



How to Apply for Stay of Removal in Immigration Court



A stay of removal is a temporary pause on an order of removal. It allows you to stay in the United States while you appeal an order of removal or wait to hear about an application for relief. This fact sheet shares who is eligible for a stay of removal. It also tells you how to apply for a stay of removal.

Talk to a lawyer!

You can file a stay of removal by yourself. But it is always best to talk to an immigration lawyer before you do. LawHelpMN has a list of lawyers who might be able to help. Scan the QR code or go to:

lawhelpmn.org/providers-and-clinics.



To read this fact sheet in other languages, go to:

lawhelpmn.org.



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Stay of Removal Overview

What is a stay of removal?

A stay of removal puts a temporary “pause” on an active order of removal. It lets you temporarily stay in the United States legally while you take another step in your immigration case.

Am I eligible for a stay of removal?

You must apply for and be granted a stay of removal. You can apply for a stay of removal **if you have a final order of removal** that says you have to leave the United States. The order of removal could be from an Immigration Judge, the Board of Immigration Appeals (BIA), or a federal court. **There is no guarantee that if you apply for a stay of removal that you will be granted one.** ICE makes the decision.

When you apply for a stay of removal:

- **You need to explain why you should be allowed to stay.** The most common reasons to apply are:
 - It is dangerous for you to return to your home country.
 - It would cause extreme hardship to your family if you were deported.
 - You have a severe medical condition and cannot get proper treatment in your home country.
 - You have another immigration application in process.
 - You are working on filing a motion to reopen your immigration case.
- **You need to show that you are taking more steps in your immigration case.** This could mean you are appealing your order of removal. It could also mean you have an application pending for a temporary type of immigration relief. This includes U Visas and Temporary Protected Status.

Are there risks involved in applying?

Yes. If you apply for a stay of removal, it is better to mail your application than deliver it in person to ICE. This is because anyone who has a final removal order is at risk of being detained or deported at any time. Anyone with a final removal order is at high risk of being detained by ICE if they go to an Enforcement and Removal Operations (ERO) Field Office.

What happens if I am granted a stay of removal?

You can legally stay in the United States while the stay of removal is active. ICE cannot deport you during that time. You are issued an Order of Supervision. This means there are rules you have to follow. Example: You may have to keep going to regular ICE check-ins.

What happens if my application for a stay of removal is denied?

If you are denied then your order for removal is active. ICE could detain or deport you at any time. You should meet with an immigration lawyer to talk about your legal options. You may be able to file a stay with the Court or Board of Immigration Appeals. You may also want to prepare your family in case you are deported. LawHelpMN has a fact sheet that shares things you might want to get ready. Scan the QR code or go to: <https://www.lawhelpmn.org/self-help-library/fact-sheet/making-sure-your-family-ready-if-you-get-deported>.



Does a stay of removal include my whole family?

No. Every eligible family member must file their own stay of removal application.



Example: Ramón and Inés are married.

They have both been ordered removed from the United States by an Immigration Judge. They both also have applications pending for Temporary Protected Status. Ramón and Inés must each file a separate stay of removal application. They must each pay a separate application fee.

Is a stay of removal permanent?

No. A stay of removal is temporary. It gives you a chance to stay in the United States while you finish an appeal or wait for the results of a relief application.

Can a stay of removal be revoked?

Yes. ICE can revoke a stay of removal if you violate the terms of your supervision or are arrested. It can also be revoked if you lied on your application.



How to Apply for a Stay of Removal

How do I apply for a stay of removal?

There are 5 steps to apply for a stay of removal.



STEP 01

Fill out Form I-246.



STEP 02

Gather and prepare documents and a filing fee to send with your application.



STEP 03

Make a copy of your application.



STEP 04

Mail your application to the nearest Enforcement and Removal Operations (ERO) Field Office.



STEP 05

ICE lets you know what their decision is.





You may need to go to ICE check-ins while you wait for a decision about your application.

ICE sends you a letter telling you if you need to go for a check-in. If you get a letter, you must go to the check-in. Bring proof to the ICE check-in that you have a pending stay of removal application. LawHelpMN has a fact sheet that explains what happens at an ICE check-in. Scan the QR code or go to: lawhelpmn.org/self-help-library/fact-sheet/what-expect-when-you-go-ice-check-minnesota.

STEP 01

Fill out Form I-246.



Scan the QR code or go to ice.gov/forms to get a blank copy of the form. There are instructions in the “How to Fill Out Form I-246” part of this fact sheet. **You must fill out the form in English.**



STEP 02

Gather and prepare documents and a filing fee to send with your application.



You must send 5 things with your stay of removal application:

- ☐ **Completed and signed Form I-246.**

- ❑ **Copy of your passport.** You must copy every page of your passport. Your passport must not expire for at least 6 months from when you send your application. **If you do not have a passport**, send proof that you applied for one or a similar travel document. If you cannot apply for a passport because all your country's consulates in the United States are closed, bring a document that shows the consulates are closed. ICE may not accept your stay of removal application without a passport.
- ❑ **Copy of 1 document that proves your identity.** The document must have been issued by the United States or other country's government. If the document is not in English, you must get it translated. Examples of acceptable documents include:
 - Birth certificate
 - Visa issued by a foreign consulate
 - National ID document with photo
- ❑ **Filing fee of \$155.** Send a cashiers check. Make checks payable to "Immigration and Customs Enforcement."
- ❑ **Any evidence you have about why you are asking to stay in the United States.** Evidence is documents and photos that help prove your story. This might be evidence that proves:
 - It is dangerous for you to return to your country.
 - It would cause extreme hardship to your family if you were deported.
 - You have a severe medical condition and cannot get proper treatment in your home country.
 - You have good moral character.
 - You do not have a criminal record. **OR** You have sought treatment after criminal charges.
 - You have another pending immigration application.

