

NOT FOR PUBLICATION

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

MATTER OF:

Darren FAFAI, D2026-0089

Respondent

FILED

MAY 01 2026

ON BEHALF OF EOIR: Nathan Henriksen, Acting Disciplinary Counsel

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

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

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

Opinion by Mullane, Appellate Immigration Judge

MULLANE, Appellate Immigration Judge

The respondent will be disbarred from practice before the Board of Immigration Appeals (“Board”), the Immigration Courts, and the Department of Homeland Security (“DHS”), effective as of the date of this order.

On January 22, 2026, the Utah Supreme Court issued an Order Accepting Resignation with Discipline Pending and prohibiting the respondent from practicing law in Utah, effective on that date. On March 12, 2026, the Disciplinary Counsel for the Executive Office for Immigration Review and the Disciplinary Counsel for DHS jointly petitioned for the respondent’s immediate suspension from practice before the Board, the Immigration Courts, and DHS. We granted the Joint Petition for Immediate Suspension on March 18, 2026.

The respondent was required to file a timely answer to the allegations contained in the NID but has failed to do so. *See* 8 C.F.R. § 1003.105. The respondent’s failure to file a response within the time prescribed in the NID constitutes an admission of the allegations therein, and the respondent is now precluded from requesting a hearing on the matter. 8 C.F.R. § 1003.105(d)(1).

The NID proposes that the respondent be disbarred from practice before the Board, the Immigration Courts, and DHS. Because the respondent has failed to file an answer, the regulations direct us to adopt the proposed sanction contained in the NID unless there are considerations that compel us to diverge from that proposal. 8 C.F.R. § 1003.105(d)(2).

The proposed sanction is appropriate considering the respondent’s resignation from the practice of law in Utah. We will honor the proposed discipline and will order the respondent

disbarred from practice before the Board, the Immigration Courts, and DHS. *See* 8 C.F.R. § 1003.105(d)(2).

ORDER: The Board hereby disbars the respondent from the practice of law before the Board, the Immigration Courts, and DHS, effective as of the date of this order. *See* 8 C.F.R. § 1003.105(d)(2).

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our prior order.

FURTHER ORDER: The respondent must notify the Board of any further disciplinary action against him.

FURTHER ORDER: The contents of the order shall be made available to the public, including at the Immigration Courts and appropriate offices of DHS.

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board, the Immigration Courts, and DHS under 8 C.F.R. § 1003.107.