



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Atlanta, GA 30303**

Name: ESPINOZA-REYES, JONATHAN ... A 214-421-907

Date of this notice: 3/13/2018

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:
Kendall Clark, Molly

Userteam: Docket

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Falls Church, Virginia 22041

File: A214 421 907 – Atlanta, GA

Date: MAR 13 2018

In re: Jonathan Jeison ESPINOZA-REYES

IN REMOVAL PROCEEDINGS

INTERLOCUTORY APPEAL

ON BEHALF OF RESPONDENT: Regina R. Ragon, Esquire

ON BEHALF OF DHS: Sheila E. Gallow
Assistant Chief Counsel

The Department of Homeland Security (“DHS”) has filed an interlocutory appeal from the Immigration Judge’s December 19, 2017, decision administratively closing the respondent’s removal proceedings over the DHS’s objection to allow him to pursue an Application for a Provisional Unlawful Presence Waiver (Form I-601A) with U.S. Citizenship and Immigration Services (“USCIS”). To avoid piecemeal review of the multiple queries that may arise during the course of removal proceedings, ordinarily the Board does not entertain interlocutory appeals. *See Matter of M-D-*, 24 I&N Dec. 138, 139 (BIA 2007), and cases cited therein. We have on occasion accepted interlocutory appeals to address significant jurisdictional questions about the administration of the immigration laws, or to correct recurring problems in the handling of cases by Immigration Judges. *See, e.g., Matter of Guevara*, 20 I&N Dec. 238 (BIA 1990, 1991); *Matter of Dobere*, 20 I&N Dec. 188 (BIA 1990). The issue of whether the Immigration Judge properly administratively closed this case does not present a significant jurisdictional question about the administration of the immigration laws, nor does it involve a recurring problem in Immigration Judges’ handling of cases. Thus, the question raised in this interlocutory appeal does not fall within the limited ambit of cases where we deem it appropriate to exercise our jurisdiction.

Accordingly, the following order will be entered.

ORDER: The record shall be returned to the Immigration Court with no further action.


FOR THE BOARD