



U.S. Citizenship
and Immigration
Services

Immigration Benefits in EOIR Removal Proceedings

The information on this page only applies to individuals who are requesting, or who have been granted, relief from removal or protection while they are in removal proceedings in Immigration Court or before the Board of Immigration Appeals (BIA). Immigration courts and the BIA are part of the Executive Office for Immigration Review (EOIR) within the Department of Justice (DOJ). If eligible, individuals in removal proceedings can apply for various immigration benefits, which if granted, provide relief from removal, such as adjustment to permanent resident status, cancellation of removal, and certain waivers of inadmissibility. Eligible individuals may also seek asylum or withholding of removal, among other forms of protection relief.

If you are filing for relief or protection in immigration court, the government's attorney will provide you with the pre-order *Instructions for Submitting Certain Applications in Immigration Court and For Providing Biometric and Biographic Information to U.S. Citizenship and Immigration Services*. You must follow these instructions carefully in order to have your application adjudicated during removal proceedings. As described in the joint Fact Sheet on immigration benefits in EOIR proceedings, the U.S. Citizenship and Immigration Services (USCIS) and the U.S. Immigration and Customs Enforcement (ICE) implemented these procedures to ensure that the background and security checks required by the Department of Homeland Security (DHS) are completed before EOIR Immigration Judges or the BIA grant an individual relief from removal or protection benefits. EOIR regulations effective on April 1, 2005 prohibit Immigration Judges and the BIA from granting such benefits to an alien before DHS reports that the identity, background and security checks are complete. (See 70 Federal Register 4743 (January 31, 2005) (*codified* at 8 C.F.R. Parts 1003 and 1208).

If the Immigration Judge grants your application, you will be given the *Post-Order Instructions for Individuals Granted Relief or Protection from Removal by Immigration Court* at the conclusion of the removal proceedings. These post-order instructions describe the steps you should follow to obtain documentation of your immigration status and work authorization. If relief or protection is granted by the BIA, your BIA decision will contain similar instructions for obtaining your documentation. For more information, please see also the *Questions and Answers on Implementation of EOIR Background Check Regulation for Aliens Seeking Relief or Protection from Removal*. You may obtain additional information on receiving documentation following your receipt of an EOIR order granting you immigration benefits at the page on this website devoted to that information.

Related Files

- [Pre-Order Instructions](#) (1KB PDF)
- [Post-Order Instructions](#) (1KB PDF)
- [Fact Sheet on Immigration Benefits in EOIR Proceedings](#) (77KB PDF)
Fact Sheet updated on August 22, 2011, to reflect new information on USCIS application and biometric fees associated with EOIR Background Checks
- [DHS Procedures for Implementation of EOIR Background Check Regulations for Aliens Seeking Relief or Protection from Removal](#) (1KB PDF)
Questions and Answers updated on August 22, 2011, to reflect new information on USCIS application and biometric fees associated with EOIR Background Checks

Last updated:08/22/2011

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