

NOT FOR PUBLICATION

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

MATTER OF:

Mike Mulamba MBANZA, D2023-0249

Respondent

FILED

JAN 17 2024

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

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

IN PRACTITIONER DISCIPLINARY PROCEEDINGS
Notice of Intent to Discipline Before the Board of Immigration Appeals

Before: Malphrus, Deputy Chief Appellate Immigration Judge; Clark, Appellate Immigration Judge; Creppy, Appellate Immigration Judge

Opinion by Clark, Appellate Immigration Judge

CLARK, Appellate Immigration Judge

The respondent will be suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security ("DHS") for 30 days, effective October 30, 2023, and the respondent's unopposed motion for reinstatement will be granted, effective immediately upon issuance of this order.

On October 20, 2023, the Supreme Court of Iowa suspended the respondent from the practice of law in Iowa for 30 days, effective October 30, 2023. On November 2, 2023, the Disciplinary Counsel for the Executive Office for Immigration Review ("EOIR") and the Disciplinary Counsel for DHS jointly petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS. We granted the petition on December 1, 2023.

The Disciplinary Counsels for EOIR and DHS filed a Joint Notice of Intent to Discipline on November 2, 2023, asking that the respondent be suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS for 30 days given his 30 day suspension in Iowa. On December 5, 2023, the respondent filed an answer to the Joint Notice of Intent to Discipline and also requested reinstatement. The respondent asks the Board to enter a final order of discipline suspending him for 30 days beginning October 30, 2023, and to reinstate him to practice because he has been readmitted to the practice of law in Iowa.¹ The Disciplinary Counsels

¹ The respondent also asks the Board to set aside the immediate suspension order entered against him, but our decision to reinstate him upon issuance of this order makes setting aside the immediate suspension order unnecessary.

for EOIR and DHS similarly request a final order of discipline and immediate reinstatement (Gov't Response at 2).

The respondent is subject to reciprocal discipline based on his suspension from the practice of law in Iowa. *See* 8 C.F.R. § 1003.102(e). The proposed sanction of a 30 day suspension is appropriate given the respondent's 30 day suspension in Iowa. We therefore will order the respondent suspended from the practice of law before the Board of Immigration Appeals, the Immigration Courts, and DHS for 30 days. Further, because the respondent notified Disciplinary Counsels of his suspension in Iowa, his suspension from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS will run concurrent with his suspension in Iowa and will be deemed effective as of October 30, 2023. *See* 8 C.F.R. § 1003.103(c).

The respondent has presented evidence showing that he has been reinstated to the practice of law in Iowa (Respondent's Application and Answer, Exh. 1). *See* 8 C.F.R. § 1003.107(a)(1) (discussing requirements for reinstatement). The Disciplinary Counsels for EOIR and DHS do not dispute that the respondent meets the definition of attorney at 8 C.F.R. § 1001.1(f). The Disciplinary Counsels further do not oppose the respondent's motion for reinstatement. We therefore will grant the respondent's motion for reinstatement, effective immediately. *See* 8 C.F.R. § 1003.107(a)(3).

ORDER: The Board hereby suspends the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS for 30 days, effective October 30, 2023.

FURTHER 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, 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.