

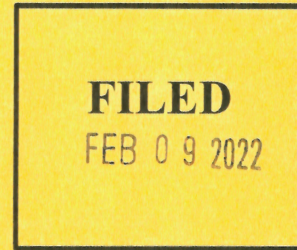
NOT FOR PUBLICATION

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

MATTER OF:

Anish PARIKH, D2021-0027

Respondent



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

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

IN PRACTITIONER DISCIPLINARY PROCEEDINGS
On Motion from a Decision of the Board of Immigration Appeals

Before: Manuel, Temporary Appellate Immigration Judge¹; Liebowitz, Appellate Immigration Judge; Hunsucker, Appellate Immigration Judge;

Opinion by Temporary Appellate Immigration Judge Manuel

MANUEL, Temporary Appellate Immigration Judge

In a decision dated June 8, 2021, we suspended the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (DHS) for 5 months, effective April 27, 2021. This suspension was based on the respondent's suspension from the practice of law in Illinois. The respondent now has filed a motion for reinstatement, which will be granted.

The respondent has presented evidence showing that he again is authorized to practice law in Illinois, and he maintains that he meets the definition of attorney contained in 8 C.F.R. § 1001.1(f). *See* 8 C.F.R. § 1003.107(a)(1) (discussing requirements for reinstatement).

The Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) and the Disciplinary Counsel for the DHS do not dispute that the respondent meets the definition of attorney set forth in 8 C.F.R. § 1001.1(f). The Disciplinary Counsels, however, oppose the respondent's motion for reinstatement on the ground that he has not complied with his period of suspension. The Disciplinary Counsels note that the respondent filed at least three Notices of Entry of Appearance (Forms G-28) in November 2021 while he was suspended before the Board, the Immigration Courts, and the DHS. The Disciplinary Counsels also state that the respondent submitted an Application for Employment Authorization (Form I-765) and a Notice of Entry of Appearance (Form G-28) to the United States Citizenship and Immigration Services (USCIS) on

¹ Temporary Appellate Immigration Judges sit pursuant to appointment by the Attorney General. *See generally* 8 C.F.R. § 1003.1(a)(1), (4).

February 18, 2021, while he was suspended from the practice of law in Illinois. Accordingly, the Disciplinary Counsels oppose reinstatement at this time.

In response to the objections of the Disciplinary Counsels, the respondent asserts that he had no knowledge of the February 18, 2021 filing with USCIS. He states that he signed the Notice of Entry of Appearance in December 2020, before he was suspended, and that he remained fully removed from his law firm and the practice of law during his period of suspension in Illinois. He therefore claims that he cannot explain why the form was filed on his behalf shortly after his suspension in Illinois commenced.

With respect to the November 2021 Notices of Entry of Appearance forms, the respondent contends that he believed he was authorized to practice before the Board, the Immigration Courts, and the DHS when his 5 month suspension ended in September 2021. He states that he did not realize he needed to file a motion for reinstatement until December 2021 and that he filed the motion promptly. He maintains that he did not violate the terms of his suspension intentionally or deceitfully.

We accept the respondent's statement that he had no knowledge of the Notice of Entry of Appearance filed with USCIS in February 2021. The respondent's filing of at least three Notices of Entry of Appearance forms with USCIS in November 2021, however, is more concerning. The Disciplinary Counsels for EOIR and the DHS are correct that our final order of discipline in the respondent's case referred to the regulation governing the reinstatement of suspended practitioners and advised him that he could file a motion for reinstatement with the Board. Thus, even if the respondent was unfamiliar with our disciplinary procedures, he was given sufficient information to allow him to discover the procedures that must be followed to obtain reinstatement. His failure to read our order closely and look into these procedures shows a lack of attention to detail.

Nevertheless, the respondent now has been suspended from practice before the Board, the Immigration Courts, and the DHS for 9 months. He therefore has been suspended for almost double the amount of time we originally imposed. This additional period of suspension is a sufficient sanction for the filing of three Notices of Entry of Appearance after he completed his period of suspension but before he applied for reinstatement. Moreover, there is no evidence that the respondent has continued to enter appearances after November 2021. Accordingly, we will grant the respondent's motion for reinstatement. *See* 8 C.F.R. § 1003.107(a)(3).

ORDER: The respondent is reinstated to practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS, as of the date of this order.

FURTHER ORDER: This reinstatement should be reflected in any public notices maintained and disseminated by the Executive Office for Immigration Review regarding attorney discipline.

FURTHER ORDER: If the respondent wishes to represent a party before the DHS, the Immigration Courts or the Board, she must file a Notice of Appearance (Form G-28, Form EOIR-26, or Form EOIR-27), even in cases in which he was counsel prior to her suspension.