



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: KUMAR, PATEL KIRAN

A 200-941-618

Date of this notice: 4/11/2018

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:
Guendelsberger, John
Kendall Clark, Molly
Grant, Edward R.

Entered by:
User team: Docket

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Falls Church, Virginia 22041

File: A200 941 618 – Atlanta, GA

Date: **APR 11 2018**

In re: Patel Kiran KUMAR a.k.a. Kiran Kumar Pankajbhai Patel

IN REMOVAL PROCEEDINGS

INTERLOCUTORY APPEAL

ON BEHALF OF RESPONDENT: Bhavya Chaudhary, Esquire

The respondent has filed an interlocutory appeal from the Immigration Judge's October 30, 2017, decision denying his motion to terminate these removal proceedings without prejudice. The Department of Homeland Security ("DHS") has not filed a response to the interlocutory appeal. Although the Board does not ordinarily entertain interlocutory appeals, we will exercise our jurisdiction in this matter and address the respondent's appeal. *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 respondent's appeal will be sustained, and the removal proceedings will be terminated without prejudice.

The respondent maintains that the Immigration Judge erred in denying his motion to terminate these removal proceedings without prejudice because his petition for a U visa (Form I-918) was approved on June 14, 2017, and he is now in lawful nonimmigrant status (Respondent's Br. at 2). We agree. The respondent has provided evidence establishing that his petition was approved, and that he is now in U visa nonimmigrant status. Based on the foregoing, we will sustain the appeal and order the proceedings terminated without prejudice. Accordingly, the following orders will be entered.

ORDER: The interlocutory appeal is sustained and the Immigration Judge's October 30, 2017, decision is vacated.

FURTHER ORDER: The removal proceedings are terminated without prejudice.



FOR THE BOARD