with the fee, relating to any immigration proceeding. The fee receipt and
the application or motion shall then be submitted to the Executive Office for
Immigration Review. Remittances to the Department of Homeland Security
for applications, motions, or forms filed in connection with immigration
proceedings shall be payable subject to the provisions of 8 CFR 103.7(a)(2).

(b) Amounts of fees—(1) Appeals. For filing an appeal to the Board of Immi-
gration Appeals, when a fee is required pursuant to 8 CFR 1003.8, as follows:

Form EOIR–26. For filing an appeal from a decision of an immigration judge—$110.
Form EOIR–29. For filing an appeal from a decision of an officer of the Department
Form EOIR–45. For filing an appeal from a decision of an adjudicating official in a prac-
titioner disciplinary case—$110.

(2) Motions. For filing a motion to re-
open or a motion to reconsider, when a
fee is required pursuant to 8 CFR 1003.8
or 1003.24—$110.

(3) Multiple parties. When an appeal or
motion is filed on behalf of two or more
aliens and the aliens are covered by
one decision, only one fee is required.

(4) Applications for Relief—(i) Forms
published by the Executive Office for Im-
migration Review. Fees for applications
for relief shall be paid in accordance
with 8 CFR 1003.8(b) and 1003.24(c) as
follows:

Form EOIR–40. Application for Suspension
of Deportation—$100.
Form EOIR–42A. Application for Cancellation
of Removal for Certain Permanent Resid-
ents—$100.
Form EOIR–42B. Application for Cancellation
of Removal and Adjustment of Status
for Certain Nonpermanent Residents—$100.

(ii) Forms published by the Department
of Homeland Security. The fees for appli-
cations published by the Department of
Homeland Security and used in immi-
gration proceedings are governed by 8
CFR 103.7.

(c) Fee waivers. For provisions relat-
ing to the authority of the Board or the
immigration judges to waive any of the
fees prescribed in paragraph (b) of this
section, see 8 CFR 1003.8 and 1003.24. No
waiver may be granted with respect to
the fee prescribed for a Department of
Homeland Security form or action that
is identified as non-waivable in regula-
tions of the Department of Homeland
Security.

(d) Requests for records under the Free-
dom of Information Act. Fees for produc-
tion or disclosure of records under 5
U.S.C. 552 may be waived or reduced in
accordance with 28 CFR 16.11.

[69 FR 44907, July 28, 2004]

PART 1204—IMMIGRANT PETITIONS

AUTHORITY: 8 U.S.C. 1101, 1103, 1151, 1153,
1154, 1155, 1182, and 1186a.

§ 1204.1 Single level of appellate re-
view.

The decision of the Board of Immi-
gration Appeals concerning the denial
of a relative visa petition under 8 CFR
chapter I, part 204 because the peti-
tioner failed to establish eligibility for
the bona fide marriage exemption con-
tained in that part will constitute the
single level of appellate review estab-
ished by statute.

[68 FR 9833, Feb. 28, 2003]

PART 1205—REVOCATION OF
APPROVAL OF PETITIONS

Sec.
1205.1 Automatic revocation.
1205.2 Revocation on notice.

AUTHORITY: 8 U.S.C. 1101, 1103, 1151, 1153,
1154, 1155, 1182, and 1186a.

SOURCE: Duplicated from part 205 at 68 FR

EDITORIAL NOTE: Nomenclature changes to

§ 1205.1 Automatic revocation.

(a) Reasons for automatic revocation.
The approval of a petition or self-pet-
tion made under section 204 of the Act
and in accordance with part 204 of 8
CFR chapter I is revoked as of the date of
approval:

(1) If the Secretary of State shall ter-
minate the registration of the bene-
ciciary pursuant to the provisions of
section 203(e) of the Act before October
1, 1991, or section 203(g) of the Act on or
after October 1, 1994;

(2) If the filing fee and associated
service charge are not paid within 14
days of the notification to the remitter
that his or her check or other financial