

NON-DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OFFICE OF THE IMMIGRATION JUDGE  
LUMPKIN, GEORGIA**

**In the Matter of:**

N [REDACTED], K [REDACTED]

**In Removal Proceedings**

**File No.: A [REDACTED]**

**Immigration Judge:** None assigned

**Hearing Date:** None assigned

**RESPONDENT'S MOTION TO CHANGE VENUE**

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**INDEX OF EXHIBITS IN SUPPORT OF RESPONDENT'S  
MOTION TO CHANGE VENUE**

Exhibit (A): Cardhold Authorization authorizing payment of bail bond fee to Action Immigration Bonds & Insurance Services, Inc.

Exhibit (B): Respondent's Form EOIR 33, showing a change of address to [REDACTED]

Exhibit (C): Letter from M [REDACTED] A [REDACTED], showing willingness to be responsible for Respondent

Exhibit (D): M [REDACTED] A [REDACTED]'s United States passport, confirming his U.S. citizenship

Exhibit (E): K [REDACTED] N [REDACTED]'s EOIR Form, showing his new address in [REDACTED]

Exhibit (F): Retainer Agreement between K [REDACTED] N [REDACTED] and [REDACTED]  
[REDACTED]

Exhibit (G): Stamp-filed copy of first page of Motion to Remove from Detained Docket and Change Venue to Atlanta Immigration Court

Exhibit (H): Emails between Respondent's counsel and OCC, showing that OCC will not oppose the instant motion

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**RESPONDENT'S MOTION TO CHANGE VENUE**

COMES NOW Respondent K [REDACTED] N [REDACTED], by and through undersigned counsel, and hereby moves this Court to transfer venue of this case from Charlotte Immigration Court to Atlanta Immigration Court. As grounds for the instant Motion, Respondent states as follows:

**STATEMENT OF FACTS AND PROCEDURAL HISTORY**

Respondent is a twenty-nine-year-old native and citizen of Tunisia who entered the United States on a B2 tourist visa on or about February 28, 2016. He was detained at Stewart Detention Center beginning in March 2017, pending a hearing in his removal proceedings. On September 8, 2017, the Respondent filed a Motion for a Custody Redetermination, asking the Court to release him on a reasonable bond. Immigration Judge Charles McCullough held a hearing on Respondent's motion for a bond on September 18, 2017 and granted Respondent a six

thousand dollar (\$6,000.00) bond. On September 20, 2017, Respondent's cousin, M [REDACTED] C [REDACTED] paid a one thousand dollar (\$1,000.00) bond bail fee to Action Immigration Bonds & Insurance Services, Inc.; thereafter, Respondent was released from Stewart Detention Center the same day. See Card Authorization for Payment of Bail Bond Fee (Exhibit "A").

The Respondent is now residing with his cousin, M [REDACTED] A [REDACTED], at [REDACTED] [REDACTED] pending his individual merits hearing. See Copy of Form EOIR 33 (Exhibit "B"); Copy of Notarized Letter from M [REDACTED] A [REDACTED] (Exhibit "C"); Copy of Mr. A [REDACTED]'s United States Passport (Exhibit "D"). Respondent is currently represented *pro bono* in his removal proceeding by [REDACTED] [REDACTED]. See Copy of E-28 (Exhibit "E"); Copy of Retainer Agreement (Exhibit "F"). Ms. N [REDACTED]'s office is located at [REDACTED] [REDACTED].

On September 25, 2017, Respondent filed a Motion to Remove Case from Detained Docket and Change Venue, asking Immigration Judge McCullough to transfer this case to Atlanta Immigration Court. See Stamp-Filed Copy of First Page of Respondent's Motion to Remove Case from Detained Docket and Change Venue (Exhibit "G"). Before IJ McCullough had the opportunity to rule on Respondent's motion, the case was transferred to Charlotte Immigration Court.

### ARGUMENT

The Immigration Judge, for good cause, may change venue upon motion by one of the parties after the charging document has been filed with the Immigration Court. 8 CFR

1003.20(b). “Good cause is determined by balancing the factors . . . relevant to the venue issue.” *Matter of Rahman*, 20 I. & N. Dec. 480, 482–83 (BIA 1992). Such factors include administrative convenience, expeditious treatment of the case, location of witnesses, and costs of transporting witnesses or evidence to a new location. *Id.* (citing *Matter of Velasquez*, 19 I. & N. Dec. 377 (BIA 1986)).

Respondent is now living in [REDACTED] with his cousin, M[REDACTED] while his counsel maintains an office in [REDACTED]. [REDACTED] is approximately 159 miles from the Atlanta Immigration Court, and [REDACTED] is only approximately 20 miles away. Neither the Respondent nor the Respondent’s attorney have any connections to Charlotte, North Carolina. The balance of factors enumerated by the Board in the aforementioned cases warrants a transfer of this case to the Atlanta Immigration Court. Specifically, Respondent has the right to an attorney of his choice and desires to maintain [REDACTED] as counsel. [REDACTED] likewise wishes to continue to represent Respondent in his removal proceedings. Venue in Atlanta Immigration Court will guarantee the feasibility of [REDACTED]’s continued *pro bono* representation of Respondent. In particular, Ms. [REDACTED]’s and the Respondent’s proximity to Atlanta Immigration Court will ensure that counsel can continue to effectively represent Respondent by guaranteeing that counsel has maximum access to the Court and to critical resources, such as legal support and interpretation services for Respondent. For example, in order to thoroughly prepare Respondent for his merits hearing, Respondent will require Arabic interpreters, which counsel will be able to easily obtain in Atlanta. Furthermore, [REDACTED] is a nonprofit organization that is

