

STANDARD OPERATING PROCEDURES FOR HANDLING EMERGENCY STAY MOTIONS FILED WITH THE BOARD OF IMMIGRATION APPEALS

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DISCLAIMER: This SOP is an internal document intended for the exclusive use of the Executive Office for Immigration Review (EOIR).

Standard Operating Procedures
BIA Emergency Stay Motions

1.0 PURPOSE

- 1.1 The purpose of this Standard Operating Procedure (SOP) is to describe how the Board of Immigration Appeals (Board) processes and adjudicates emergency discretionary stay motions. A stay motion is an emergency motion filed before the Board that requests a stay of removal, deportation, or exclusion to prevent the Department of Homeland Security (DHS) from executing an order of removal, deportation, or exclusion, or that requests a stay of a bond decision to prevent a detained alien from being released.
- 1.2 The term “alien” in this SOP is used to refer to the alien and/or alien’s counsel.

2.0 EMERGENCY STAY UNIT

- 2.1. The Board’s Emergency Stay Unit is comprised of Board Members, a Team Leader, and paralegals dedicated to processing and adjudicating emergency **discretionary** stay motions filed with the Board.
 - i. Paralegals are trained to interact with the public and to receive, process, and circulate emergency stay motions for Board Member review; and
 - ii. Board Members are responsible for reviewing and adjudicating emergency stay motions filed with the Board.
- 2.2 Paralegal duties include:
 - i. Answering the Emergency Stay Unit phone line at (703) 306-0093, and responding to requests and questions from the public and the DHS pertaining to pending, or the filing of, emergency stay motions.
 - ii. Preparing a monthly calendar for daily emergency stay coverage.
 - iii. Maintaining:
 - records of pending emergency stay motions;
 - phone logs of all calls received by the emergency stay unit;
 - physical and electronic records of completed stay motions; and
 - a DHS Deportation Officer (DO) contact database.
 - iv. Preparing a monthly report of:
 - the number of emergency stay motions received;
 - the number of imminent stay orders adjudicated;
 - the number of non-imminent stay motions pending; and
 - the number of appeals or motions adjudicated while the emergency stay motion is pending.
 - v. Training Board staff on emergency stay procedures, as needed.
 - vi. Reviewing and updating this SOP and other Emergency Stay Unit documents, forms, and reports, as needed.

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- 2.3 Emergency Stay Unit members are essential Board personnel who are responsible for the operation of the Emergency Stay Unit during a Continuity of Operations Plan (COOP) or in other emergency situations, as circumstances permit.

3.0 AUTOMATIC AND DISCRETIONARY STAYS OF REMOVAL

3.1 Automatic Stays of Removal

- i. **Timely and properly filed direct appeals** from an Immigration Judge's decision have automatic stays.
- ii. **Timely filed appeals** from an Immigration Judge's denial of a motion to reopen **deportation proceedings** conducted *in absentia* have automatic stays.
- iii. Federal Court Remand (FCR) orders involving a direct appeal of an Immigration Judge's decision or an Immigration Judge's denial of a motion to reopen deportation proceedings conducted in absentia have automatic stays.
- iv. FCR orders for which the federal court has issued a separate stay order which remains in effect until the issuance of a Board decision on the FCR or for which the remand order explicitly includes a stay of removal until the issuance of a Board decision on the FCR have automatic stays.
- v. There is no automatic stay if an appeal has been **untimely** filed or if the alien **waived his/her right to appeal**, unless the Board takes the case on certification.
- vi. The filing of a motion to reopen or reconsider with the Board **does not** result in an automatic stay, except in the case of a motion filed under 8 USC § 240(c)(7)(C)(iv) of the Immigration and Nationality Act (Special Rule for Battered Spouses, Children, and Parents), *as added by* the Violence Against Women Act of 2000 (VAWA).
- v. The Emergency Stay Unit does not issue written decisions on automatic stays.

