



## Stay of Removals FOIA Response from EOIR

### Index of Policy Documents Received in Response to American Immigration Council v. Executive Office for Immigration Review, No. 1:19-cv-01835-DLC (S.D.N.Y., filed Feb. 27, 2019)

The following documents were received by the American Immigration and the Kathryn O. Greenberg Immigration Justice Clinic at the Benjamin N. Cardozo School of Law in litigation regarding a Freedom of Information Act (FOIA) request for documents and data from the Board of Immigration Appeals (BIA) regarding its policies, procedures and practices on motions for stays of removal filed in conjunction with motions to reopen and/or motions to reconsider removal orders. The documents include information on motions for stays of removal, as well as other types of motions filed with the BIA.

#### EOIR Standard Operating Procedures on Adjudicating Emergency Stays of Removal

Document Name	Date	Description
<a href="#"><u>Standard Operating Procedure (SOP) for Handling Emergency Stay Motions Filed with the BIA</u></a>	6/28/16	Internal Executive Office for Immigration Review (EOIR) manual on adjudicating emergency stays of removal, including guidance on how emergency stay motions are screened and processed by BIA staff, and how parties are notified of stay decisions. Although the document is labelled draft, the agency confirmed that this is the operative version of the manual as of May 2019.
<a href="#"><u>Stay SOP Appendix A: How to Process a Stay with the BIA's Emergency Stay Unit (ESU) Quick Reference Guide</u></a>	undated	Appendix to the Stay SOP: Guide for staff responding to calls to 703-306-0093, the BIA ESU telephone number

<a href="#"><u>Stay SOP Appendix B: ESU Email Protocol/Guidelines</u></a>	3/11/16	Appendix to the Stay SOP: Guide for staff responding to inquiries to the BIA ESU email address for intra-government use
<a href="#"><u>Stay SOP Appendix C: Useful Information for Contacting Deportation Officers</u></a>	undated	Appendix to the Stay SOP: Suggestions for BIA ESU staff seeking to contact deportation officers
<a href="#"><u>Stay SOP Appendix D: Removal Information Request Process</u></a>	undated	Appendix to the Stay SOP: Guide for staff responding to intra-governmental requests to BIA ESU to check if an individual has been removed
<a href="#"><u>Stay SOP Appendix E: Stay Request Phone Log and Worksheet</u></a>	3/15/16	Appendix to the Stay SOP
<a href="#"><u>Stay SOP Appendix F: Stay Circulation Sheet and Orders— Templates and Samples</u></a>	3/5/19	Appendix to the Stay SOP
<a href="#"><u>Stay SOP Appendix G: Fax Transmission Sheet</u></a>	undated	Appendix to the Stay SOP
<a href="#"><u>Stay SOP Appendix H: FAQ Regarding Emergency Stays Before the BIA</u></a>	4/7/17	Appendix to the Stay SOP
<a href="#"><u>Stay SOP Appendix I: Sample Monthly Report and Schedule</u></a>	4/3/17	Appendix to the Stay SOP
<a href="#"><u>Stay SOP Appendix J: IP Phone and</u></a>	9/20/16	Appendix to the Stay SOP: Internal guide for staff on telephone/voicemail use

<u>Voicemail Guide</u>		
<u>Stay SOP Appendix K: Continuity of Operations (COOP) and Hazardous Weather Office Closure ESU Procedures</u>	undated	Appendix to the Stay SOP: Guide for emergency procedures in the case of emergency events.
<u>Stay SOP Appendix L: Closure Stay Line Telephone and Email Greeting Change</u>	undated	Appendix to the Stay SOP: Labelled Appendix K but listed as Appendix L in the SOP index;

### EOIR Trainings on Motions

Document Name	Date	Description
<u>VIDEO: The Board's Emergency Stay Process</u>	undated	BIA training video outlining how staff handle emergency stay motions; length: 13:54
<u>Jurisdictional Issues and Motions: Training Checklist</u>	10/28/13	Checklist/outline for BIA paralegals who screen motions addressing jurisdictional issues
<u>Adjudicating Motions: Procedural Issues and Related Developments; Substantive Law Developments and Advanced Issues</u>	6/6/18	EOIR PowerPoint presentation training regarding substantive law in the area of motions generally, including motions for stays of removal

<a href="#"><u>Adjudicating Motions</u></a>	undated	Outline of general information regarding adjudicating motions generally, <u>not</u> including motions for stays of removal
<a href="#"><u>The Exclusionary Rule in Immigration Proceedings and Motions to Suppress</u></a>	4/30/18	Legal overview of the exclusionary rule and its interplay with motions to suppress in removal proceedings
<a href="#"><u>Quick Reference: Motions to Suppress and Alienage</u></a>	undated	Chart of BIA and courts of appeals law outlining different topics related to motions to suppress
<a href="#"><u>Issue Sheet</u></a>	10/2018	Brief internal screening checklist for motions to reopen filed with the BIA
<a href="#"><u>Motions Involving Jurisdictional Issues</u></a>	2012	PowerPoint training for BIA paralegals on jurisdictional issues, primarily related to motions to reopen and motions to reconsider
<a href="#"><u>Adjudicating Motions Basic Principles</u></a>	Fall 2015	PowerPoint training primarily focused on substantive legal principles that apply when screening and adjudicating motions to reopen and reconsider

### Manuals Instructive to BIA Procedures

Document Name	Date	Description
<a href="#"><u>Case Access System for EOIR (CASE) Data Entry Course Lesson Plan</u></a>	7/16/10	Internal instructional manual on how to navigate EOIR database for recording and tracking cases, and entering applications, events and disposition of cases
<a href="#"><u>BIA Style Manual: A Guide to Drafting</u></a>	3/6/19	Internal BIA manual that:

<u>Board Decisions</u>		<ul style="list-style-type: none"> <li>provides guidance to BIA staff on tasks including drafting and issuing decisions, conducting initial case screening, and compiling records of proceedings;</li> </ul> <p>addresses formatting, style, tone, and general legal citation principles</p>
<u>Entering Motions Process (SOP)</u>	undated	Flowchart describing how BIA staff enter information about filed motions into CASE
<u>Screening Cheat Sheet</u>	10/18/18	One-page cheat sheet for BIA staff screening filed motions
<u>11-Step Detained and Non-Detained Case Appeal Screening Outline</u>	undated	Guide for inputting appeals into CASE, including for vulnerable populations, including screenshots from the CASE system
<u>Immigration Claims Process Worksheet</u>	undated	Worksheet to be completed with the procedural history for individuals who file motions to reopen
<u>Workflow—High-Level Chart</u>	undated	Flow chart on handling a case during file preparation, pre-adjudication, and adjudication, including corresponding duties of each BIA staff member
<u>AUDIO: BIA paralegal training</u>	undated	Audio training to paralegals on BIA procedure & how to screen motions; length: 2:20:40