



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: CASILLAS-AMEZCUA, GUSTAVO A 216-554-696

Date of this notice: 8/21/2020

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Panel Members:
Malphrus, Garry D.
Adkins-Blanch, Charles K.
Pepper, S. Kathleen

Userteam: Docket

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Falls Church, Virginia 22041

File: A216-554-696 – Adelanto, CA

Date:

AUG 21 2020

In re: Gustavo CASILLAS-AMEZCUA

IN REMOVAL PROCEEDINGS

INTERLOCUTORY APPEAL

ON BEHALF OF RESPONDENT: Douglas Jalaie, Esquire

The respondent has filed an interlocutory appeal from the Immigration Judge's March 26, 2020, summary order granting the motion submitted by the Department of Homeland Security (DHS) to change venue from Adelanto, California, to Aurora, Colorado.¹ DHS has not filed a response to the appeal.

We find it appropriate to exercise our jurisdiction over this case and address the merits of the appeal. The Immigration Judge's summary order in this matter is insufficient for our appellate review as it does not demonstrate that he adequately balanced the relevant factors for determining whether good cause was established for a venue change. *See Matter of Rahman*, 20 I&N Dec. 480 (BIA 1992). The March 26, 2020, summary order granting DHS's motion to change venue provided no explanation as to the factors considered. Accordingly, the record will be remanded for a more complete development of the facts pertinent to good cause for a change of venue, and for a new decision on the DHS motion. *See* 8 C.F.R. § 1003.1(d)(3); *Matter of Rahman*, 20 I&N Dec. at 483 (noting that "a brief statement of the reasons for an immigration judge's decision to grant or deny a change of venue over the objection of one of the parties would assist this Board in reviewing the decision and determining whether good cause exists").

In his decision, the Immigration Judge should also address the respondent's claim that the granting of the DHS motion to change venue impermissibly interferes with an existing attorney-client relationship. *See Comm. of Cent. Am. Refugees v. INS*, 795 F.2d 1434, 1438-39 (9th Cir.), *amended*, 807 F.2d 769 (9th Cir. 1986). The Immigration Judge should also address the impact, if any, of the June 20, 2019, decision and injunction in *Arroyo v. United States Dept. of Homeland Security*, No. SACV 19-815, 2019 WL 2912848 (C.D. Cal. 2019).

ORDER: The record is returned to the Immigration Court in Adelanto, California, for further proceedings consistent with this opinion and for the entry of a new decision.



FOR THE BOARD

¹ According to the Executive Office for Immigration Review's electronic database, the respondent's next hearing is scheduled for October 15, 2020, in Aurora, Colorado.