3.2 Discretionary Stays of Removal. The Board may grant a stay, in the exercise of its discretion (a "discretionary stay"), in the case of:

- i. A pending appeal of an Immigration Judge's denial of a motion to reopen; or a pending motion before the Board.
- ii. Federal Court Remand orders involving an appeal of an Immigration Judge's denial of a motion to reopen, Board decisions regarding motions to reopen, and Board decisions involving visa petitions.
- iii. The Board may grant a discretionary stay of an Immigration Judge's bond decision while a bond appeal is pending.

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iv. The Board may grant a discretionary stay in a case which has been untimely filed or if the alien waived his/her right to appeal, if it is possible that the Board will take the case on certification

- iv. The Board may grant a stay *sua sponte* (on its own motion) during the pendency of any matter before it.

3.3 There are two types of **discretionary stays** which come before the Board for review and adjudication:

- i. **Stay of removal, deportation, or exclusion:** A stay of removal, deportation, or exclusion prevents the DHS from executing an order of removal, deportation, or exclusion.
- ii. **Stay of an Immigration Judge's bond decision:** A stay of a bond decision prevents a detained alien from being released.

3.4 A stay expires when the Board renders a final decision in the case unless the Board vacates its prior stay grant before reaching a final decision.

3.5 For more information, please see the BIA Practice Manual, Chapter 6.

4.0 **REQUIREMENTS FOR ADJUDICATING EMERGENCY DISCRETIONARY STAY MOTIONS**

Generally, the Emergency Stay Unit only reviews and adjudicates Emergency Discretionary Stays of Removal. There are four requirements that must be met in order for the Emergency Stay Unit to adjudicate an emergency discretionary stay of removal:

4.1 An appeal or motion or Federal Court Remand must be pending at the Board.

After a final administrative order, a properly filed appeal or motion or FCR must be pending before the Board in order for the Board to entertain a discretionary stay motion.

- i. The Board will only consider a stay motion or FCR if there is an appeal or motion pending before it. *See* 8 C.F.R. §§ 1003.2(f), 1003.6.
- ii. The Emergency Stay Unit does not accept appeals, motions or FCR orders for filing. If there is no appeal, motion or FCR ending before the Board, parties calling the Emergency Stay Unit will be directed to file appeals, motions or FCR orders with the Clerk's Office.

4.2 **The alien must be detained in the physical custody of the DHS.**

The alien **must be in the physical custody of the DHS** before a written discretionary stay motion is entertained by the Board.

- i. An alien not in custody **must surrender** to the DHS **physical custody** at a DHS facility before an emergency stay motion will be considered.

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- ii. An alien meeting a DHS officer at a DHS facility, an airport, or in transit under the control of DHS within the United States **is considered** by the Board to be in the custody of the DHS.
- iii. An alien is **not considered** by the Board to be in the custody of the DHS if the alien:
 - Is subject to **electronic monitoring or another** alternative to detention (ATD) program;
 - Is in state or local custody; or
 - Has been ordered to **self-deport**, or has received a **bag and baggage letter**.

4.3 The Record of Proceedings (ROP) or drop file (a temporary file created when the ROP is not with the Board) must contain a written motion or statement requesting a stay.

- i. Upon receiving a phone call, a paralegal with the Emergency Stay Unit will confirm whether an alien has filed a written motion to stay removal. The Board will normally adjudicate written stay motions only after one of the parties has contacted the Emergency Stay Unit by telephone.
- ii. Stay motions often accompany the appeal or motion filed with the Board. If the stay motion is not included with the appeal or motion, a separate stay motion may be faxed to the Emergency Stay Unit at (703) 605-5236, if requested by the paralegal.
- iii. Faxed stay motions must be served on the opposing party and have a certificate of service included.

4.4 Removal must be imminent.

The detained alien must be facing “imminent” removal. A removal may be considered imminent if:

- i. Removal could occur immediately (for example, the alien is at or en route to the airport or border while under the DHS’s custody);
- ii. Removal is scheduled to occur within a week (in practice it is within 48 hours);
or
- iii. The Emergency Stay Unit is unable to contact a deportation officer to confirm removal information, and the facts reflect removal is imminent.

