



**U.S. Department of Justice**

Executive Office for Immigration Review

*Board of Immigration Appeals  
Office of the Clerk*

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3535 Lawton Road, Suite 100  
Orlando, FL 32803**

**Name: RAMIREZ ACOSTA, DIMAS**

**A 034-070-902**

**Date of this notice: 6/21/2019**

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:  
Guendelsberger, John  
Grant, Edward R.  
Kendall Clark, Molly

SENT BY  
User team: Docket

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Falls Church, Virginia 22041

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File: A034-070-902 – Orlando, FL

Date:

**JUN 21 2019**

In re: Dimas RAMIREZ ACOSTA

IN REMOVAL PROCEEDINGS

INTERLOCUTORY APPEAL

ON BEHALF OF RESPONDENT: David Max Stern, Esquire

The respondent has filed an interlocutory appeal from the Immigration Judge's December 13, 2018, decision granting the Department of Homeland Security's (DHS's) motion for a change of venue from New York, New York, to Orlando, Florida. The respondent argues that the Immigration Judge did not apply the factors to determine good cause for changing venue, set forth in *Matter of Rahman*, 20 I&N Dec. 480 (BIA 1992).

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, 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 Immigration Judge's decision is a form order that reflects only that the respondent, "was given notice and had an opportunity to respond" to the DHS's motion. It does not demonstrate that she appropriately balanced all of the relevant factors for determining whether good cause was established for a venue change in *Matter of Rahman*. In this case, the respondent, who asserts that he is a disabled lawful permanent resident, opposed the motion to change venue below. He argued, as he does on appeal, that he is willing to continue to appear in New York, although he has moved to Florida, because he would like to retain his pro bono attorney in New York for his merits hearing. *See id.* at 484 (evidence of a longstanding attorney-client relationship is a factor in weighing a request for venue change). Considering the totality of the circumstances, we determine that the Immigration Judge's decision to change venue should be vacated. Accordingly, the interlocutory appeal will be sustained and venue transferred back to the New York, New York, Immigration Court.

ORDER: The interlocutory appeal is sustained, and Immigration Judge's December 13, 2018, decision is vacated.

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

Molly Randall Clark  
FOR THE BOARD