



**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

**ESPANA-MIRANDA, CLAUDIA NOHELIA**  
[REDACTED]

**DHS/ICE Office of Chief Counsel - BAL**  
**31 Hopkins Plaza, Room 1600**  
**Baltimore, MD 21201**

**Name: ESPANA-MIRANDA, CLAUDIA N... A 215-943-857**

**Date of this notice: 9/28/2020**

Enclosed is a copy of the Board's decision in the above-referenced case. If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of this decision.

Sincerely,

*Donna Carr*

Donna Carr  
Chief Clerk

Enclosure

Panel Members:  
Kelly, Edward F.

U.S. DEPARTMENT OF JUSTICE  
User team: Docket

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Falls Church, Virginia 22041

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File: A215-943-857 – Baltimore, MD

Date: **SEP 28 2020**

In re: Claudia Nohelia ESPANA-MIRANDA

IN REMOVAL PROCEEDINGS

INTERLOCUTORY APPEAL<sup>1</sup>

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF DHS: Nicole Barmore  
Assistant Chief Counsel

The Department of Homeland Security has filed an interlocutory appeal from the Immigration Judge's decision, rendered orally on February 6, 2020, ordering these proceedings administratively closed.<sup>2</sup> On appeal, the DHS does not challenge the Immigration Judge's authority to administratively close these proceedings, but rather argues essentially that her decision to do so was not in conformity with *Matter of Avestisyan*, 25 I&N Dec. 688 (BIA 2012). *See Romero v. Barr*, 937 F.3d 282, 292 (4<sup>th</sup> Cir. 2019) (holding that 8 C.F.R. §§ 1003.10(b) and 1003.1(d)(1) unambiguously confer upon Immigration Judges and the Board the general authority to administratively close cases).

Ordinarily the Board does not entertain interlocutory appeals. *See Matter of M-D-*, 24 I&N Dec. 138, 139 (BIA 2007), and cases cited therein. We have on occasion accepted interlocutory appeals to address significant jurisdictional questions about the administration of the immigration laws, or 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). The issue presented in this appeal does not present a significant jurisdictional question about the administration of the immigration laws. Nor does it involve a recurring problem in the Immigration Judges' handling of cases. Thus, we decline to accept the appeal. The DHS will have the opportunity to appeal any adverse decision upon completion of the Immigration Court proceedings.

Accordingly, the following order will be entered.

ORDER: The record is returned to the Immigration Court with no further action.

  
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FOR THE BOARD

<sup>1</sup> The complete record of proceedings related to the respondent is not before the Board. As a result, a temporary record has been created to consider jurisdiction.

<sup>2</sup> The DHS's motion to accept this appeal by certification is granted. 8 C.F.R. § 1003.1(c).