The alien’s removal does not require a travel document or passport and flight arrangements may not be necessary. This is commonly found in cases with aliens from countries bordering the United States, such as Mexico.

5.0 RECEIPT OF TELEPHONIC STAY INQUIRIES:

5.1 Responding to Inquiries

A paralegal should:

- i. Respond professionally and courteously to telephone inquiries, treating all parties equally.
- ii. Clearly inform callers that they have reached the Board's Emergency Stay Unit.
- iii. Confirm the caller's identity to guarantee that that information about an individual alien's case not being given out to 3rd party callers. Information should only be given out to the alien, the alien's representative (authorized pursuant to a Form EOIR-27), the Deportation Officer on the case or another authorized DHS representative (such as the Deportation Officer's supervisor). Do not discuss with spouses or family members.
- iv. Answer relevant questions pertaining to a pending stay motion or the filing of an emergency stay motion. Do not provide legal advice.
- v. Direct all other questions or inquiries to the Board's Clerk's Office at (703) 605-1007.
- vi. Log all incoming calls in the **Stay Request Phone Log**. See Appendix E or S:WPDOCS/JPANEL.BNK/Emergency Stay Line/Stay Line Forms/Emergency Stay Line Phone Log.doc.

5.2 Voicemail Messages

The Emergency Stay Unit's telephone line's voicemail should be accessed at the start of each business day and as needed throughout the day. Voicemail messages should be recorded on the **Stay Request Phone Log**.

- i. **To access the stay line voice mail:** Press the message button for the Emergency Stay Line (306-0093), and then enter the Emergency Stay Line PIN followed by the # key.
- ii. The PIN is changed regularly by the Emergency Stay Unit. The current PIN can be found in the appropriate folder in the Emergency Stay Unit email directory.

5.3 Congressional and Other High Profile Inquiries

- i. Refer all Congressional and press inquiries to EOIR's Office of Legislative and Public Affairs at (703) 305-0289.
- ii. Inform the Paralegal Team Leader and the J&M Panel Senior Panel Attorney of Congressional or other high profile interest in the case.
- iii. Process the stay motion in accordance with this SOP.

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- iv. Once the stay motion is adjudicated and both parties are notified, inform the Office of Legislative and Public Affairs of any decision with Congressional or press interest and provide a copy if requested. Also inform the Paralegal Team Leader and the J&M Panel Senior Panel Attorney of any stay motion decision in high profile case; Congressional or otherwise.

5.4 **Once a telephonic stay inquiry is received**

- i. Check the Board's CASE database (CASE) to verify if the alien has an appeal, motion or Federal Court Remand (FCR) pending before the Board; **and** ask the caller if the alien is in DHS custody.
- ii. Do **not** proceed with the stay motion if:
 - The alien is **not in DHS custody**; or
 - An appeal, motion or FCR is **not pending** before the Board.
- iii. Inform the inquirer that the Emergency Stay Unit does not adjudicate motions for stay unless the case is pending before the Board and the alien is detained.
- iv. If the inquirer indicates that an appeal or motion has been filed, or that a federal court has issued a remand order, but the appeal, motion, or FCR is not showing in CASE as pending:
 - Refer the inquirer to call the Clerk's Office to confirm whether the appeal, motion or FCR order was received by the Board; and:
 - Advise the inquirer to call the Emergency Stay Unit once the Clerk's Office has confirmed that the appeal, motion or FCR is pending with the Board. If the inquirer calls back to the Emergency Stay Unit and says that the Clerk's Office has confirmed that the appeal, motion or FCR is pending with the Board, but the Emergency Stay Unit still does not see an appeal, motion or FCR in CASE, the Emergency Stay Unit will follow up with the Clerk's Office to make sure the appeal or motion is pending, or with the FCR Coordinator to make sure that an FCR is pending, and will ask the Clerk's Office to enter the appeal or motion, or, after consultation with the FCR Coordinator, an FCR, into CASE so the stay can be adjudicated.
- v. If the inquirer indicates that the alien is not currently detained, but will likely be detained shortly, or is scheduled to report to the DHS at a later date, inform the inquirer to call the Emergency Stay Unit when detention occurs.
- vi. If the alien is **in DHS custody** and there is a **pending appeal, motion or Federal Court Remand with the Board and:**
 - **If the alien or alien's counsel is calling:**
 - Confirm that a written stay motion or request has been received by the Board.

