

NOT FOR PUBLICATION

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

MATTER OF:

Charles Hua CUI, D2024-0147

Respondent

FILED

JUL 27 2026

ON BEHALF OF EOIR: Nathan S. Henriksen, Acting Disciplinary Counsel

ON BEHALF OF DHS: Catherine M. O'Connell, 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 Creppy, Appellate Immigration Judge

CREPPY, Appellate Immigration Judge

The respondent will be disbarred from the practice of law before the Board of Immigration Appeals, the Immigration Court, and the Department of Homeland Security ("DHS"), effective immediately.

On February 7, 2024, the Michigan Attorney Discipline Board issued a Notice of Automatic Interim Suspension, suspending the respondent from the practice of law in Michigan, effective December 21, 2023, pursuant to the Michigan Court Rules 9.120(B)(1), which provides that, on conviction of a felony, an attorney is automatically suspended until the effective date of an order filed by a disciplinary hearing panel. On June 6, 2024, 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 this petition on July 1, 2024. *See* 8 C.F.R. §§ 1003.103(a)(1) and (4) (discussing grounds for immediate suspension).

On November 14, 2024, the Michigan Attorney Discipline Board approved the Stipulation for Consent Order of Discipline. Based on the stipulation, the panel found, inter alia, that the respondent engaged in conduct that violated a criminal law of the United States, as described in Michigan Court Rules 9.104(5). The respondent was also found to have engaged in conduct involving dishonesty, fraud, deceit, misrepresentation, or a violation of the criminal law, where such conduct reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer, in violation of Michigan Rules of Professional Conduct 8.4(b). In accordance with the stipulation, the panel ordered the respondent disbarred from the practice of law in Michigan, effective December 21, 2023, the date of the respondent's automatic interim suspension following his felony conviction.

On May 26, 2026, the Disciplinary Counsel for EOIR and the Disciplinary Counsel for DHS filed a Joint Notice of Intent to Discipline (“NID”), charging that the respondent is subject to summary discipline under 8 C.F.R. § 1003.103(b) based on the final order of disbarment in Michigan. The NID proposes that the respondent be likewise disbarred from practice before the Board of Immigration Appeals, the Immigration Court, and DHS.

The respondent did not file a timely answer to the allegations contained in the NID, as required by 8 C.F.R. § 1003.105(c)(1). Disciplinary Counsels submitted proof of proper service of the NID on the respondent. *See* 8 C.F.R. § 1003.105(d)(2) (requiring the Government to submit proof of service of Notice of Intent to Discipline when practitioner does not respond). 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)-(2); *Matter of K. Gupta*, 28 I&N Dec. 653, 655 (BIA 2022). Based on the undisputed facts, and supported by a certified copy of the state disciplinary order, the record evidence establishes that the respondent is subject to reciprocal discipline based on the final order of disbarment issued by the Michigan Attorney Discipline Board. 8 C.F.R. § 1003.102(e) (providing that a practitioner who “[i]s subject to a final order of disbarment or suspension, or has resigned while a disciplinary investigation or proceeding is pending,” “shall be subject to disciplinary sanctions in the public interest”); *see* 8 C.F.R. § 1003.103(b) (requiring certified copy of final order of discipline).

Because the respondent failed to file a timely answer to the NID, the regulations direct us to adopt the sanction proposed in the NID unless doing so would foster a tendency toward inconsistent dispositions for comparable conduct, or would otherwise be unwarranted or not be in the interest of justice. 8 C.F.R. § 1003.105(d)(2); *Matter of K. Gupta*, 28 I&N Dec. at 655-56. While we can independently evaluate the propriety of any recommended sanction, absent the timely filing of an answer in response to the NID, we are generally disinclined to diverge from the sanction recommended in the NID, and any deviation should be an infrequent exception to this approach. *See id.* at 656.

The proposed sanction of disbarment is appropriate considering the respondent’s disbarment from the practice of law in Michigan. *See Matter of Kronegold*, 25 I&N Dec. 157, 161 (BIA 2010) (discussing our deferential approach and the imposition of identical reciprocal discipline against practitioners who have been suspended or disbarred). We will therefore adopt the proposed disciplinary sanction and will order the respondent disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS. As the respondent is currently suspended under our immediate suspension order, the respondent’s disbarment will be effective immediately, as proposed in the NID. The following orders will be entered.

ORDER: The Board hereby disbars the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS, effective immediately, as of the date of this order.

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