

Legal Citations in EOIR

Legal Citations Generally

When filing papers before EOIR, parties should keep in mind that accurate and complete legal citations strengthen the argument made in the submission. This Appendix provides guidelines for frequently cited sources of law. EOIR generally follows A Uniform System of Citation (also known as the “Blue Book”) but diverges from that convention in certain instances. EOIR appreciates but does not require citations that follow the examples used in this Appendix. Note that, for the convenience of filing parties, some of the citation formats in this Appendix are less formal than those used in the published cases of the BIA. Once a source has been cited in full, the objective is brevity without compromising clarity. This Appendix concerns the citation of legal authority. For guidance on citing to the record and other sources, see ICPM, Chapter 3.3(e) (Source Materials), Chapter 4.19(f) (Citation); BIA PM Chapter 3.3(e) (Source Materials), Chapter 4.6(d)

(Citation). As a practice, EOIR prefers italics in case names and publication titles, but underlining is an acceptable alternative.

Abbreviations in case names

As a general rule, well-known agency abbreviations (e.g., DHS, INS, FBI, DOJ) may be used in a case name, but without periods. If an agency name includes reference to the “United States,” it is acceptable to abbreviate it to “U.S.” However, when the “United States” is named as a party in the case, do not abbreviate “United States.” For example: *DHS v. Smith* **not** *D.H.S. v. Smith*; *U.S. Dep’t of Justice v. Smith* **not** *United States Department of Justice v. Smith*; *United States v. Smith* **not** *U.S. v. Smith*.

Short Form of Case Names

After a case has been cited in full, a shortened form of the name may be used thereafter, with a reference to the specific page number that is cited. For example: *INS v. Phinpathya*, 464 U.S. 183 (1984); *Phinpathya*, 464 U.S. at 185; *Matter of Nolasco*, 22 I&N Dec. 632 (BIA 1999); *Nolasco*, 22 I&N Dec. at 635.

Citations to a Specific Point

******Citations to a specific point should include the precise page number(s) on which the point appears. For example: *Matter of Artigas*, 23 I&N Dec. 99, 100 (BIA 2001).**

Citations to a Dissent or Concurrence

Citations to a dissent or concurrence should be indicated in a parenthetical notation. For example: *Matter of Artigas*, 23 I&N Dec. 99, 109-110 (BIA 2001) (dissent).

Board of Immigration Appeals Decisions

Published Decisions

Precedent decisions by the BIA are binding on the immigration courts, unless modified or overruled by the Attorney General or a federal court. All

precedent BIA decisions are available on the [EOIR website](#). Precedent decisions should be cited in the “I&N Dec.” form illustrated below. The citation must identify the adjudicator (BIA, A.G., etc.) and the year of the decision. Note that there are no spaces in “I&N” and that only “Dec.” has a period. For example: *Matter of Balsillie*, 20 I&N Dec. 486 (BIA 1992).

"Matter of" not "In re"

All precedent decisions should be cited as “Matter of.” The use of “In re” is disfavored. For example: *Matter of Yanez*, not *In re Yanez*.

Unpublished Decisions

Citation to non-precedent Board cases by parties not bound by the decision is discouraged. When it is necessary to refer to an unpublished decision, the citation should include the initials of the respondent’s full name separated by hyphens, the A-number with all but the last three digits of the number replaced with X’s, and a parenthetical containing the abbreviation “BIA” as the adjudicating body, as well as an abbreviation of the month as part of the precise date of the decision. Because the Board uses “Matter of” as a signal for a published or precedent case, do not use “Matter of.”

- For example: John Jonathan Smith, A123-456-789, BIA 12/20/2020 would become J-J-S-, AXXX-XXX-789 (BIA Dec. 20, 2020).