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- If a stay motion has not been received by the Board, advise the alien or alien's counsel to fax another copy of the stay motion to the Emergency Stay Unit at (703) 605-5236 and to provide a copy of the stay motion to the DHS.
- Obtain the Deportation Officer's (DO's) name and contact information.
- If alien or alien's counsel does not know the DO's contact information, ask the alien or alien's counsel to contact the DHS, and then call the Emergency Stay Unit back to provide them the following information:
 - The detention location of the alien;
 - The DO assigned to the alien; and
 - The DO's phone number.
- If the alien cannot get this information, the Emergency Stay Unit should independently attempt to obtain this information. (*See Appendix C for the DHS contact information.*)
 - The ESU should then contact the DO, inform him or her that: you are with the Board's Emergency Stay Unit; there is a motion for stay pending at the Board; and provide the alien's name and alien registration number.
- Confirm that the alien is detained and verify whether a removal date has been scheduled.
- If the DO indicates the alien has been removed, confirm the date and time of removal, inform the alien or alien's counsel that the Emergency Stay Unit cannot process the stay, and enter the removal and DO contact information in CASE comments.
- **Request detailed contact information from the DO**, including phone and fax number(s), cell phone number (if available), email address, and detention facility (if applicable).
- **If removal is imminent, inform the DO, and then the alien**, that a decision will be forthcoming shortly, retrieve the file, and prepare the case for adjudication of the stay motion. **For DHS security purposes, Emergency Stay Unit paralegals should never give out exact scheduled removal dates to the alien or the alien's counsel.**
- **If removal is not imminent**, inform the alien that removal is not imminent and the stay motion will remain pending without adjudication unless removal becomes imminent. If a non-imminent removal date has been set, inform the alien that the Board will adjudicate the stay motion closer to that date. If removal has not been scheduled, ask the alien or alien's counsel to call the Emergency Stay Unit when a removal date has been set.

- **If the DHS is calling:**

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- Ask the Deportation Officer (DO) for his or her name, callback number, and check whether the alien has filed a written stay motion. This can be confirmed by checking in CASE comments or by checking the drop file or ROP if nothing is noted in CASE comments.
- **If a stay motion has not been filed**, inform the DO that a stay is not pending. Ask the DO for removal information and add the DO name, number, and removal information into CASE comments in the event a stay motion is received at a later date.
- **If a stay motion has been filed**, retrieve the file and inform the DO that a stay motion is pending, and ask when the alien is scheduled for removal.
- **Request detailed contact information from the DO**, including phone number(s), fax, cell phone (if available), email, and detention facility (if applicable).
- **If removal is imminent**, inform the DO that a decision will be forthcoming soon, and prepare the case for adjudication of the stay motion.
- **If removal has not been scheduled**, inform the DO to call the Emergency Stay Unit when a removal date has been set.
- **If a non-imminent removal date has been set**, inform the DO that the Board will adjudicate the stay motion closer to that date.

6.0 PROCESSING THE STAY REQUEST WORKSHEET

6.1 Using the information from the phone log and the case, complete the **Stay Motion Worksheet** with the following information:

- i. Name of the alien.
- ii. Registration number or “A” number of the alien.
- iii. Nationality of the alien.
- iv. The scheduled date for the DHS’s removal of the alien, if known.
- v. Name of the alien’s attorney – if none, indicate pro se.
- vi. Contact number(s) for the alien’s attorney.
- vii. Fax number of the alien’s attorney.
- viii. Name of the DO.
- ix. Contact number(s) of the DO.
- x. Fax number of the DO.
- xi. Email address of the DO.

