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COMMUNITY EXPLAINER

A FEDERAL COURT BLOCKED THE BIA RULE.

As a result, most appeals rules remain the same.
Here's what you need to know now.

SWIPE TO LEARN MORE 

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BACKGROUND

WHAT THE GOVERNMENT TRIED TO DO

On February 6, 2026, the government issued a new rule that would have radically changed how immigration appeals work at the Board of Immigration Appeals (BIA). A federal court has stopped parts of this rule from going into effect, including three of its most drastic provisions:



10-DAY DEADLINE: Cut the time to file an appeal from 30 days to just 10 — for almost everyone.



AUTOMATIC DISMISSAL: Appeals would be dismissed by default within 15 days unless a majority of the full Board voted to hear them.



ISSUE WAIVER: Any issue not raised in the Notice of Appeal would be permanently waived.

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WHAT THE COURT RULING MEANS

RIGHTS THAT ARE RESTORED RIGHT NOW



30-DAY DEADLINE: People have 30 days to file a Notice of Appeal — not 10.



APPEALS FULLY DECIDED: The Board must review appeals fully. Dismissal is the exception, not the rule.



NOTICE OF APPEAL IS PRELIMINARY: The Notice of Appeal is a starting point. Arguments can be developed fully in briefing.

IMPORTANT

THIS IS NOT A FULL RETURN TO NORMAL.

The court only blocked the three provisions that were unlawfully enacted. Some changes from the rule **were not blocked** and are in effect:



Simultaneous briefing within 20 days for both parties



Stricter limits on briefing extensions and reply briefs



Changes to internal BIA case management timelines

BOTTOM LINE

Continue filing promptly. The three most dangerous provisions are gone, but monitor how the BIA applies the remaining changes.

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WHAT'S NEXT

THIS FIGHT IS NOT OVER.



The government can appeal this ruling — or try again by going through the proper public notice-and-comment process.



Immigration agencies under this administration have not always complied with court rulings. Advocates will monitor the BIA to try to ensure it follows the court's decision.