

NOT FOR PUBLICATION

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

MATTER OF:

Youry ZIANKOVICH, D2018-0327

Respondent

FILED
OCT 22 2025

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

ON BEHALF OF DHS: Amy S. Paulick, Disciplinary Counsel

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

Before: Malphrus, Chief Appellate Immigration Judge; Creppy, Appellate Immigration Judge;
Mullane, Appellate Immigration Judge

Opinion by Creppy, Appellate Immigration Judge

CREPPY, Appellate Immigration Judge

The respondent was suspended from the practice of law before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security ("DHS") for 3 months, effective November 21, 2019. On August 1, 2025, he 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 denied.

On October 31, 2018, the hearing board for the presiding disciplinary judge of the Supreme Court of Colorado suspended the respondent from the practice of law in Colorado for 1 year and 1 day, with 3 months to be served and the remainder to be stayed upon successful completion of a 2-year period of probation, effective immediately (Petition for Immediate Suspension, Exh. 1). On January 29, 2019, the Disciplinary Counsel for EOIR petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. The Disciplinary Counsel for the DHS asked that the respondent be similarly suspended from practice before that agency. *See* 8 C.F.R. §§ 1003.103(a)(1) and (4) (discussing grounds for immediate suspension, including suspension by the highest court of any state). We granted the immediate suspension order on March 21, 2019, after taking into consideration the respondent's arguments in opposition. Further, after considering the respondent's opposition to the Notice of Intent to Discipline, we sustained the charge that the respondent was subject to reciprocal discipline based on his suspension in Colorado, and we suspended the respondent from the practice of law before the Board, the Immigration Courts, and DHS for 3 months, effective November 21, 2019, the date of our final order.

The respondent now asks to be reinstated to practice before the Board of Immigration Appeals, the Immigration Courts, and DHS. He claims that he has completed his suspension before EOIR and DHS and that he is seeking reinstatement to practice in New York, where he currently is suspended. He further contends that his case involves extraordinary personal and professional circumstances that justify reinstatement.

The Disciplinary Councils for EOIR and DHS oppose the respondent's motion. The Disciplinary Councils contend that the respondent is not eligible for reinstatement because he has not been reinstated to practice in New York and therefore does not meet 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 respondent has not responded to the Disciplinary Councils' allegations.

The Disciplinary Councils for EOIR and DHS are correct. The respondent has not submitted evidence establishing that he no longer is suspended from the practice of law in New York. The respondent therefore has not established that he meets the definition of attorney contained in 8 C.F.R. 1001.1(f) and has not met his burden of establishing that he is eligible for reinstatement. See 8 C.F.R. § 1003.107(a)(1); 8 C.F.R. § 1001.1(f) (stating that the "term *attorney* means any person who is eligible to practice law in and is a member in good standing of the bar of the highest court of any State, possession, territory, or Commonwealth of the United States, or of the District of Columbia, and is not under any order suspending, enjoining, restraining, disbaring, or otherwise restricting him in the practice of law"). The regulations governing attorney discipline proceedings state that "[i]f a practitioner does not meet the definition of attorney or representative, the Board shall deny the motion for reinstatement without further consideration." 8 C.F.R. § 1003.107(a)(3). We accordingly must deny the respondent's motion for reinstatement.

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

Appellate Immigration Judge Hugh G. Mullane dissents without opinion.