Unpublished BIA Decisions from the EOIR FOIA Reading Room

Where an unpublished Board decision is obtained from [EOIR's FOIA Reading Room](#), the citation should be placed within a parenthetical containing the assigned Folder Name (also known as Title or File number assigned to Download Folder), the abbreviation "BIA" as the adjudicating body, and an abbreviation of the month as part of the precise date of the decision. As noted above, because the Board uses "Matter of" of as a signal for published or precedent case, do not use "Matter of."

- For example: Folder Name 1234567. Decision Date 10/2/2023 would become

When citing to an Unpublished BIA decision, a full copy of the unpublished decision should be provided as an attachment to the brief/motion if possible.

Interim decisions

While the BIA still assigns precedent decisions an interim decision number for administrative reasons, the proper citation is always to the volume and page number of the bound volume - the I&N Decision citation.

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Attorney General Decisions

Precedent decisions by the Attorney General are binding on the immigration court and the BIA and should be cited in accordance with the rules for precedent decisions by the BIA. All precedent decisions by the Attorney General are available on the [EOIR website](#). *Matter of Y-L-*, 23 I&N Dec. 270 (AG 2002).

Federal and State Courts

Generally

Federal and state court decisions should generally be cited according to the standard legal convention, as set out in the latest edition of *A Uniform System of Citation* (also known as the “Blue Book”). For example: *Taylor v. United States*, 495 U.S. 575 (1990); *Singh v. Holder*, 749 F.3d 622 (7th Cir. 2014); *Velasquez-Escovar v. Holder*, F.3d, No. 10-73714 (9th Cir. 2014); *United States v. Madera*, 521 F. Supp. 2d 149 (D. Conn. 2007).

U.S. Supreme Court

The Supreme Court Reporter citation (“S. Ct.”) should be used only when the case has not yet been published in the United States Reports (“U.S.”).

Unpublished Cases

Citation to unpublished state and federal court cases is discouraged. When citation to an unpublished decision is necessary, a copy of the decision should be provided, and the citation should include the docket number, court, and precise date. Parties are also encouraged to provide the LexisNexis or Westlaw number. For example: *Bratco v. Mukasey*, No. 04-726367, 2007 WL 4201263 (9th Cir. Nov. 29, 2007) (unpublished).

Precedent Cases Not Yet Published

When citing to recent precedent cases that have not yet been published in the Federal Reporter or other print format, parties should provide the docket number, court, and year. Parties are also encouraged to provide the LexisNexis or Westlaw number. For example: *Grullon v. Mukasey*, __ F.3d __, No. 05-4622, 2007 U.S. App. LEXIS 27325 (2d Cir. 2007).

DHS Decisions

Precedent decisions by DHS and the former INS should be cited in accordance with the rules for precedent decisions by the BIA.

Citing to the Record (Briefs and Exhibits)

Text from briefs

If referring to text from a brief, the brief should be cited. The citation should state the filing party's identity, the nature of proceedings, the page number, and the date. For example: Respondent's Bond Appeal Brief at 5 (Dec. 12, 2008). For OCAHO, the case caption should be cited, i.e., [Complainant name] v. [Respondent name], the title of the brief, [e.g., Respondent's Motion for Summary Judgment], the page number and the date.

Exhibits

Exhibits designated during a hearing should be cited as they were designated by the immigration judge or ALJ. For example: Exh. 3. Exhibits accompanying a brief should be cited by alphabetic tab or page number. For example: Respondent's Pre-Hearing Brief, Tab A. For OCAHO, exhibits to a brief should be cited by party and alphabetic or numeric tab and page, e.g., Respondent's Exhibit 3 at 5.

Citing to Regulations

General

There are two kinds of publications in the Federal Register: those that are simply informative in nature (such as “notices” of public meetings) and those that are regulatory in nature (referred to as “rules”). There are different types of “rules,” including “proposed,” “interim,” and “final.” The type of rule will determine whether or not (and for how long) the regulatory language contained in that rule will be in effect. Generally speaking, proposed rules are not law and do not have any effect on any case, while interim and final rules do have the force of law and, depending on timing, may affect a given case.

