

 An official website of the United States government  
[Here's how you know](#)



### **(a) Overview**

All submissions regarding proceedings before the immigration court, the BIA, or OCAHO must include a “certificate of service” (or “proof of service”). See [Chapter 6:\(2\) \(Service on the Opposing Party\)](#). This Appendix provides guidelines on how to satisfy this requirement.

### **(b) Requirements**

To satisfy the requirement to include a certificate of service, the filing party must do both of the following:

#### **(1) Serve the opposing party**

**(A)** If both parties are participating in ECAS, then no separate service on the opposing party is required for documents electronically filed through ECAS in cases eligible for electronic filing. However, the parties should continue to include a certificate of service in filings that states, “This document was electronically filed through ECAS and both parties are participating in ECAS. Therefore, no separate service was completed.”

**(B)** In all other scenarios, every time a party files a submission, the party must give, or “serve,” a copy of the filing on the opposing party. If the filing party is an alien in proceedings, the opposing party is DHS. If the case is filed by an individual before OCAHO, the opposing party is the employer. If the employer is represented by an attorney, the attorney must be served with a copy of each filing with OCAHO.

**(2)** Give the immigration court, the BIA, or OCAHO a completed Proof of Service (or certificate of service for cases before OCAHO). The filing party must submit a signed “proof of service” (or certificate of service for cases before OCAHO) along with the party’s document(s). The proof of service (or certificate of service for cases before OCAHO) tells the immigration court/the BIA/OCAHO that the filing party has given a copy of the document(s) to the opposing party.

### **(c) Sample certificate of service**

The parties do not have to use the samples contained in this Appendix. The filing party may write up his or her own certificate of service or certificate of service. However, these samples will satisfy the proof of service/certificate of service requirement if they are properly completed.

### **(d) Sending the certificate of service**

Whenever a party has to supply a certificate of service, it should be stapled or otherwise attached at the end of the document(s) that the party is serving.

### **(e) Forms that contain a certificate of service**

Some forms, such as the Application for Cancellation of Removal for Certain Permanent Residents (Form EOIR-42A) or the Notice of Appeal (EOIR-26), contain a certificate of service, which functions as a proof of service for the form. The filing party must complete the certificate of service to satisfy the proof of service requirement for that form. Such a certificate of service only functions as a proof of service for the form on which it appears, not for any supporting documents that are filed with the form. If the filing party includes supporting documents with a form that contains a certificate of service, the party must file a separate proof of service for those documents.

### **(f) Forms filed before the immigration court or BIA that do not contain a certificate of service**

Forms that do not contain a certificate of service are treated like any other document. Therefore, the filing party must supply the certificate of service for those forms when filing before the immigration court or the BIA.

**(g) Sample certificate of service for filings before the immigration court or the BIA**

|   |                 |
|---|-----------------|
| _____<br>(Name of alien(s) in proceedings)  |                 |
| _____<br>(A-Number of alien(s) in proceedings)  |                 |
| <b>CERTIFICATE OF SERVICE</b>   |                 |
| On _____, I, _____,<br>(date) (printed name of person signing below)  |                 |
| served a copy of this _____<br>(type of document)   |                 |
| and any attached pages to _____<br>(name of party served)   |                 |
| at the following address: _____<br>(address of party served)  |                 |
| _____<br>(address of party served)  |                 |
| by: _____<br>(method of service – for example, overnight courier, hand-delivery, first-class mail, ICE OPLA eService) |                 |
| _____<br>(signature)  | _____<br>(date) |

**(h) Sample certificate of service for filing before OCAHO**

All OCAHO pleadings and briefs must be filed with a certificate of service.

**CERTIFICATE OF SERVICE**

I hereby certify that on [date of service], I have served this [name of document (e.g., Complainant’s Motion for Summary Decision, Respondent’s Answer, etc.)] on the following persons by [method of delivery\* (e.g., ordinary mail, FedEx overnight delivery, etc.)] at the addresses indicated below:

[Party/representative name]  
[Party/representative address]

[Additional party/representative name]  
[Additional party/representative address]

[Signature of individual serving the document]

\_\_\_\_\_  
[Name of individual serving the document]  
[Address of individual serving the document]  
[Phone number]

\*Please note that the method of service used to deliver a particular filing must be the same for all parties served except where otherwise permitted by regulation.

[◀ Appx E - Cover Pages](#)

[up](#)

[Appx G - Cert. of Translation ▶](#)

*Updated February 22, 2022*