

Falls Church, Virginia 22041

File: D2020-0159

Date: JAN 26 2021

In re: Miguel Angel GARCIA, Jr., Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

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

The respondent will be disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (DHS).

On April 16, 2018, the Supreme Court of Georgia disbarred the respondent from the practice of law in Georgia. The respondent did not notify the Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) or the Disciplinary Counsel for the DHS of this disbarment in spite of the notification requirement contained in 8 C.F.R. § 1003.103(c). In August 2019, the Disciplinary Counsel for EOIR and the Disciplinary Counsel for the DHS filed a petition seeking the respondent's immediate suspension from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS. The Disciplinary Counsels also filed a Notice of Intent to Discipline charging that the respondent is subject to summary discipline due to his disbarment in Georgia.

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

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

The proposed sanction is appropriate in light of the respondent's disbarment in Georgia. We therefore will honor the proposed discipline and will order the respondent disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS. Further, as the respondent has not been suspended before the Board of Immigration Appeals, the Immigration

¹ Because we did not rule on the Petition for Immediate Suspension before the period to respond to the Notice of Intent to Discipline expired, we will not address it now. Immediate suspension is not necessary given our imposition of discipline pursuant to the Notice of Intent to Discipline.

Courts, or the DHS pursuant to an immediate suspension order, his disbarment will be effective 15 days from the date of issuance of this order. 8 C.F.R. § 1003.105(d)(2).

ORDER: The Board hereby disbars the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS, effective 15 days from the issuance 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 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.



FOR THE BOARD