

## SAMPLE STAY DECLARATION

When asking the court of appeals for a stay of removal, we strongly suggest **attaching a new client declaration** addressing the irreparable harm that petitioner and her/his family will suffer if the court denies the stay motion. This sample declaration is in 12-point font; however, several circuits only accept 14-point font documents. Attorneys are advised to check local circuit rules.

### DECLARATION OF [NAME]

1. My name is [name] and I submit this declaration in support of my Motion for Stay of Removal, specifically, to attest to the harm that I, and my family, would suffer if I were deported to [country].
2. I was born on [date] and I have lived in the United States since [date]. Since [date], I have been married to [spouse's name], who is a [U.S. citizen/LPR]. I have [#] [U.S. citizen/LPR] children, ages [X] and [X]. [State names, relationship and immigration status of parents, siblings, grandchildren, or other close relatives in the United States provided they are U.S. citizens, LPRs or otherwise in lawful immigration status].
3. I left [country] when I was [X] years-old and [e.g., have not returned since/have only return to visit on a couple of occasions]. I have [no family/limited family] remaining in [country]. I do not speak [language].
4. [Persecution/torture claims]: If I am deported, I will certainly face [persecution/torture] at the hands of [X]. [Explain harm faced based on fear of persecution/torture and whether petitioner would be forced to remain in hiding].
5. [Medical harm]: In addition, I suffer from [condition], for which I take [medicine] daily, and [have been hospitalized in the past]. My condition will worsen significantly if I am removed to [country], where quality medical care is [inaccessible/less accessible].
6. [Family separation]: Deportation would force me to be separated from my [U.S.

citizen/LPR] [relatives] and extended family here in the United States. My [wife/husband] and I are extremely close, and we depend on each other emotionally. I am also close with my many [children/grandchildren/great-grandchildren] here in the United States. My [spouse/children/family] would not be able to join me in [country] if I am removed because [explain why]. This separation would devastate our family. Just knowing that my family is suffering as a result of our separation would cause me emotional harm and stress, which would put my physical and mental health at risk.

7. [Employment] If I am deported to [country], I will lose my present job at [name of employer] where I work as a [job title]. The loss of my job in the United States combined with [e.g., the lack of employment in country / my inability to seek employment due to my fear of persecution/torture] will result in both monetary loss and considerable emotional damage and stress. Without my income, my [U.S. citizen/LPR] [relative/s] will not be able to pay the rent, which I currently am responsible for paying, and, therefore, my family will be at risk of eviction from our home. In particular, my [U.S. citizen/LPR] [relative/s] depends on my financial assistance because [explain]. In addition, I suffer emotional damage and stress because I no longer would be able to provide financial assistance to my [relative/s] in [country], who rely in part on the money that I regularly send for their survival.

8. [Explain any additional individual harm caused by deportation: e.g., explore whether family members have any special needs to due to young age, old age, medical issue; whether other individual facts or country facts are relevant to the harm petitioner would face from deportation.]

9. I also face irreparable harm if I am deported and win my appeal for several reasons. I would not have the financial means to obtain a new passport, arrange for my return and to pay

for a plane ticket back to the United States.

10. It would be extremely difficult for me to obtain a new passport. [Explain any risks associated with seeking a passport if the person faces persecution/torture or with the process for obtaining a passport in the country of removal].

11. The average cost of a one way ticket from [city, country] to [city, state, USA] is [\$ XXX]. If immigration will not be able to give me significant advance notice of the exact travel date, I will have to purchase an open-ended ticket, which is much more expensive, costing about [\$ XXX].

12. If I am allowed to remain in the United States during the pendency of my appeal, I will continue to be a productive member of society. [Explain; e.g., discuss community ties/lack of criminal record/rehabilitation].

I declare under the penalties of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on [date] in [city, state].

[Signature] \_\_\_\_\_  
[Name]