

Defend Due Process for Immigrants

Help keep our courts open and accessible

The Department of Justice's Executive Office for Immigration Review, or EOIR, [published](#) a notice of proposed rulemaking on Feb. 28, 2020. The notice outlines the administration's plan to significantly increase fees associated with filings for appeals to the Board of Immigration Appeals, or BIA, applications for suspension of deportation or cancellation of removal, and motions to reopen or reconsider before the immigration courts or the BIA. Proposed changes include but are not limited to:

Form	EOIR-26	EOIR-42A	EOIR-29	Motions to Reopen or Reconsider
Function ¹	Appeals decision by immigration judge	Applies for cancellation of removal for certain permanent residents	Appeals decision from a DHS officer	Asks the BIA or an immigration judge to reopen a closed case or reconsider a decision
Current Fee	\$110	\$100	\$110	\$110
Proposed Fee	\$975	\$305	\$705	\$140-895
% Increase	786%	205%	541%	27%-695%

These increases mark EOIR's first fee study and fee increases in over three decades. The proposed fee increases range from \$30 to \$865 — the greatest increase is nearly 800 percent. These changes grossly exceed rates of inflation², and appeals to the BIA would cost almost double the fee for an appeal in federal court. All of the fee increases raise serious due process concerns and have grave implications on legal services providers' abilities to represent clients.

Please note that these are proposed changes; the increased fees are not yet in effect. EOIR has opened a 30-day public comment period ending March 30, 2020. Speak out against these discriminatory changes that would limit access to justice and due process to only those who can afford it.

- To learn more, visit cliniclegal.org/issues/eoir-fee-schedule-increases.
- Submit a public comment opposing the latest attempts by the administration to keep low-income immigrants from having their day in court. See CLINIC's step-by-step instructions for submitting a public comment on the EOIR webpage.
- CLINIC will produce a template that organizations can use to draft their comment. To receive it when it is released and other updates, check the above webpage and sign up for CLINIC emails here: cliniclegal.org/email.

1. www.aila.org/advo-media/press-releases/2020/new-eoir-rule

2. www.wsj.com/articles/u-s-moves-to-raise-fees-for-deportation-appeals-by-nearly-ninefold-11582847287