



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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**DHS/ICE Office of Chief Counsel - SLC
2975 Decker Lake Dr. Stop C
West Valley City, UT 84119**

Name: MENDEZ PEREZ, EMELY VANE... A 215-931-409

Date of this notice: 7/3/2019

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
Guendelsberger, John
Grant, Edward R.

. . .
User team: Docket

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Falls Church, Virginia 22041

File: A215-931-409 – West Valley, UT

Date: JUL - 3 2019

In re: Emely Vanessa MENDEZ PEREZ

IN REMOVAL PROCEEDINGS

INTERLOCUTORY APPEAL

ON BEHALF OF RESPONDENT: Maria E. Andrade, Esquire

The respondent has filed an interlocutory appeal from the Immigration Judge's March 11, 2019, decision, denying her motion to reconsider a denial of her motion to change venue from Salt Lake City (West Valley), Utah, to Boise, Idaho. The record before us does not contain a brief in opposition from the Department of Homeland Security. The respondent's interlocutory appeal will be sustained; the Immigration Judge's March 11, 2019, decision will be vacated; and the record will be remanded to the Immigration Court in Boise, Idaho, for further proceedings.

On appeal, 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's March 11, 2019, decision is a brief form order that denies the motion to change venue for the "same reason as first denial." The first denial is also a brief form order, dated February 4, 2019, which states that the respondent "resides closer to SLC than Boise." These brief form orders do not demonstrate that the Immigration Judge appropriately balanced the relevant factors in denying the motion to change venue. In addition, the respondent resides in Idaho, her counsel practices in Boise, Idaho, and the respondent is willing to travel an extra 30 miles to Boise, Idaho, for the benefit of being represented by her counsel (Motion to Reconsider, Tabs A-C). Given the foregoing, the respondent's interlocutory appeal will be sustained, and the following orders will be entered.

ORDER: The respondent's interlocutory appeal is sustained, and the Immigration Judge's March 11, 2019, decision is reversed and vacated.

FURTHER ORDER: The motion is granted and venue is changed from the Immigration Court in Salt Lake City (West Valley), Utah, to the Immigration Court in Boise, Idaho.

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


FOR THE BOARD

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.