LawHelpMN has a fact sheet that gives examples of good evidence. It lists the types of documents you need to gather. Scan the QR code or go to: lawhelpmn.org/self-help-library/fact-sheet/preparing-evidence-and-testimony-immigration-court.



All documents must be submitted in English. If the original document is not in English, someone must translate it. You don't need a professional interpreter or translator. A bilingual family member, friend, or someone else can do it. They must do a translator form. Get a blank translator form at: [lawhelpmn.org/sites/default/files/2025-02/Immigration Certificate of Translation.pdf](http://lawhelpmn.org/sites/default/files/2025-02/Immigration%20Certificate%20of%20Translation.pdf).

STEP 03

Make a copy of your application.



Make a copy of your completed Form I-246, passport, identity document, and any evidence you send with your application. Keep the **copy** of the Form I-246 for your records. Keep your **original** passport, identity document, and evidence for your records.

STEP 04

Mail your application to the nearest Enforcement and Removal (ERO) Field Office.



Mail your stay of removal application to the nearest ERO Field Office. **They will send you a receipt. Keep this receipt in a safe place for your records.**

If you are in Minnesota, Iowa, Nebraska, North Dakota, or South Dakota, the closest office is in St. Paul, Minnesota. Mail your application to:

St. Paul ERO Field Office
1 Federal Drive
Suite 1601
Fort Snelling, MN 55111

Tell the person at the shipping service that you need to track your application when you mail it. Purchase tracking so that you know when your application is delivered. Make sure to get proof or a receipt when it is delivered.

STEP 05

ICE lets you know what their decision is.



ICE should let you know if your request for a stay of removal was approved or denied. It can take a long time for ICE to make a decision. **Keep going to your scheduled ICE check-ins while you wait for a decision.**

If your application is approved:

- You will be issued an Order of Supervision. It gives you rules you have to follow.
Example: You may have to keep going to regular ICE check-ins.

If your application is denied:

- Your order of removal is active.
- ICE could detain and deport you at any time.
- You don't get your \$155 filing fee back.
- You should meet with an lawyer to discuss your legal options. You may be able to file a stay with the Court or Board of Immigration Appeals.



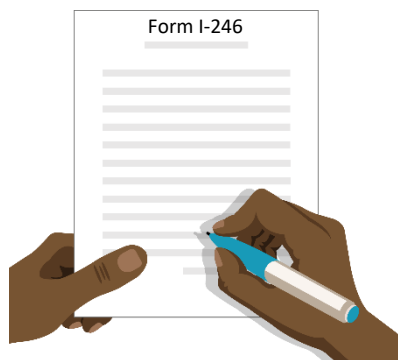
How to Fill Out Form I-246



You must tell the truth on your application.

You must answer the questions on the stay of removal application form completely and honestly. If you lie on the application, it can lead to an automatic denial.

General Tips for Filling Out the Form



01

You must complete the form in English.

02

Type your answers or write them in black ink.

03

If something on the form does not apply to you, write, "N/A" (Not Applicable) in the space.

04

If you need more space to answer a question, write on a blank piece of paper. Write your name, A-Number, phone number, and address on any extra papers.

05

This fact sheet gives tips for filling out **some** of the questions. Make sure to read and answer **all** the questions. More instructions are on the actual form.

Action Block – For ICE Use Only

Leave this part of the form blank.

Information About You

The table has tips for filling out **some** questions in this part of the form.

Question	Instructions
A-File Number	This is also called your Alien Registration Number (A-Number). Go to immigrationhelp.org to find your A-Number.
Last Name	If you have 2 last names, write both last names in the Last Name box.
Length of Stay Requested	There is no wrong answer to this question. Ask for the length of time that you think is best. Talk to an immigration lawyer if you can.

Reason(s) for Requesting a Stay of Deportation or Removal

Explain here why you need to stay in the United States. The table below has common reasons you might need to stay.

Possible Reason	Things To Write on the Form
It is not safe for you to return home.	<ul style="list-style-type: none">Explain why it is unsafe to return home.Say if you have a pending application for relief. Example: "I sent a U Visa application to USCIS."
You have a severe medical condition. Or you are the only caretaker for a family member with a severe medical condition.	Explain why you need to stay in the United States for treatment. Say why treatment isn't available in your home country.
If you have family here.	Say if you have a spouse or children staying in the United States. Explain that deportation would split your family up.

There are other important things to say in your answer to this question.

Topic	Things To Write on the Form
Criminal history	<ul style="list-style-type: none">• If you do not have a criminal record, say that you don't.• If you do have a criminal record, say what you have done to rehabilitate. This might include going to a drug or alcohol treatment program or counseling.
Long-term residency	Say how long you have lived in the United States.

Evidence Submitted (attached)

Write the name of any types of evidence you are sending with your application. **Make sure to sign this part of the form whether you send evidence or not.**

Information If Form Prepared By Other Than Applicant

A “preparer” is anyone who helped you fill out the form. This might be a family member, friend, or lawyer. Did anyone help you fill out the form?

- **If yes**, write their name and contact information. They must also sign the form.
- **If no**, skip these questions.

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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