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- xii. Facility Location of the DO.
 - xiii. Any other necessary information.
 - xiv. Record of Proceedings (ROP) Location
 - xv. Source of Stay Request Worksheet: Appendix E or S:
WPDOCS\JPANEL.BNK\Emergency Stay Line\Stay Line Forms\Emergency Stay Line Worksheet.doc.
- 6.2 Print out the case history from the Disposition tab in CASE and attach to the Stay Request Worksheet.
- 6.3 **Record ALL pending stay in the Pending Stay Request log found at:**
S:\WPDOCS\JPANEL.BNK\Emergency Stay Line\Pending Stay Requests.xlsx.
- 6.4 **Practice Points**
- i. If removal is **imminent** and **the ROP is with a paralegal, attorney, or Board Member**:
 - Email the paralegal, attorney, or Board Member to **determine if the pending appeal, motion or Federal Court Remand could be adjudicated prior to the scheduled removal**. Include the attorney's or paralegal's supervisor in the email.
 - **If yes**, monitor the progress of the case closely and expedite the processing of the case by the Clerk's Office Docket Team if necessary (see section ii below).
 - **If no**, retrieve and scan the ROP, and circulate the stay motion to a Board Member as explained in Section 7.
 - ii. If removal is **imminent** and **the case is with the Clerk's Office Docket Team**:
 - Email the Clerk's Office Docket Team Leader and members, and request prompt issuance of the decision on the appeal, motion or Federal Court Remand.
 - Refer requests for copies of final decisions to the Clerk's Office Docket Team. The Clerk's Office Docket Team **may** fax copies of decisions to the parties **at their discretion**.
 - iii. If removal is **not imminent** and the case is **with a paralegal, an attorney, or a Board Member**:
 - Enter the pending stay motion and date of removal if known in CASE Comments;
 - Email the paralegal, attorney, or Board Member, to inform them of the pending stay motion and removal date if known. Include the attorney's or paralegal's supervisor in the email.
 - Place the Stay Request Worksheet for the pending stay in the Stay Request Pending folder.

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- Non-imminent pending stays that are not adjudicated will be removed from the pending stay log once the underlying appeal or motion is adjudicated and the stay becomes moot
- iv. If a stay request is made for a pending FCR, check LexisNexis, CourtLink or check with the FCR Coordinator to determine if the federal court issued a stay which remains in effect or if the FCR involves a Board decision subject to a discretionary or automatic stay.
 - Check in CASE, under the Case Info tab and the Miscellaneous subsection for the federal court docket number.
 - Using the docket number, check CourtLink to look up docket information or the court's remand order to see if the court granted, or terminated, a stay of removal.
 - If needed, the docket information or the court's order can be printed from CourtLink so that the stay information can be faxed to the parties."

7.0 PREPARING AND CIRCULATING THE STAY MOTION FOR ADJUDICATION

7.1 Preparation of the ROP(s) or Drop File

Tab all major documents in the case or drop file for Board Member review (some of these documents are already color-code tabbed by the Clerk's Office), including:

- i. Appeal (green tab), motion (orange tab), or Federal Court Remand order (yellow tab).
- ii. All prior Board orders (yellow tab) – if a drop file only, print out and tab orders from the BIA online library.
- iii. Briefs or opposition (purple tab).
- iv. Immigration Judge's (IJ) decision(s) (yellow tab).
- v. Any new applications for relief filed with motions.
- vi. Any DHS approval notices.
- vii. Court order vacating conviction.
- viii. Other information or evidence relevant to the case. For example, this may include documents submitted in support of a claim of ineffective assistance of counsel (IAC).
- ix. If using a drop file, merge it with the ROP(s), if available, prior to circulating the case to a Board Member.

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- x. Ensure the ROP or drop file contains all documents noted in CASE comments.

7.2 **Stay Circulation Sheet**

Complete the Request for **Stay Circulation Sheet** and place on top of the ROP or drop file.