Regulations appear first in the Federal Register (Fed. Reg.) and then in the Code of Federal Regulations (C.F.R.). Once regulations appear in a volume of the C.F.R., do not cite to the Federal Register unless there is a specific reason to do so (discussed below).

Code of Federal Regulations (C.F.R.)

For the Code of Federal Regulations, always identify the volume, the section number, and the year. The year need not be given after the first citation, unless a subsequent citation refers to a regulation published in a different year. Always use periods in the abbreviation “C.F.R.” For example: full - 8 C.F.R. § 1003.1 (2002); short - 8 C.F.R. § 1003.1.

Federal Register (Fed. Reg.)

Citations to regulatory material in the Federal Register should be used only when:

- a. the citation is to information that will never appear in the C.F.R., such as a public notice or announcement;**
- b. the rule contains regulatory language that will be, but is not yet, in the C.F.R.;**
- c. the citation is to information associated with the rule but that will not appear in the C.F.R. (e.g., a preamble or introduction to a rule); or**
- d. the rule contains proposed or past language of a regulation that is pertinent in some way to the filing or argument.**

The first citation to the Federal Register should always include (i) the volume, (ii) the abbreviated form “Fed. Reg.”, (iii) the page number, (iv) the date, and (v) important identifying information such as “proposed rule,” “interim rule,” “supplementary information,” or the citation where the rule will appear. For example: full - 67 Fed. Reg. 52627 (Aug. 13, 2002) (proposed rule); full - 67 Fed. Reg. 38341 (June 4, 2002) (to be codified at 8 C.F.R. §§ 100, 103, 236, 245a, 274a, and 299); short - 67 Fed. Reg. at 52627-28; 67 Fed. Reg. at 38343.

Since the Federal Register does not use commas in its page numbers, do not use a comma in page numbers. Use abbreviations for the month.

When citing the preamble to a rule, identify it exactly as it is titled in the Federal Register, e.g., 67 Fed. Reg. 54878 (Aug. 26, 2002) (supplementary information).

Statutes and Public Laws

General Guidance

Full Citations

Whenever citing a statute for the first time, be certain to include all the pertinent information, including the name of the statute, its public law number, statutory cite, and a parenthetical identifying where the statute was codified (if applicable), e.g., Child Citizenship Act of 2000, Pub. L. No. 106-395, 114 Stat. 1631. The only exception is the Immigration and Nationality Act, which is illustrated below.

Short Citations

The use of short citations is encouraged, but only after the full citation has been used.

b. Special Rule for the INA - Given the regularity with which the Immigration and Nationality Act is cited before EOIR, there is generally no need to

provide the Public Law Number, the Stat. citation, or U.S.C. citation. EOIR will presume INA citations refer to the current language of the INA unless the year is provided. full - section xxx of the Immigration and Nationality Act; short - INA § xxx.

State Statutes

State statutes should be cited as provided in A Uniform System of Citation (also known as the “Blue Book”).

Sections of Law

Full citations are often lengthy, and filing parties are sometimes uncertain where to put the section number in the citation. For the sake of simplicity, use the word “section” and give the section number in front of the full citation to the statute. Once a full citation has been given, use the short citation form with a section symbol “§.” This practice applies whether the citation is used in a sentence or after it. For example: The definition of the term “alien” in section 101(a)(3) of the Immigration and Nationality Act applies to persons who are not citizens or nationals of the United States. The term “national of the United States” is expressly defined in INA § 101(a)(22), but the term “citizen” is more complex. See INA §§ 301-309, 316, 320.

U.S. Code (U.S.C.)

Citations to the United States Code, always identify the volume, the section number, and the year. The year need not be given after the first citation, unless a subsequent citation refers to a section published in a different year.

Always use periods in the abbreviation “U.S.C.” For example: full - 18 U.S.C. § 16 (2006); short - 18 U.S.C. § 16.

