

Service Center, Attn: FOIA/PA Unit, PO Box 82521, Lincoln, NE 68501-2521.

B. Immigration Court Records

In order to obtain a copy of your prior deportation or exclusion records from the Immigration Court, you must file a FOIA request with the Executive Office of Immigration Review (EOIR). Since EOIR is not part of the Service, you must send your EOIR FOIA request directly to EOIR at the following address: Office of the General Counsel, Executive Office for Immigration Review, FOIA/PA Requests, 5107 Leesburg Pike, Suite 2400, Falls Church, VA 22041.

The EOIR does not have its own special FOIA request form. However, EOIR will accept either the Form G-639, or a letter specifically indicating which records are being requested. The form approved by the Court for requesting your EOIR records is included as an appendix to this notice.

9. Where Must I File the Motion to Reopen?

You must file your motion to reopen with the Nebraska Service Center. The address is: Immigration and Naturalization Service, Nebraska Service Center, Attn: Proyecto Unit, PO Box 87687, Lincoln, NE 68501-7687.

10. When Must I File the Motion to Reopen?

You must file your motion to reopen no later than 1 year from the date you are personally served with this Notice by the Service, as described below.

The Service will personally serve you with a copy of this notice in one of three ways. First, on or about the time of the publication of this Notice in the **Federal Register**, if you are known to meet the *Proyecto* class definition, the Service will mail this Notice, by certified mail return receipt requested, to your last known address contained in your file. Second, after publication of this Notice in the **Federal Register**, when you file an application for employment authorization (Form I-765), the Service will check your alien file to see if there is written confirmation that you previously received this notice. If there is no such confirmation, the Service will mail a copy of this Notice, by certified mail return receipt requested to you at the address listed on the application for employment authorization, or to your attorney or representative as required by 8 CFR 292.5, if a Form G-28, Notice of Entry of Appearance as Attorney or Representative has been filed since the publication of this notice in the **Federal Register**. Third, the Service may personally deliver a copy of this Notice

to you at any time the Service encounters you.

The 1-year time period for filing your motion to reopen begins on the date that personal service in one of the three ways described above is confirmed to have occurred. The Service cannot deny your legalization application, or deny work authorization pursuant to this Notice, unless the Service can confirm that this Notice has been served on you in one of the three ways described above.

If you need to file FOIA requests before you can file your motion to reopen, then you must still file your motion to reopen within the 1-year time period described above. If you have not yet received the results from your FOIA requests, then your motion to reopen must include a statement that you are awaiting your FOIA results.

11. What Must I Include With My Motion To Reopen?

You should include in your motion to reopen:

(1) A copy of any documents that you received from the Service and EOIR in response to your FOIA requests that you want to have included in your legalization record of proceeding.

(2) A waiver application (Form I-690) with the fee established in 8 CFR 103.7(b) (currently \$35) (available on the Service's Web site at <http://www.ins.usdoj.gov>) if you wish the Service to adjudicate a waiver.

(3) Any brief, any other waiver that you wish to have adjudicated, and any other evidence you wish to submit in support of your motion; and

(4) Either a statement that you are ready to have a new decision entered in your case, or a statement that you are still awaiting the results of your FOIA requests.

12. What if I Have Not Yet Received the Results of My FOIA Request?

If you are still awaiting FOIA results you must still file the motion to reopen no later than the period described in paragraph 10, above. You may include with your motion a copy of any waiver application you wish to file, a copy of your FOIA requests, any evidence you want to submit other than evidence from your FOIA requests, and a statement indicating that you are awaiting the results of the FOIA requests. You must then submit, no later than 6 months after you receive the results of your FOIA requests, any brief you wish to file and a complete copy of any documents that you want to have included in your legalization record of proceeding.

13. When Will the Service Decide My Case?

Because your motion to reopen should include any and all evidence that you want included in your legalization record of proceeding, any brief you wish to file, and any waiver application that you wish to have considered, the Service may decide your motion to reopen at any time after you file it, unless you indicate in your motion that you are still awaiting the results of your FOIA requests. If you are still awaiting the results of your FOIA requests, the Service will not rule on your motion until you have had an opportunity to obtain and review the FOIA documents. You must submit a brief and any documents you want the Service to consider no later than 6 months after you have received a response to both of your FOIA requests.

14. What if I Do Not File a Motion To Reopen?

The Service will not make a new decision in your case unless you file a motion to reopen, which you must do within the 1-year period described in this notice under the heading "When Must I File The Motion to Reopen?" (Paragraph 10). If you have received employment authorization pursuant to these instructions and do not file a motion to reopen, your employment authorization will not be renewed.

15. What if I Do Not Get This Notice With These Instructions Within a Year?

You will be permitted to file a motion to reopen and take the other steps outlined here if you come to the attention of the Service more than a year after these instructions are published, unless the Service can confirm that this Notice has been personally served on you in the manner described in this notice under the heading "When Must I File The Motion to Reopen?" (Question 10).

16. Does the Proyecto Judgment Entitle Me to a Stay of Deportation?

The March 27, 2001, Judgment of the Court requires the Service to stay your deportation and to release you from custody without bond, so long as you are a class member. Filing either the application for a new employment authorization document or the motion to reopen will help notify the Service that you are entitled to this stay and release without bond. The stay will remain in effect until the Service makes a final decision in your case.