- i. The Stay Circulation Sheet should always be printed on pink paper.
- ii. Include the following information on the Stay Circulation Sheet:
 - General information about the case found on the Stay Request Worksheet
 - Information on prior or pending judicial review, if available.
 - Identify whether the case is circulating to the Board Member with the drop file or with the ROP(s).
 - Name of the paralegal preparing the case.
 - History of prior proceedings at the Immigration Court and the Board (if any).
 - Indicate what is currently pending before the Board, the relief being sought and general information related to the relief or other claims being made. This will include:
 - Whether the motion or appeal is timely or not
 - Any newly submitted approvals or applications
 - Convictions being vacated
 - New case law cited by the alien
 - Arguments related to prior in absentia orders
 - Factors related to alleged hardship
 - Alleged changed country conditions
 - Evidence related to ineffective assistance of counsel (IAC) claims
 - Any briefs, oppositions, or responses filed by the opposing party
 - Other information deemed relevant to the case
- iii. Where applicable, attach to the circulation sheet any docket information or federal court order from CourtLink regarding federal court stays to show that whether there is a federal court stay in effect.
- iv. Source of Stay Circulation Sheet: Appendix F or S:
WPDOCS/JPANEL.BNK/Emergency Stay Line/Stay Line Forms/Stay Line Cir Sheet.doc.

7.3 Prepare the **Grant and Denial Stay Orders** for review and adjudication by a Board Member

- i. Draft two (2) orders – a grant of the stay and a denial of the stay.
- ii. Be sure to include the correct information in the caption pertinent to the case.
- iii. Source: see Appendix F – pink paper or S: WPDOCS/JPANEL.BNK/Emergency Stay Line/BIA Stay Line Sample Orders.

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7.4 **Personally hand-carry the completed Stay Order Circulation Package to Board Member(s)** for review and disposition:

- i. The Stay Order Circulation Package should include:
 - The pink circulation sheet stapled to the Stay Request Worksheet and the CASE disposition sheet.
 - An order denying the stay.
 - An order granting the stay.
 - The tabbed drop file or ROP(s).
- ii. Inform the Board Member of the stay motion, and the time of the scheduled removal.
- iii. Retrieve the signed order from the Board Member.
- iv. Confirm that the Board Member has signed a stay order either to grant or deny the requested stay, **and has** initialed or signed the circulation sheet.

8.0 TELEPHONE NOTIFICATION OF THE BOARD'S DECISION

8.1 If the stay motion is **GRANTED**:

- i. **Immediately** notify the Deportation Officer (DO) by phone to halt the removal process.
- ii. Ask to speak to a Duty Officer or a Supervisor if the DO cannot be personally reached by phone, and email the DO from the BIA Stay Unit email account if the address is available.
- iii. If unable to reach the DO handling the case, a Duty Officer or a Supervisor, contact the Office of the Principal Legal Advisor (OPLA) by phone and by email. (*See Appendix C*).
- iv. Notify the alien's attorney of record.
- v. If the alien is **pro se**:
 - Ask the DO to notify the alien directly and to provide a copy of the decision to the alien.
 - On the **Stay Request Worksheet**, please indicate the following information:
 - The DO was requested to notify alien as the alien is detained and pro se.
 - The date and time when notice of the stay decision was given.
 - The name of the individuals to whom the notice of the stay decision was given.
 - If a voicemail message is left, make a note of the time.

8.2 If the stay motion is **DENIED**:

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- i. Notify the attorney of record first, and then the Deportation Officer (DO).
- ii. If you cannot reach either party, leave a voicemail message with the following information:
 - The date and time of your call
 - The alien's name and alien registration number
 - The decision on the motion to stay
 - Inform the party that a copy of the order will be faxed to the number provided.
- iii. If the alien is **pro se**, request that the DO notify the alien in the same manner as when the stay motion is granted.

