



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

**Keese, Cecilia Mata
The Keese Law Firm PC
123 W. Main Street, Suite 103
Grand Prairie, TX 75050**

**DHS/ICE Office of Chief Counsel - DAL
125 E. John Carpenter Fwy, Ste. 500
Irving, TX 75062-2324**

Name: PARADA MONTUFAR, JOSE AN... A 074-092-123

Date of this notice: 7/30/2015

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:
Holmes, David B.
Miller, Neil P.
Guendelsberger, John

Userteam: Docket

**For more unpublished BIA decisions, visit
www.irac.net/unpublished/index/**

JS

Falls Church, Virginia 22041

File: A074 092 123 – Dallas, TX

Date: JUL 30 2015

In re: JOSE ANGEL PARADA MONTUFAR a.k.a. Jose Angel Parada Lozano

IN REMOVAL PROCEEDINGS

INTERLOCUTORY APPEAL

ON BEHALF OF RESPONDENT: Cecilia Mata Keese, Esquire

The respondent has filed an interlocutory appeal from the Immigration Judge's June 10, 2015, decision denying the parties' joint motion to administratively close removal proceedings. To avoid piecemeal review of the myriad of questions which may arise in the course of proceedings before us, this Board does not ordinarily entertain interlocutory appeals. *See Matter of Ruiz-Campuzano*, 17 I&N Dec. 108 (BIA 1979). We have, however, on occasion ruled on the merits of interlocutory appeals where we deemed it necessary 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).

We will entertain this appeal and vacate the Immigration Judge's order insofar as that order denied the parties' joint motion to administratively close the proceedings. While an Immigration Judge has the ultimate authority to deny a joint motion filed by the parties, the Immigration Judge's decision does not reflect that he accorded any meaningful weight or consideration to the factual circumstances presented in the parties' motion or to the agreement of the parties as to the appropriate course of action in these proceedings. Further, particularly given the challenging caseloads and extended dockets facing Immigration Judges, joint filings and pre-hearing agreement by the parties, while not determinative in and of themselves of the appropriate resolution of a case or an issue before an Immigration Judge, should be encouraged and given serious consideration. *See Matter of Yewondwonsen*, 21 I&N Dec. 1025, 1026 (BIA 1997) (noting that "the parties have an important role to play in these administrative proceedings, and that their agreement on an issue or proper course of action should, in most instances, be determinative"). Given the circumstances presented, the joint motion to administratively close these proceedings will be granted.

ORDER: The appeal is sustained and the proceedings are administratively closed. If either party to this case wishes to reinstate the proceedings, a written request to reinstate the proceedings may be made to the Board. The Board will take no further action in the case unless a request is received from one of the parties. The request must be submitted directly to the Clerk's Office, without fee, but with certification of service on the opposing party.



FOR THE BOARD