Frequently Cited Statutes

ADAA

Full: Section xxx of Anti-Drug Abuse Act of 1988 (ADAA), Pub. L. No. 100-690, 102 Stat. 4181

Short: ADAA § xxx

AEDPA

Full: Section xxx of Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), Pub. L. No. 104-132, 110 Stat. 1214

Short: AEDPA § xxx

CCA

Full: Section xxx of Child Citizenship Act of 2000 (CCA), Pub. L. No. 106-395, 114 Stat. 1631

Short: CCA § xxx

CPSA

Full: Section xxx of Adam Walsh Child Protection Act and Safety Act of 2006 (CPSA or Adam Walsh Act), Pub. L. No. 109-248, 120 Stat. 587.

Short: CPSA § xxx

Short: Adam Walsh Act § xxx

CSPA

Full: section xxx of Child Status Protection of 2002 (CSPA), Pub. L. No. 107-208, 116 Stat. 927

Short: CSPA § xxx

IIRIRA

Full: section xxx of Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Division C of Pub. L. No. 104-208, 110 Stat. 3009-546

Short: IIRIRA § xxx

IMFA

Full: section xxx of Immigration Marriage Fraud Amendments of 1986 (IMFA), Pub. L. No. 99-639, 100 Stat. 3537

Short: IMFA § xxx

IMMACT90

Full: section xxx of Immigration Act of 1990 (IMMACT90), Pub. L. No. 101-649, 104 Stat. 4978

Short: IMMACT90 § xxx

INTCA

Full: section xxx of Immigration and Nationality Technical Corrections Act of 1994 (INTCA), Pub. L. No. 103.416, 108 Stat. 4305, amended by Pub. L. No.

105-38, 111 Stat. 1115 (1997)

Short: INTCA § xxx

IRCA

Full: section xxx of Immigration Reform and Control Act of 1986 (IRCA), Pub. L. No. 99-603, 100 Stat. 3359

Short: IRCA § xxx

IRFA

Full: section xxx of International Religious Freedom Act of 1988 (IRFA), Pub. L. No. 105-292, 112 Stat. 2787

Short: IRFA § xxx

LIFE

Full: section xxx of Legal Immigration and Family Equity Act (LIFE), Pub. L. No. 106-553, 114 Stat. 2762 (2002), amended by Pub. L. No. 106-554, 114 Stat. 2763 (2000)

Short: LIFE Act § xxx

MTINA

Full: section xxx of Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (MTINA), Pub. L. No. 102-232, 105 Stat. 1733

Short: MTINA § xxx

NACARA

Full: section xxx of Nicaraguan Adjustment and Central American Relief Act (NACARA), Pub. L. No. 105-100, tit. II, 111 Stat. 2193 (1997), amended by Pub. L. No. 105-139, 111 Stat. 2644 (1997)

Short: NACARA § xxx

TVPRA

Full: section xxx of William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA 2008), Pub. L. No. 110-457, 122 Stat. 5044

Short: TVPRA § xxx

USA PATRIOT

Full: section xxx of Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT), Pub. L. No. 107-56, 115 Stat. 272

Short: USA PATRIOT Act § xxx

VAWA

Full: section xxx of Violence Against Women and Department of Justice Reauthorization Act of 2013 (VAWA 2013), Pub. L. No. 113-4, 127 Stat. 54

Short: VAWA (2013) § xxx

Treaties and International Materials

Commonly Cited Treaties and International Materials

CAT

Full: Article 3 of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, S. Treaty Doc. No. 100-20 (1988)

Short: Convention Against Torture, art. 3

UNHCR Handbook

Full: Office of the United Nations High Commissioner for Refugees, *Handbook on Procedures and Criteria for Determining Refugee Status Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees* (**Geneva 1992**)

Short: UNHCR Handbook ¶ xxx

or

UNHCR Handbook para.

