



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: TORRES-BRACAMONTES, ESTEFANIA

A098-523-028

Date of this notice: 7/7/2011

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:

Creppy, Michael J.
Grant, Edward R.
Liebowitz, Ellen C

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Falls Church, Virginia 22041

File: A098 523 028 - El Paso, TX

Date: JUL -7 2011

In re: ESTEFANIA TORRES-BRACAMONTES a.k.a. Estefania Gil-Bracamontees
a.k.a. Estefania Villicana

IN REMOVAL PROCEEDINGS

INTERLOCUTORY APPEAL

ON BEHALF OF RESPONDENT: Olsi Vrap, Esquire

The respondent has appealed from the Immigration Judge's order denying her motion to terminate these removal proceedings. The Department of Homeland Security ("DHS") has not filed a response to the appeal. Although this Board does not ordinarily entertain interlocutory appeals, we will accept this case by certification and address the respondent's challenge to the Immigration Judge's decision. *Matter of Ruiz-Campuzano*, 17 I&N Dec. 108 (BIA 1979); *Matter of Ku*, 15 I&N Dec. 712 (BIA 1976); *Matter of Guevara*, 20 I&N Dec. 238 (BIA 1990, 1991); *Matter of Dobere*, 20 I&N Dec. 188 (BIA 1990). The appeal will be sustained.

The respondent asserts that she is a United States citizen, and argues that since the Immigration Judge has no jurisdiction over citizens of the United States, these proceedings should be terminated. We agree. The respondent produced a Certificate of Citizenship to support her citizenship claim. And notwithstanding the DHS's representation to the Immigration Judge that the Government intends to revoke the certificate, there is no evidence that the respondent's citizenship has been revoked. Thus, the respondent shall be considered to be a citizen of the United States until a decision to reopen naturalization proceedings and deny naturalization becomes final. *See* 8 C.F.R. § 340.1(g)(4).

Based on the foregoing, the following orders will be entered.

ORDER: This interlocutory appeal is sustained.

FURTHER ORDER: The respondent's motion to terminate these proceedings is granted.


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