NOT FOR PUBLICATION

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

MATTER OF:

Shahid ALI, D2026-0421

Respondent

FILED
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ON BEHALF OF EOIR: Nathan S. Henriksen, 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 Mullane, Appellate Immigration judge

MULLANE, Appellate Immigration Judge

The respondent will be suspended from the practice of law before the Board of Immigration Appeals ("Board"), the Immigration Court, and the Department of Homeland Security ("DHS"), for a period of 1 year, effective March 1, 2024.

On January 31, 2024, the Supreme Court of New York issued an order suspending the respondent from the practice of law in New York for 1 year, commencing March 1, 2024. On August 31, 2026, the Disciplinary Counsel for the Executive Office for Immigration Review ("EOIR") and the Disciplinary Counsel for the Department of Homeland Security ("DHS") filed a Joint Notice of Intent to Discipline ("NID"), as well as a Joint Petition for Immediate Suspension, based upon the respondent's suspension in New York. We granted the Joint Petition for Immediate Suspension on September 30, 2026.

The respondent filed a response to the Joint Petition for Immediate Suspension on September 14, 2026, but it was not placed in the record of proceedings until after we issued our September 30, 2026, decision. We will deem the respondent's response as a motion to set aside the immediate suspension order. Also on September 14, 2026, the respondent filed an answer to the NID, admitting the "central factual allegation that he was suspended from the practice of law by the Supreme Court of the State of New York" but requesting a reduced sanction than proposed in the NID, in degree and in duration.[1] On October 1, 2026, Disciplinary Counsels filed

[1] We have considered the entirety of the respondent's arguments in his motion/answer. However, as the respondent has not paginated his motion/answer, we are unable to provide citations to (continued...)

a motion for summary adjudication and requested that the Board issue a final order suspending the respondent from practice before the Board, the Immigration Courts, and DHS, for 1 year. We will address the respondent's motion to set aside and the answer to the NID in turn.

I. Motion to Set Aside the Immediate Suspension

The regulations require the Board to enter an order immediately suspending a practitioner upon the filing of a petition for immediate suspension that is supported by a certified copy of a court record finding that that the practitioner has been suspended or disbarred by, in relevant part, the highest court of any State. 8 C.F.R. §§ 1003.103(a)(1), (4). The record includes a certified copy of the Supreme Court of New York's order suspending the respondent from the practice of law in New York, and thus entry of an order immediately suspending the respondent from practice before the Board, the Immigration Courts, and DHS is proper. 8 C.F.R. § 1003.103(a)(4). The regulations state that the Board may set aside an order of immediate suspension upon a showing of good cause and when it appears in the interest of justice to do so. *Id.* What "good cause" entails, and whether setting aside would be in the interest of justice, would depend on the particular facts of each case.

In the instant case, the respondent has not expressly invoked the "good cause" provision of 8 C.F.R. § 1003.103(a)(4). While the respondent claims that he has "already served his 1-year suspension," to date, the respondent remains suspended from the practice of law in New York. We do not find it to be in the interest of justice to set aside the immediate suspension order where there is a current final order of suspension against the respondent that renders him ineligible to satisfy the regulatory definition of an "attorney" in 8 C.F.R. § 1001.1(f) who may represent individuals before EOIR or DHS. *Matter of Rosenberg*, 24 I&N Dec. 744, 746 (BIA 2009). Accordingly, we will not set aside or vacate the immediate suspension order in this case.

II. Answer to the Joint Notice of Intent to Discipline

The NID charges the respondent with being subject to summary discipline based on his 1-year suspension in New York. The respondent in his answer admitted all but one of the allegations in the NID, denying only the allegation that he failed to notify EOIR of the suspension order against him. The respondent in his response to the NID has not requested, and thus has waived, the opportunity for a hearing. 8 C.F.R. § 1003.105(c)(3). The respondent has not claimed, nor has he made a prima facie showing, that there is a material issue of fact in dispute regarding the basis for summary disciplinary proceedings, or with one more of the exceptions set forth in 8 C.F.R. § 1003.103(b)(2)(i)-(iii), such that would warrant a hearing. 8 C.F.R. §1003.106(a). Accordingly, we will retain jurisdiction over the instant matter and proceed in summary disciplinary proceedings. *Id.*

The certified copy of the January 31, 2024, decision from the Supreme Court of New York ordering the respondent suspended from the practice of law in New York for a period of 1 year

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specific pages of his motion/answer in this decision. *See* EOIR Policy Manual, Part III: BIA Practice Manual, § 3.3(c)(3) ("Briefs and other submissions should always be paginated.").

