



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: VASQUEZ-MOLINA, WILSON

A 201-705-149

Date of this notice: 8/13/2019

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
Grant, Edward R.
Guendelsberger, John

Humayl
Userteam: Docket

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WJ

Falls Church, Virginia 22041

File: A201-705-149 – Dallas, TX

Date: **AUG 13 2019**

In re: Wilson VASQUEZ-MOLINA

IN REMOVAL PROCEEDINGS

INTERLOCUTORY APPEAL

ON BEHALF OF RESPONDENT: Paola Donovan, Esquire

The respondent has filed an interlocutory appeal from the Immigration Judge's June 5, 2019, decision denying the respondent's motion for a change of venue from Dallas, Texas to New York, New York. The interlocutory appeal will be sustained, the Immigration Judge's decision will be vacated, and the record will be remanded to the Immigration Court in New York, New York, for further proceedings.

The respondent contends that the Immigration Judge did not address and balance the factors to determine good cause for changing venue as set forth in *Matter of Rahman*, 20 I&N Dec. 480 (BIA 1992).¹ We agree. The Immigration Judge wrote on a form order that, "no good cause has been shown" and that the respondent failed to establish his prima facie eligibility for relief. The Immigration Judge did not provide a good cause analysis. For his part, the respondent claims that he has never lived in Texas; rather, he was apprehended at the border and detained there. After his detention, he asserts, he immediately moved to New York to live with relatives. He has also hired a pro bono attorney in New York. As for the Immigration Judge's second point, it is unlikely that the respondent could demonstrate his prima facie eligibility for relief at this early point in removal proceedings, when he has not yet submitted his application(s) for relief. Finally, we note that the Department of Homeland Security did not file a response to the respondent's motion.


Considering the totality of the circumstances, we will sustain the respondent's interlocutory appeal. The following orders will be entered.

ORDER: The respondent's interlocutory appeal is sustained, and the Immigration Judge's June 5, 2019, decision is reversed and vacated.

FURTHER ORDER: The motion is granted and venue is changed from the Immigration Court in Dallas, Texas, to the Immigration Court in New York, New York.

¹ The decision to grant an alien's request to change venue is a matter of discretion and is subject to demonstration of good cause, which is determined by balancing relevant factors, including administrative convenience, expeditious treatment of the case, location of witnesses, cost of transporting witnesses or evidence to a new location, and factors commonly associated with the alien's place of residence. *Matter of Rahman*, 20 I&N Dec. at 483-84.

FURTHER ORDER: The record is remanded to the Immigration Court in New York, New York, for further proceedings.

A handwritten signature in black ink, appearing to be "ERG", is written over a horizontal line. Below the line, the words "FOR THE BOARD" are printed in a bold, sans-serif font.

FOR THE BOARD