



*How to Process a Stay With the
Board's Emergency Stay Unit 703-306-0093
Quick Reference Guide*

Answer phone with the following greeting: “Board of Immigration Appeals Emergency Stay Unit.”

- Confirm that the caller is the attorney representing the respondent, the respondent, or a Department of Homeland Security (DHS) representative. If the caller is the respondent’s attorney, make sure that an EOIR 27 has been filed and entered with the Board of Immigration Appeals (Board) covering that attorney. Most callers identify themselves when the ESU answers the telephone.
- Ask the caller for the respondent’s alien number.
- Check CASE to see if there is a pending motion to reopen or reconsider a prior Board decision (motion), or an appeal of an Immigration Judge’s denial of a motion to reopen (IJ-MTR) here at the Board.
- If no motion or IJ-MTR is pending, inform the callers that we cannot consider the stay until there is a pending motion or IJ-MTR appeal filed with the Board’s Clerk’s Office. The Clerk’s Office number is 703-605-1007. Inform the callers that once they have filed a pending appeal or motion, they should call us back so we can take action on the stay request.
- Confirm that the case is one for which the Board can issue a stay of removal decision (the Board does not issue stay decisions on cases with automatic stays, such as case appeals, bond appeals and most interlocutory appeals).
- Confirm that the respondent is detained (in DHS **physical** custody) - if not, inform the caller that we cannot entertain a stay.
- If the caller confirms that the respondent **IS** detained, confirm whether a written motion to stay has been filed and received by the Board. If not, the respondent may fax a stay request into the stay line fax (703-605-5236). We generally do not provide this number unless the respondent or the private attorney is immediately ready to fax the stay request to us. Given that the fax machine is centrally located in the hallway, it is time consuming and inefficient to wait for a fax transmission unless we know it is in transmission.

- If the respondent or private counsel is calling, ask for the name and telephone number of the DHS Deportation Officer (DO) handling the respondent's case. If unknown, ask the caller to obtain it. Meanwhile, the ESU will attempt to locate this information as well (see ESU SOP). Inform the caller that the ESU will contact a DO: to confirm the respondent is detained; notify the DO of the pending stay request before the Board; and determine if removal is imminent (generally within 48 hours). Tell the caller that the ESU will call them back after speaking with the DO - so all parties are aware of the situation.
- Notify the DO ASAP about the respondent's pending stay request before the Board. Ask for removal information - if **IMMINENT** - Ask the following questions:
 - How much time before removal takes place?
 - What is an alternate DO contact telephone number?
 - What is the DO's fax number (so the Stay Line paralegal can fax a copy of the Board's Stay Decision once it's available)?
 - What is the DO's email address and location (if unknown)?

Note: *In cases with Mexican respondents, stay requests must be quickly acted upon as the removal, deportation or exclusion is almost always imminent due to travel documents not being needed.*

If removal is **NOT** imminent - confirm the DO's telephone number, fax number and email address for the ESU's future use and request an I-830 if necessary. Ask the DO to annotate the Board's pending Stay decision in the DHS computer system, and to notify the ESU once removal is scheduled so that the Board can rule on the stay motion. Non-imminent stay cases that the ESU is monitoring should be added to the current pending stay list and the Board's staff attorneys should be notified of the pending stay as necessary.

- If the DHS is calling, ask for removal information and confirm whether the respondent has requested a stay. If a stay has been requested, get the DO's contact information, and process as noted above and below. Make a note of it in CASE COMMENTS, including the DO contact telephone number.

If removal is **IMMINENT**:

Proceed in processing the Stay Request.

- Complete the Stay Request worksheet. All necessary forms needed to process a Stay request can be found under the following document filename: **S:/WPDOC/JPANEL.BANK/Emergency Stay Line/Stay Line Forms.**
- Check CASE to locate the drop-file/ROP - then retrieve it from the location it is scanned to and make sure to scan it to you.

- Look up case history info in CASE-Disposition - print a copy.
- Tab all pertinent info (IJ& Board decisions, E-26 if an appeal, motion, any important documents and evidence)
- Complete a (pink) circulation sheet with all the case history information from the oldest date to the most current.
- Staple pink circulation sheet, Stay Request worksheet and copy of CASE Disposition sheet together.
- Prepare two Stay Orders (Grant/Deny) for Board to sign after they review and rule on the Stay.
- Once decision is adjudicated and the order has been signed by the Board Member, contact the Respondent and then DHS. (**exception:** *if removal is scheduled within 24 hours, contact DHS first if the stay is granted in order to stop removal!*). Make note of the date & time and to whom the oral notice of the stay disposition was given to as noted on the Stay Request Worksheet.
- Stamp the order with the date of the decision.
- Fax a copy of the Stay order to both parties. (**exception:** if alien is pro se, include a statement on FAX to DO: ask DHS to notify alien and provide alien a copy of the stay order. An order will also be mailed to the parties. Keep confirmation report with fax sheet.
- Enter the Board's stay motion decision as an interim order into the CASE system.
- In CASE, under the COMMENTS, make note of the decision of the stay and include the date it was ruled on.
- Make 4 stapled copies of the original transmittal letter and Board Order.
- Place the original decision in the ROP or drop file.
- Distribute copies.
 1. Attorney or pro se alien by mail.
 2. DHS by mail.
 3. Board Library.
 4. Attach one to the top of the pink circulation sheet.
- Enter stay decision into Excel stay log for current fiscal year, found at S:/WPDOC/JPANEL.BANK/Emergency Stay Line/Stay Log and Stats

- Update DO Contact list in Excel as necessary, found at S:/WPDOC/JPANEL.BANK/Emergency Stay Line/DHS Contacts
- File completed stay information into stay file cabinet.
- Drop files with completed stays should be scanned and returned to the Clerk's Office. ROPs with completed stays should be given to the Stay Coordinator (Dini Chavarria) to confirm removal if necessary or routed as appropriate.

If removal is **NOT** imminent and you are covering temporarily (during lunch etc.), please do the following:

- Locate the ROP or drop file.
- Complete the Stay Request Worksheet and circulation sheet if possible.
- Provide the information to the Stay lead.