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creates a "rebuttable presumption of the professional misconduct" and that disciplinary sanctions should follow. *See* 8 C.F.R. § 1003.103(b)(2); *see also Matter of Kronegold*, 25 I&N Dec. 157, 160 (BIA 2010); *Matter of Truong*, 24 I&N Dec. 52, 54 (BIA 2006); *Matter of Ramos*, 23 I&N Dec. 843, 845 (BIA 2005). This presumption can be rebutted only if the attorney demonstrates with "clear and convincing evidence" that the underlying disciplinary proceeding resulted in a deprivation of due process, that there was "an infirmity of proof" establishing the misconduct, or that discipline would result in grave "injustice." *Matter of Kronegold*, 25 I&N Dec. at 160-61; *Matter of Gadda*, 23 I&N Dec. 645, 648 (BIA 2003). The respondent did not satisfy his burden of rebutting the presumption of misconduct and the imposition of disciplinary sanctions.

The respondent in his answer does not claim that he was deprived of due process in his New York disciplinary proceedings; nor has he claimed that there was an infirmity of proof in the foregoing proceedings. The respondent asserts instead that because he has already served his 1-year suspension from practicing law in New York beginning on March 1, 2024, suspending him now for 1 year as proposed in the NID "would create a double penalty and result in 'grave injustice.'" The respondent further claims that his New York suspension was not related to immigration practice, and involved no direct harm to a client. As such, the respondent asserts that his sanction should be in the form of "private censure" or for a suspension period of less than 1 year. The respondent also requests that any suspension order be effective nunc pro tunc as of March 1, 2024.

We are not persuaded that the respondent has established by clear and convincing evidence that imposition of reciprocal discipline, under the circumstances presented here, amounts to a "grave injustice." *See* 8 C.F.R. § 1003.103(b)(2)(iii). Disciplinary Counsels' proposed sanction of 1-year period of suspension from the practice of law before the Board, the Immigration Courts and DHS, is appropriate given the respondent's 1-year suspension from the practice of law in New York. *See Matter of Kronegold*, 25 I&N Dec. at 161 (discussing our deferential approach and the imposition of identical reciprocal discipline against practitioners who have been suspended or disbarred).

As for the respondent's request to impose sanction to March 1, 2024, the effective date of his New York suspension, Disciplinary Counsels in their motion for summary adjudication did not expressly state their position on this issue. As noted by Disciplinary Counsels, the respondent sent notice about his New York suspension on February 7, 2024, to an e-mail address within EOIR but that is not associated with EOIR Disciplinary Counsel, and he did not claim or provide evidence that he notified DHS Disciplinary Counsel of his suspension as he was also required to do. We acknowledge that his 1-year period of suspension in New York had already elapsed at this point in time. Moreover and notably, the respondent's claim that he did not engage in the practice of law before the Board, the Immigration Courts or DHS since March 1, 2024, has not been disputed by EOIR Disciplinary Counsel or DHS Disciplinary Counsel.

We will order the respondent suspended from the practice of law before the Board, the Immigration Courts, and DHS, for a period of 1 year from March 1, 2024. In doing so, we are cognizant of the fact that the respondent has not been reinstated and, thus, remains suspended from

the practice of law in New York. Likewise, the respondent remains suspended from the practice of law before the Board, the Immigration Courts, and DHS, until he petitions and qualifies for reinstatement to practice as provided in 8 C.F.R. § 1003.107. The following orders will be entered.

ORDER: The Board hereby suspends the respondent from the practice of law before the Board of Immigration Appeals, the Immigration Courts, and DHS, for 1 year, effective March 1, 2024.

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.