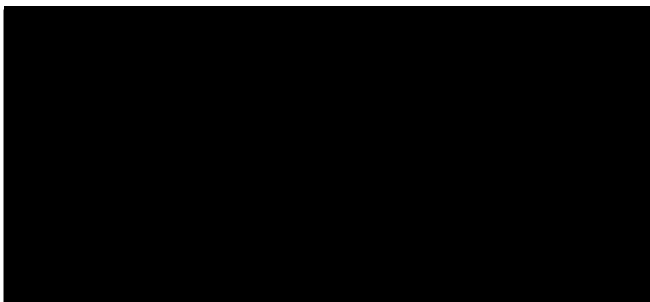
representing the Respondent *pro bono*; therefore, venue in a jurisdiction that is not easily accessible to [REDACTED] would impose a significant financial burden upon the Respondent's counsel.

On the other hand, the Respondent is unaware of any inconvenience or prejudice that would result to the Office of Chief of Counsel (OCC) if venue were in Atlanta. In fact, Respondent's counsel communicated with OCC on September 22, 2017 about the instant motion, and OCC confirmed that it does not oppose a change of venue to Atlanta Immigration Court. See Email from OCC dated September 22, 2017 (Exhibit "H").

#### **CONCLUSION AND PRAYER FOR RELIEF**

For all the foregoing reasons, Respondent respectfully asks that this Court GRANT his Motion to Change Venue to the Immigration Court in Atlanta, Georgia.

This the 3RD day of October, 2017.



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**In Removal Proceedings**

**File No.: A [REDACTED]**

**ORDER OF THE IMMIGRATION JUDGE**

Upon consideration of the respondent's Motion to Change Venue, it is **HEREBY ORDERED** that the motion be GRANTED DENIED because:

- ☐ DHS does not oppose the motion.  
☐ The respondent does not oppose the motion.  
☐ A response to the motion has not been filed with the court.  
☐ Good cause has been established for the motion.  
☐ The court agrees with the reasons stated in the opposition to the motion.  
☐ The motion is untimely per \_\_\_\_\_.  
☐ Other: \_\_\_\_\_

**Deadlines:**

- ☐ The application(s) for relief must be filed by \_\_\_\_\_.  
☐ The respondent must comply with DHS biometrics instructions by \_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Honorable  
United States Immigration Court

**Certificate of Service**

This document was served by: ☐ Mail ☐ Personal Service

To: ☐ Alien ☐ Alien c/o Custodial Officer ☐ Alien's Atty/Rep ☐ DHS

Date: \_\_\_\_\_ By: Court Staff \_\_\_\_\_

**Alien's Change of Address Form/  
Immigration Court**

If you move or change your phone number, the law requires you to file this Change of Address Form with the Immigration Court. You must file this form within five (5) working days of a change in your address or phone number. You will only receive notification as to the time, date, and place of hearing or other official correspondence at the address which you provide. Changes in address or telephone numbers communicated through any means except this form, e.g., pleadings, motion papers, correspondence, telephone calls, applications for relief, etc. will not be recognized and the address information and record will remain unchanged.

Failure to appear at any hearing before an Immigration Judge, when notice of that hearing or other official correspondence was served on you or sent to the address you provided, may result in one or more of the following actions:

- If you are not already detained, you may be taken into custody by the Department of Homeland Security (DHS) and held for further action; and

**If you are in removal proceedings:**

Your hearing may be held in your absence under Section 240 of the Immigration and Nationality Act (INA), and an order of removal may be entered against you. Furthermore, you may become ineligible for the following forms of relief from removal for a period of 10 years after the date of the entry of the final order:

1. Voluntary Departure as provided for in Section 240B of the INA;
2. Cancellation of Removal as provided for in Section 240A of the INA;
3. Adjustment of Status or Change of Status as provided for in Section(s) 245, 248, or 249 of the INA.

**If you are in deportation proceedings:**

Your hearing may be held in your absence under Section 242B of the Immigration and Nationality Act (INA) (1995), and an order of deportation may be entered against you. Furthermore, you may become ineligible for the following forms of relief from deportation for a period of 5 years after the date of the entry of the final order:

1. Voluntary Departure as provided for in Section 242(b) of the INA (1995);
2. Suspension of Deportation or Voluntary Departure as provided for in Section 244 of the INA (1995);
3. Adjustment of Status or Change of Status as provided for in Section(s) 245, 248, or 249 of the INA (1995).

**If you are in exclusion proceedings:**

Your application for admission to the United States may be considered withdrawn, and your hearing may be held in your absence and an order of exclusion and deportation entered against you.

Name: K N

Alien Number: A

**My OLD address was:**

c/o Core Civic

("In care of" other person, if any)

146 CCA Road

(Number, Street, Apartment)

Lumpkin, Georgia 31815

(City, State and ZIP Code)

(Country, if other than U.S.)

**My NEW address is:**

("In care of" other person, if any)

(Number, Street, Apartment)

(City, State and ZIP Code)

(Country, if other than U.S.)

(New Telephone Number)



**SIGN HERE →**

X

Signature

Date

**PROOF OF SERVICE (You Must Complete This)**

I mailed or delivered a copy of this Change of Address Form on

September 22, 2017

(Date)

(Name)

to the Office of the Chief Counsel for the DHS (U.S. Immigration and Customs Enforcement-ICE) at

146 CCA Road, Lumpkin, Georgia 31815

(Number and Street, City, State, Zip Code)



**SIGN HERE →**

X

Signature