



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 - BUF  
130 Delaware Avenue, Room 203  
Buffalo, NY 14202

Name:



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Date of this notice: 1/29/2016

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:  
Adkins-Blanch, Charles K.

schwarzA  
User team: Docket

Falls Church, Virginia 22041

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File: [REDACTED] - Buffalo, NY

Date:

JAN 29 2016

In re: [REDACTED]

IN REMOVAL PROCEEDINGS

INTERLOCUTORY APPEAL

ON BEHALF OF RESPONDENT: Sophie Feal, Esquire

APPLICATION: Motion to permit appearance of a law student intern

The respondent has filed an interlocutory appeal regarding the Immigration Judge's decision dated December 10, 2015, denying the respondent's motion to permit appearance by a law student intern.<sup>1</sup> Our electronic records reflect that a hearing is scheduled on February 12, 2016. To avoid piecemeal review of the myriad 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, however, on occasion ruled on the merits of interlocutory appeals where we deemed it necessary 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 Dobre*, 20 I&N Dec. 188 (BIA 1990).

We will entertain this appeal and vacate the Immigration Judge's order denying the respondent's motion to permit appearance by a law student intern. The law student in this case sought permission from the immigration judge before whom she wished to appear. 8 C.F.R. § 1291.1(a)(2)(iv). As required by the regulations at 8 C.F.R. § 1291.1(a)(2), the motion to permit appearance reflects that the law student is enrolled at Cornell Law School, an accredited U.S. law school, and is appearing at the request of the respondent. *Id.* The motion also includes a written statement by the law student confirming that she is participating in a clinic at Cornell Law School under the direction of a faculty member and licensed attorney, and that she is appearing without remuneration from the respondent she is representing. *Id.*

The Immigration Judge's order contains no indication that the law student did not meet the requirements set out in the regulations. Instead, the Immigration Judge discusses the overall backlog of the immigration courts and delays due to the unavailability of interpreters, concluding that "[a]t this time, the Court does not believe allowing law students to appear would benefit the parties or the judicial process." IJ at 2. The Immigration Judge does not explain how either the backlogged courts or the unavailability of interpreters is related to the decision whether to allow the appearance of law students. Absent evidence of excessive delay caused by the request or that the law student does not meet the requirements for representation as set forth in the regulations,

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<sup>1</sup> We acknowledge the brief submitted by amicus curiae, but need not consider it as we will decide this appeal on the briefs submitted by the parties.

[REDACTED]

we find that the Immigration Judge erred in denying the respondent's request to allow the appearance of a law student on her behalf.

We find it unnecessary to address the original timeliness of the respondent's motion, as the respondent continues to request that the law student appear at her master calendar hearing, which has been reset for February 12, 2016. Accordingly, we sustain the appeal, reverse the Immigration Judge's decision, and remand proceedings to the Immigration Judge for further hearings in accordance with this order.

ORDER: The appeal is sustained.

FURTHER ORDER: The respondent's motion to permit the appearance of a law student intern is granted and the record is returned to the Immigration Court for further proceedings consistent with the foregoing opinion.

A handwritten signature in black ink, consisting of several loops and flourishes, positioned above a horizontal line.

FOR THE BOARD