



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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The Bronx Defenders
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**DHS/ICE Office of Chief Counsel - MIA
333 South Miami Ave., Suite 200
Miami, FL 33130**

Name: POWELL, ANTHONY L

A 037-773-826

Date of this notice: 8/2/2018

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:
Mann, Ana
Adkins-Blanch, Charles K.
Kelly, Edward F.

Userteam: Docket

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Falls Church, Virginia 22041

File: A037 773 826 – Miami, FL

Date: **AUG - 2 2018**

In re: Anthony L. POWELL a.k.a. Jonnie Bennett a.k.a. Lloyd Bently a.k.a. Anthony J. Powell a.k.a. Anthony Lloyd Powell a.k.a. Anthony Powell Powell a.k.a. Michael Powell a.k.a. Lloyd Powell a.k.a. Anthony George Powell a.k.a. Lloyd Powell

IN REMOVAL PROCEEDINGS

INTERLOCUTORY APPEAL

ON BEHALF OF RESPONDENT: Courtney M. Lee, Esquire

The respondent filed an interlocutory appeal from the Immigration Judge's oral decision of February 28, 2018, which ordered the change of venue of these proceedings from the Immigration Court in New York, New York, to the Immigration Court in Miami, Florida. The Department of Homeland Security (DHS) has not filed a response to the appeal.

The Notice of Appeal in this case was filed in Buffalo, New York, on December 11, 2012. However, upon an unopposed motion filed by the respondent, venue was changed to the Immigration Court in New York, New York, on October 30, 2014. The motion was largely based on the likely availability of pro bono counsel for the respondent in New York City.

We conclude that it is appropriate to exercise our jurisdiction over this case and address the merits of this appeal. While we acknowledge the Immigration Judge's concerns regarding the respondent's location of residence in Florida, the respondent attended all of his hearings in New York and showed relevant long-standing ties to that area, including a witness and his pro bono attorney, who has represented him thus far in these proceedings. *See* 8 C.F.R. § 1003.20(b); *see also Matter of Rahman*, 20 I&N Dec. 480, 482-83 (BIA 1992). Considering all the circumstances, we conclude that the Immigration Judge's decision to change venue should be vacated, and that venue should be transferred back to the Immigration Court in New York, New York.

Accordingly, the following orders will be entered.

ORDER: The interlocutory appeal is sustained, and the Immigration Judge's oral decision of February 28, 2018, is vacated.

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



FOR THE BOARD