

NOT FOR PUBLICATION

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

MATTER OF:

Beresford A. LANDERS, JR., D2022-0141

Respondent

FILED

FEB 14 2023

ON BEHALF OF RESPONDENT: Pro se

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

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

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

Before: Malphrus, Chief Appellate Immigration Judge, Liebowitz, Appellate Immigration Judge,
Noferi, Temporary Appellate Immigration Judge¹

Opinion by Malphrus, Chief Appellate Immigration Judge

MALPHRUS, Chief Appellate Immigration Judge

The respondent was suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (“DHS”) for 90 days, effective September 8, 2022, and remains suspended. On October 5, 2022, he filed a motion seeking reinstatement to practice, which we denied on December 5, 2022. On December 8, 2022, 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 will be denied.

On June 2, 2022, the Supreme Court of Florida issued an order suspending the respondent from the practice of law in Florida for a period of 90 days, effective 30 days from the date of the order. On August 9, 2022, the Disciplinary Counsel for the Executive Office for Immigration Review (“EOIR”) and the Disciplinary Counsel for the Department of Homeland Security (“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 September 8, 2022.

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

The respondent did not file a timely answer to the Notice of Intent to Discipline (“NID”) and did not dispute the allegations in the Notice. Given the respondent’s 90-day suspension from the practice of law in Florida, our October 20, 2022, final order of discipline suspended the respondent from practice before the Board, the Immigration Courts, and DHS for 90 days, effective September 8, 2022, the date of our immediate suspension order.

The respondent claims that he has been reinstated to the practice of law in Florida and 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). In support of his motion, he has presented evidence that he has been reinstated to the practice of law in Florida (Respondent’s Mot., Exh. A). *See* 8 C.F.R. § 1003.107(a)(1).

The Disciplinary Councils for EOIR and DHS do not dispute that the respondent meets the definition of attorney set forth in 8 C.F.R. § 1001.1(f). The Disciplinary Councils, however, oppose the respondent’s motion for reinstatement on the ground that he has not complied with his period of suspension. In particular, the Disciplinary Councils maintain that the respondent has practiced before the U.S. Citizenship and Immigration Services (“USCIS”) by preparing and filing documents related to two clients with applications before USCIS between September and October 2022 (Joint Opp. at 3, Exhs. 1-2). In light of this evidence, the Disciplinary Councils ask the Board to deny the respondent’s motion for reinstatement.

In his response to the Disciplinary Counsel’s opposition, the respondent maintains that he did not practice before USCIS during his suspension period. He states that he only acted as an interpreter for the first client, for whom he claims he filed a Form G-28 on or about February 28, 2022; with respect to the second client, the respondent states USCIS issued a Request for Evidence during his period of suspension (Respondent’s Response at 1-2). Regarding the first client, given the September 8, 2022, and September 28, 2022, date stamps, as well as the box on the Form I-212 stating a Form G-28 was attached, we are not persuaded by the respondent’s contention that he only signed and submitted the Form G-28 for the first client before his effective suspension and only acted as an interpreter for the first client during his suspension period. Regarding the second client, the respondent acknowledges the Disciplinary Councils’ evidence showing that on September 23, 2022, USCIS issued a Request for Evidence. However, the respondent does not address the Disciplinary Councils’ argument that evidence shows he engaged in the practiced law on behalf of the second client during his suspension period. Specifically, the September 23, 2022, Request for Evidence from USCIS shows it was addressed and mailed to the respondent. An October 12, 2022, postmarked envelope, bearing the respondent’s return address, was mailed to USCIS with a response to that Request for Evidence; the envelope was date-stamped as received by USCIS on October 18, 2022. The respondent has not reconciled this evidence of his practicing law before DHS during the period of his suspension.

Based on the foregoing, we are not persuaded by the respondent’s claims that he did not violate our order of suspension by practicing before DHS. We therefore deny the respondent’s motion for reinstatement. *See* 8 C.F.R. § 1003.107(a)(3) (stating that, if a practitioner failed to comply with the terms of the suspension, the Board “shall deny” reinstatement and indicate the circumstances under which the practitioner may apply for reinstatement). We further order that the respondent

should remain suspended for an additional 90 days, effective as of the date of this order, before moving again for reinstatement to practice. *Id.*

ORDER: The respondent's motion for reinstatement is denied.

FURTHER ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and DHS for 90 days, effective immediately upon issuance of this order.

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

FURTHER ORDER: The contents of this 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.