U.N. Protocol on Refugees

Full: Article xxx of the United Nation's Protocol Relating to the Status of Refugees, Jan. 31, 1967, [1968] 19 U.S.T. 6223

Short: U.N. Refugee Protocol, art. xxx

Publications and Communications by Government Agencies

General Guidance

In immigration proceedings, parties cite to a wide variety of administrative agency publications and communications, and there is no one format that fits all such documents. For that reason, parties should use common sense when citing agency documents and err on the side of more information, rather than less. If the document may be difficult for EOIR to locate, include a copy of the document with your filing. If a document is posted on the Internet, identify the website where the document can be found or include a copy of the document with a legible Internet website.

EOIR Practice Manuals

EOIR's practice manuals, including the Immigration Court Practice Manual, BIA Practice Manual, and OCAHO Practice Manual are not legal authorities.

However, if there is reason to cite them, the preferred form is to identify the specific provision by manual, chapter, and section along with the date at the bottom of the page on which the cited section appears. For example:

Full: Immigration Court Practice Manual, Chapter 3.1(a) (DATE)

Short: ICPM, Chap. 3.1(a)

Forms

Forms should first be cited according to their full name and number. A short citation form may be used thereafter. See [Appendix D: Forms](#) for a list of common immigration forms. For example:

Full: Notice of Appeal from a Decision of an Immigration Judge (Form EOIR-26)

Short: Notice of Appeal or Form EOIR-26

If a form does not have a name, use the form number as the citation.

Country Reports

State Department country reports appear both as compilations in Congressional committee prints and as separate reports and profiles.

Citations to country reports should always contain the publication date and the specific page numbers (if available). Provide an internet address when available. The first citation to any country report should contain all identifying information, and a short citation form may be used thereafter.

For example:

Full: Bureau of Democracy, Human Rights and Labor, U.S. Dep't of State, *Nigeria 2017 Human Rights Report (Apr. 2018)*, available at <https://www.state.gov/documents/organization/277277.pdf>

Short: *2017 Nigeria Human Rights Report*

Full: Committees on Foreign Relations and International Relations, **104th Cong., 1st Sess.**, *Country Reports on Human Rights Practices for 1994 xxx (Joint Comm Print 1995)*

Short: *1994 Country Reports at page xxx*

Full: Bureau of Democracy, Human Rights and Labor, U.S. Dep't of State, *The Philippines – Profile of Asylum Claims and Country Conditions xxx (June 1995)*

Short: *1995 Philippines Profile at page xxx*

Visa Bulletin

Citations to the State Department's Visa Bulletin should include the volume, number, month, and year of the specific issue being cited. For example:

Full: U.S. Dep't of State Visa Bulletin, Vol. VIII, No. 55 (March 2003)

Short: Visa Bulletin (March 2003)

Foreign Affairs Manual

Citations to the State Department's Foreign Affairs Manual should include the section number, and if applicable, the note number. For example:

Full: Vol. 9, Foreign Affairs Manual § 41.81 note 9.1

Short: 9 FAM 41.81

Religious Freedom Reports

The International Religious Freedom Act of 1998 (IRFA) mandates that the Department of State issue an Annual Report on International Religious Freedom (State Department Report). IRFA further authorizes immigration judges to use the State Department Report as a resource in asylum adjudications. The State Department Report should be cited as follows:

Full: Bureau of Democracy, Human Rights, and Labor, U.S. Dep't of State, *Annual Report on International Religious Freedom (Sept. 2007)*

Short: *2007 Religious Freedom Report* at page xxx

IRFA also mandates the issuance of an Annual Report by the United States Commission on International Religious Freedom (USCIRF Report). The USCIRF is a government body that is independent of the executive branch. Citations to the USCIRF Report should be distinguishable from citations to the Department of State report:

Full: United States Commission on International Religious Freedom, *Annual Report of the United States Commission on International Religious Freedom, xxx (May*

2007)

Short: 2007 USCIRF Annual Report at page xxx

Internal Documents

A citation to an internal government document, such as a memo or cable, should contain as much identifying information as possible. Be sure to include any identifying heading (e.g., the “re” line in a memo) and the precise date of the document being cited. Include a copy of the document with the filing or indicate where it has been reprinted publicly. For example:

