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**NOTICE OF APPEAL - ATTACHMENT OF ADDITIONAL PAGES  
[CONTINUATION FROM REASON(S) FOR APPEAL ON FORM EOIR-26]**

In their continued Notice of Appeal, the Respondents assert as follows:

**Regulatory Reasons for Appeal**

**Summary dismissal is not warranted.**

This appeal is not appropriate for summary dismissal as defined under 8 C.F.R. § 1003.1(d)(2)(i)(A) - (F), because:

The reasons for appeal *are* specified;  
The appeal does *not* involve a finding of fact or a conclusion of law that was conceded;  
The appeal does *not* involve relief granted to the appellant.  
The appeal is *not* filed for an improper purpose, such as to cause unnecessary delay, and does contain an arguable basis in fact or in law;  
A brief has been or will be timely filed as indicated;  
The appeal *is* within the Board's jurisdiction;  
The appeal *is* timely and has not been affirmatively waived;  
The appeal satisfies essential statutory or regulatory requirements.

Accordingly, none of the grounds for summary dismissal apply here.

**This appeal should not be restricted to review by a single Board member.**

Single member review on the merits under 8 C.F.R. § 1003.1(e) is *improper*, because the regulations at 8 C.F.R. §§ 1003.1(e), (e)(3), and/or (e)(5), respectively:

- unfairly *presume* that all appeals not subject to summary dismissal are appropriate for affirmance without opinion without consideration of the merits of the appeal; and,
- unreasonably *presume* that the decision of the IJ need not be overturned; and,
- unreasonably *restrict* the single Board member's authority to reverse the IJ decision to cases involving conflict with an intervening Board or judicial precedent, an intervening Act of Congress, or an intervening final regulation.

Moreover, single member affirmance without opinion under 1003.1(e)(4) is an *improper resolution* of this appeal, because:

- the result reached in the IJ's decision under review in this case *is* incorrect, and the errors in the decision under review are neither harmless nor nonmaterial; and,
- the issues on appeal are *not* squarely controlled by existing precedent and, at least in part, involve the application of precedent to a novel factual situation; or,
- the factual and legal issues raised on appeal are so significantly substantial that this case warrants the issuance of a well-reasoned written opinion.

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**This appeal should be reviewed by a three-Board member panel.**

This appeal warrants review by a panel of three Board members because there is, at minimum:

- the need to reverse the decision of the IJ, other than a reversal under the regulatory clause in 8 C.F.R. § 1003.1(e)(5);
- the need to review a decision by the IJ that is not in conformity with the law or with applicable precedents;
- the need to review a clearly erroneous factual determination by the immigration judge;
- the need to resolve a complex, novel, unusual, or recurring issue of law or fact.
- the need to settle inconsistencies among the rulings of different immigration judges;
- the need to establish a precedent construing the meaning of laws, regulations, or procedures.

Oral argument should be granted in this appeal.

**Substantive Reasons for Appeal**

This appeal is based on errors of fact and law in the decision of the Immigration Judge, because of the reasons stated above.

Respondent reserves the right to include additional grounds of appeal in his brief on appeal. A more detailed brief will be filed upon receipt of the transcript and a briefing schedule.