific classification requested (for example, H-1B, R-1, O-1, EB-1, EB-2, EB-3) (if applicable).

Item Number 6. Date of the Unfavorable Decision. Provide the date of the decision that is the subject of your appeal or motion, in mm/dd/yyyy format.

Item Number 7. Office That Issued the Unfavorable 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).”

Part 3. Basis for the Appeal or Motion

You must provide a statement regarding the basis for your appeal or motion in the space provided in Part 3. If you need additional space to provide your statement, use **Part 7. Additional Information** or a separate sheet of paper. If you attach a separate sheet of paper, type or print the name and A-Number (if any) used in **Part 1.** 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.

Appeal: Provide a statement that specifically identifies an erroneous conclusion of law or statement of fact in the decision you are appealing. **You MUST provide this information with the Form I-290B, even if you intend to file a brief later.** Your appeal should address all grounds of ineligibility identified in the unfavorable decision. If you do not address an issue in a statement on this form or in a supporting brief, we may deem it waived for the appeal. A waived ground of ineligibility may be the sole basis for a dismissed appeal. 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 requested immigration benefit at the time you filed the application or petition.

Motion to Reconsider: A motion to reconsider must state the reasons for reconsideration and must be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or service policy, if applicable. The motion must also establish that the decision was incorrect based on the evidence of record at the time of the decision.

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 dismiss the other, or dismiss both motions.

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

Item Numbers 1. – 4., You must sign and date your appeal or motion and, if applicable, provide your daytime telephone number, mobile telephone number, and email address. The signature of a parent or legal guardian, if applicable, is acceptable. 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. - 6. If you used anyone as an interpreter to read the Instructions and questions on this appeal or motion to you in a language in which you are fluent, the interpreter must fill out this section and sign and date the appeal or motion.

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

Item Numbers 1. - 6., The person who completed your appeal or motion, if other than the applicant or petitioner, must sign this section. If the same individual acted as your interpreter and your preparer, then that person should complete both **Part 5.** and **Part 6.** A stamped or typewritten name in place of a signature is not acceptable.

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 the name and A-Number (if any) used in **Part 1.** 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 for your records.

What Evidence Must You Submit?

You must submit all evidence requested in these Instructions with your form. If you fail to submit required evidence, USCIS may reject or deny your form in accordance with 8 CFR 103.2(b)(1) and these Instructions.

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.

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, **any brief or additional 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/aa0. The submission must clearly identify the related appeal. 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 by submitting a letter attached to Form I-290B. The letter must explain specifically why an oral argument is necessary (for example, why you cannot properly address your argument 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.

Where To File?

Please see our website at www.uscis.gov/i-290b for the most current information about where to file this appeal or motion.

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

Address Change

If you are not a U.S. citizen, you must notify USCIS of your new address within 10 days of moving from your previous residence. For information on changing your address, go to our website at www.uscis.gov/addresschange, or call the USCIS Contact Center.

NOTE: Do not submit a change of address request to the USCIS Lockbox.

Processing Information

Initial Processing. Once USCIS accepts your form we will check it for completeness. If you do not properly complete this form, you will not establish a basis for your eligibility and we may reject or deny your form.

Requests for More Information. USCIS may request that you provide more information or evidence to support your form. We may also request that you provide the originals of any copies you submit. If we request an original document from you, we will return it to you after USCIS determines it is no longer needed.

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 our decision in writing.

PROHIBITION ON DISCLOSURE OF INFORMATION. Information concerning VAWA self-petitioners, petitioners for U nonimmigrant status, applicants for T nonimmigrant status, and their derivatives, is protected under 8 U.S.C. 1367 from unauthorized disclosure to anyone other than an officer or employee of the Department of Homeland Security (DHS), the Department of Justice (DOJ), or the Department of State (DOS) who has a need to know. The disclosure of any information relating to a protected individual beyond DHS, DOJ, or DOS to anyone other than that individual or their authorized representative is prohibited except in certain limited circumstances as provided by law.

USCIS Forms and Information

To ensure you are using the latest version of this appeal or motion, visit www.uscis.gov.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-290B, we will dismiss your appeal or motion, 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 (if applicable), and any requested evidence, may delay a final decision or result in dismissal of your appeal or 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/ICE/CBP-001 Alien File, Index, and National File Tracking System, DHS/USCIS-007 Benefits Information System, and DHS/USCIS-018 Immigration Biometric and Background Check] and published privacy impact assessments [DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System and Associated Systems, DHS/USCIS/PIA-061 Benefit Request Intake Process, 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

USCIS may not conduct or sponsor an information collection, and you are 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 1.184 hours per response including the time for reviewing instructions, 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, Office of Policy and Strategy, Regulatory Coordination Division, 5900 Capital Gateway Drive, Mail Stop #2140, Camp Springs, MD 20588-0009; OMB No. 1615-0095. **Do not mail your completed Form I-290B to this address.**