Full: Memorandum from Donald Neufeld, Acting Assoc. Dir. of Domestic Operations, USCIS, to Field Leadership, re: Applicability of Section 245(k) to Certain Employment-Based Adjustment of Status Applications filed under Section 245(a) of the Immigration and Nationality Act, at x (July 14, 2008*), available at*

[http://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/Static_Files/Memoranda/Archives_1998-2008/2008/245\(k\)_14jul08.pdf](http://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/Static_Files/Memoranda/Archives_1998-2008/2008/245(k)_14jul08.pdf)

Short: Neufeld Memo (July 2008)

Commonly Cited Commercial Publications

General Guidance

(i) No universal citation form - In immigration proceedings, parties cite to a wide variety of commercial texts and publications. If a document is difficult to locate, parties should include a copy of the document with filings (or a website for it) and make clear reference to that document in the filing.

(ii) No endorsements or disparagements - The specific publications listed below are frequently cited in filings before the BIA. Their inclusion in this guidance is not an endorsement of the publication, nor is omission from this guidance a disparagement of any other publication.

(iii) Use of quotation marks, italics or underlining, and first initials - For purposes of appeals, motions, briefs, and other filings, EOIR recommends using a single format for all publications - quotation marks around any article title (whether in a book, law review, or periodical), italics or underlining for the name of any publication (whether a book, treatise, or periodical), and reference to authors' last names only (use of first initials is appropriate where multiple authors share the same last name).

(iv) Shortened names - Many publications have long titles. It is acceptable to use a shortened form of the title after the full title has been used. Use a short form that clearly refers to the full citation. Always use page and/or section numbers, whether the publication is cited in full or in shortened form.

(v) Articles in books - Articles in books should identify the author (by last name only), title of the article, and the publication that contains that article (including the editor and year). For example:

Full: Massimino, “Relief from Deportation Under Article 3 of the United Nations Convention Against Torture,” in 2 *1997-98 Immigration & Nationality Law Handbook* 467 (American Immigration Lawyers Association, ed., 1997)

Short: Massimino at 469

(vi) Bender's Immigration Bulletin - Bender's Immigration Bulletin should be cited by author (last name only), article, volume, publication, month, and year. For example:

Full: Sullivan, “When Representations Cross the Line,” 1 *Bender's Immigration Bulletin* (Oct. 1996)

Short: Sullivan at 3

(vii) Immigration Briefings - This publication should be cited by author (last name only), article, volume, publication, month, and year. For example:

Full: Elliot, “Relief From Deportation: Part I, “88-8 *Immigration Briefings* (Aug. 1988)

Short: Elliot at 18

(viii) Immigration Law and Procedure - Citations to treatises require particular attention to detail because their pagination is often complex. The first citation to this treatise must be in full and contain the volume number, the section number, the page number, the edition, and year. For example:

Full: 2 Gordon, Mailman & Yale-Loehr, *Immigration Law and Procedure* § 51.01(1)(a), at 51-3 (rev. ed. 1997)

Short: 2 *Immigration Law and Procedure* § 51.01(1)(a), at 51-3

(ix) Interpreter Releases - Citations to this publication should indicate volume, title, page, number(s), and precise date. Provide a parenthetical explanation for the citation when appropriate. For example:

Full: 75 *Interpreter Releases* 275-76 (Feb. 23, 1998) (regarding INS guidelines on when to consent to reopening of proceedings)

Short: 75 *Interpreter Releases* at 276

(x) Law reviews - Law review articles should identify the author (by last name) and the title of the article, followed by the volume, name, page number(s), and year of the publication. For example:

Full: Hurwitz, "Motions Practice Before the Board of Immigration Appeals," 20 *San Diego L. Rev.* 79 (1982)

Short: Hurwitz, 20 *San Diego L. Rev.* at 80

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