



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: O [REDACTED] H [REDACTED] R [REDACTED] A [REDACTED] 490

Date of this notice: 9/19/2016

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

Userteam: Docket

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File: A-490 – Charlotte, NC

Date:

SEP 19 2016

In re: R-L-O-H

IN REMOVAL PROCEEDINGS

INTERLOCUTORY APPEAL

ON BEHALF OF RESPONDENT: Jillian J. Baucom, Esquire

ON BEHALF OF DHS: Hilary Rainone
Assistant Chief Counsel

The Department of Homeland Security (DHS) has filed an interlocutory appeal from the Immigration Judge's July 14, 2016, decision denying the DHS's Motion to Recalendar after the Immigration Judge had *sua sponte* administratively closed the respondent's proceedings. The respondent is seeking, *inter alia*, to perfect an I-360 Special Immigrant Juvenile (SIJ) status visa petition. Notably, the Immigration Judge advised DHS that he would entertain a renewed motion to recalendar the respondent's proceedings should DHS oppose any further continuances by the respondent to perfect her visa application.¹

To avoid piecemeal review of the multiple queries that may arise during the course of removal proceedings, 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 of whether the Immigration Judge properly denied the DHS's Motion does not present a significant jurisdictional question about the administration of the immigration laws. Nor has it been shown to involve a recurring problem in Immigration Judges' handling of cases. Thus, the question raised in this interlocutory appeal does not fall within the limited ambit of cases where we deem it appropriate to exercise our jurisdiction.

IT IS THEREFORE ORDERED that the record be returned to the Immigration Court without further action.


FOR THE BOARD

¹ The respondent's SIJ visa petition is being filed with a corresponding Fourth Preference (EB-4) visa petition. We acknowledge DHS's argument that, according to the July 2016 Department of State Visa Bulletin, EB-4 visas for special immigrants from Mexico were not current and available in the respondent's case (DHS's Supplement to EOIR-26 at 3). However, the October 2016 Visa Bulletin lists EB-4 visas for Mexico as "current." *See* U.S. Department of State Visa bulletin, Vol. IX, No. 97 (October 2016).