9.0 PROCESSING AND DISTRIBUTING THE BOARD'S STAY DECISION

- 9.1 **Date stamp the order** and verify that there are no errors in it. If an error is present, draft a corrected order and hand-carry it to the Board Member for resigning.
- 9.2 **Fax** the signed order to the alien, or the attorney of record, and the DO.
 - i. Prepare the fax transmittal sheet and fax the order to the alien's attorney of record and the Deportation Officer (DO) as soon as possible after you have notified the parties by phone.
 - ii. For **pro se** aliens: Include the following statement on the fax transmittal sheet to the DHS: ***"The DHS is requested to notify alien and provide him with a copy of the stay order. An order will also be mailed to all parties."***
 - iii. Staple fax receipt confirmation report with the fax transmittal sheet.
 - iv. Source of Fax Transmittal Sheet: See Appendices F, G and S:/WPDOCS/JPANEL.BNK/Emergency Stay Line/Stay Line Forms/ Emergency Stay Line Fax Cover Sheet.doc
- 9.3 **Prepare and mail** transmittal letters with the order to the parties.
 - i. Open Notice #20 in CASE Actions tab for the alien's case.
 - ii. The transmittal letter should be dated the same day as the stay was decided. The priority is to call the parties and fax the order immediately to them. Then, the ESU places the orders in envelopes for mailing and place them in the 21st floor Screening Panel interoffice mail outbox, which is located near Glenda's office.
 - iii. Print one (1) copy of the transmittal letter from CASE and include the Board Member's name who signed the order on the transmittal letter at the bottom.
 - iv. Make three (3) copies of the original signed order and transmittal letter and distribute as follows:

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- Originals – place in the case or drop file
- One (1) copy – send to alien’s attorney of record or pro se alien
- One (1) copy – send to the DHS
- One (1) copy + stay circulation package sheets + fax sheets transmittal and confirmation sheets stapled together - for Stay Unit record keeping

9.4 Data Entry

- i. Add information about the decision into the Completed Stays Log - Source of Excel Spreadsheet: S:/WPDOCS/JPANEL.BNK/Emergency Stay Line/Stay Log and Stats.
- ii. Make a notation in the CASE comments screen that a stay has been granted or denied.
- iii. Remove the stay motion from the pending stay log.

9.5 Routing the file

- i. If the file is incomplete or not ready for screening and adjudication, return to the Clerk’s Office.
- ii. If the file is complete but has not been screened, screen the file and route accordingly for assignment.
- iii. If the file has already been assigned, return the file to the assigned attorney or paralegal.
- iv. Make sure to scan the file to its new location.

10.0 NON-ASSOCIATED DOCUMENTS AND MOTIONS TO RECONSIDER

10.1 Non-associated stay-related documents are documents that were received by the Clerk’s Office **prior** to the **denial** of the stay, but not associated with the ROP or drop file and not considered at the time the stay decision was made. The examples of non-associated stay- related documents are:

- i. Supplemental motions.
- ii. The DHS’s responses to any motions.
- iii. Briefs.
- iv. Any other relevant non-associated material.

10.2 If the documents were received by the Clerk’s Office prior to the denial of the stay, please follow these steps:

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- i. Bring the document to the attention of the Board Member(s) who signed the stay order.
 - ii. Check with the Board Member to see if the supplemental stay material requires a new stay order.
 - iii. Upon receipt of the new information, a prior stay order may be vacated and a new stay decision issued.
- 10.3 Always check CASE comments before you circulate a stay motion to see if the ROPs have come in or if any other supplemental filings have been received and are with the Clerk's Office.
- 10.4 The Board Member(s) **may reconsider** a stay motion if new evidence is submitted by one of the parties or on its own motion after further review of the case.

11.0 APPENDICES

- A. How to Process a Stay – Quick Reference Guide
- B. Emergency Stay Unit Email Protocol
- C. Useful Information for Contacting Deportation Officers
- D. Removal Information Request Process
- E. Stay Request Phone Log and Worksheet
- F. Stay Circulation Sheet and Orders – Templates and Samples
- G. Fax Transmission Sheets
- H. Frequently Asked Questions Regarding Emergency Stays
- I. Sample Monthly Report and Schedule
- J. IP Phone and Voicemail Guide
- K. Closure Stay Line Telephone and Email Greeting Change
- L. Office Closure and COOP Emergency Stay Unit Procedures