

**NOT FOR PUBLICATION**

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

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MATTER OF:

Guillermo D. URIARTE, D2022-0081

Respondent

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**FILED**

NOV 03 2023

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF DHS: Toinette M. Mitchell, Disciplinary Counsel

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

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

Before: Malphrus, Deputy Chief Appellate Immigration Judge; Clark, Appellate Immigration Judge; Creppy, Appellate Immigration Judge<sup>1</sup>

Opinion by Creppy, Appellate Immigration Judge

CREPPY, Appellate Immigration Judge

In a decision dated August 15, 2022, we suspended the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (“DHS”) for 90 days, effective June 24, 2022. On September 11, 2023, the respondent filed a motion seeking reinstatement to practice. The Disciplinary Counsel for the Executive Office for Immigration Review (“EOIR”) and the Disciplinary Counsel for DHS oppose the respondent’s motion for reinstatement. The respondent’s motion for reinstatement will be granted.

The respondent has presented evidence showing that he again is authorized to practice law in Virginia, as well as the District of Columbia, 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 Counsels for DHS and EOIR 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 two Notices of Entry of Appearance (Forms G-28) with U.S. Citizenship and Immigration Services (“USCIS”), while he was suspended before the Board, the Immigration Courts, and DHS. The Disciplinary

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



Counsels note that the Forms G-28 included the respondent's name, bar number and address, but were apparently signed by "Richard L. Kent," an attorney who appeared to be affiliated with the Law Office of Guillermo D. Uriarte" (Opposition at 3-4). 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 Form G-28 filings with USCIS. He states that, in anticipation of his suspension in these proceedings, he contracted with attorney Richard Leo Kent to take over representation of his immigration cases, and that, since June 24, 2022, he has not practiced or represented anyone before DHS and EOIR. He therefore maintains that he has complied with the terms of his suspension. The respondent submitted a "witness statement," signed by Mr. Kent, and an affidavit from Jessica Alfaro, a paralegal at the respondent's law office. These statements corroborate the respondent's claims, including that he did not have knowledge of the Form G-28 filings, and that Mr. Kent and Ms. Alfaro caused the forms to be submitted with the respondent's information. The response was filed over 30 days ago, and the Disciplinary Counsels have not responded further.

Based on the evidence before us, we are satisfied that the respondent did not violate the terms of his suspension in these proceedings. 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 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 DHS, the Immigration Courts or the Board of Immigration Appeals, he 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 his suspension.