



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: P [REDACTED] M [REDACTED], S [REDACTED] G [REDACTED]

A [REDACTED]-999

Date of this notice: 12/3/2018

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
Guendelsberger, John
Grant, Edward R.

TranC
User team: Docket

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Donna Carr

Falls Church, Virginia 22041

File: A [REDACTED]-999 – Atlanta, GA

Date:

DEC - 3 2018

In re: S [REDACTED] G [REDACTED] P [REDACTED] M [REDACTED]

IN REMOVAL PROCEEDINGS

INTERLOCUTORY APPEAL

ON BEHALF OF RESPONDENT: Lynn S. Garfinkel, Esquire

APPLICATION: Change of venue

The respondent has filed an interlocutory appeal from the Immigration Judge's August 13, 2018, decision denying his Motion to Change Venue to New York. As a general rule, the Board does not entertain interlocutory appeals. *See Matter of M-D-*, 24 I&N Dec. 138, 139 (BIA 2007). In this case, however, we deem it appropriate to exercise jurisdiction over this interlocutory appeal. The respondent's appeal will be sustained and the motion will be granted.

The respondent has admitted in writing the factual allegations in the Notice to Appear and conceded removability. He has filed with the Immigration Court an application for asylum, withholding of removal and protection under the Convention Against Torture. He requests that his case be scheduled at the New York Immigration Court in close proximity to his residence, witnesses, and attorney. Further, the Department of Homeland Security has not indicated that it opposes a change of venue in these proceedings. Therefore, we find that good cause has been shown, and will grant the motion to change venue. Accordingly, the following orders will be entered.

ORDER: The interlocutory appeal is sustained, and the motion to change venue to New York, NY, is granted.

FURTHER ORDER: The record is remanded to the Immigration Court for further proceedings.


FOR THE BOARD