

Falls Church, Virginia 22041

File: D2020-0117

Date: APR 14 2021

In re: Jennifer YANG, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF EOIR: Paul A. Rodrigues, Disciplinary Counsel

ON BEHALF OF DHS: Catherine M. O'Connell, Disciplinary Counsel

The respondent will be disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (DHS).

On December 5, 2019, in the United States District Court for the Northern District of California, a jury found the respondent guilty of one count of conspiracy to commit visa fraud, mail fraud, and aggravated identity theft and to defraud the United States in violation of 18 U.S.C. § 371; two counts of visa fraud in violation of 18 U.S.C. § 1546(a); one count of mail fraud in violation of 18 U.S.C. § 1341; and one count of aggravated identity theft in violation of 18 U.S.C. § 1028A. On May 8, 2020, the Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) and the Disciplinary Counsel for the DHS jointly petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS. We granted the petition on July 1, 2020.

On November 19, 2020, the United States Court of Appeals for the Ninth Circuit granted the respondent's unopposed motion for voluntary dismissal of her appeal in her criminal proceedings. On January 29, 2021, the Disciplinary Counsels for EOIR and the DHS filed a Joint Notice of Intent to Discipline charging that the respondent is subject to summary discipline in light of her conviction for crimes that qualify as "serious crimes" for the purposes of 8 C.F.R. § 1003.102(h).

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline but has failed to do so. *See* 8 C.F.R. § 1003.105. The respondent's failure to file a response within the time period prescribed in the Notice of Intent to Discipline constitutes an admission of the allegations therein, and the respondent is now precluded from requesting a hearing on the matter. 8 C.F.R. § 1003.105(d)(1).

The Notice of Intent to Discipline proposes that the respondent be disbarred from practicing before the Board of Immigration Appeals, the Immigration Courts, and the DHS. Because the respondent has failed to file an answer, the regulations direct us to adopt the proposed sanction contained in the Notice of Intent to Discipline, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105(d)(2).

The proposed sanction is appropriate in light of the respondent's convictions for serious crimes as defined in 8 C.F.R. § 1003.102(h). We therefore will honor the proposed discipline and will order the respondent disbarred from practice before the Board of Immigration Appeals, the

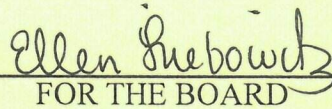
Immigration Courts, and the DHS. Further, as the respondent is currently suspended under our July 1, 2020, order of suspension, her disbarment will be effective immediately.

ORDER: The Board hereby disbars the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS, effective immediately.

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our prior order. The respondent must notify the Board of any further disciplinary action against her.

FURTHER ORDER: The contents of the order shall be made available to the public, including at the Immigration Courts and appropriate offices of the DHS.

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board, the Immigration Courts, and the DHS under 8 C.F.R. § 1003.107.


FOR THE BOARD