

Falls Church, Virginia 22041

File: D2017-0431

Date: JUN 08 2021

In re: Victoria CHAN, 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), effective January 17, 2018.

On November 27, 2017, in the United States District Court for the Central District of California (District Court), the respondent entered a plea of guilty to conspiracy to commit visa fraud in violation of 18 U.S.C. § 371, conspiracy to commit wire fraud in violation of 18 U.S.C. § 1349, and international money laundering in violation of 18 U.S.C. § 1956(a)(2)(A). The respondent's pleas resulted in convictions and her sentencing hearing was scheduled for July 9, 2018 (Petition for Immediate Suspension, Attachments 1 and 2).

On December 11, 2017, the Disciplinary Counsel for the DHS petitioned for the respondent's immediate suspension from practice before that agency. The Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) then asked that the respondent be similarly suspended from practice before the Board of Immigration Appeals and the Immigration Courts. We granted the petition on January 17, 2018. *See* 8 C.F.R. §§ 1003.103(a)(1), (2) and (4) (discussing grounds for immediate suspension).

On January 21, 2021, the District Court entered a judgment and probation commitment order in the respondent's criminal proceedings (Joint Amended Notice of Intent to Discipline, Attachment 1). The period to appeal from this order has passed and there is no evidence that the respondent has filed an appeal. *See* Fed. R. App. Proc. 4(b)(1). On March 25, 2021, the Disciplinary Counsels for EOIR and the DHS filed a Joint Amended Notice of Intent to Discipline charging that the respondent is subject to summary discipline under 8 C.F.R. § 1003.102(h) due to her convictions for serious crimes as defined in that provision.¹

¹ The Disciplinary Counsel for the DHS originally filed a Notice of Intent to Discipline on December 11, 2017. Because the respondent's sentencing hearing was still pending at that time and it was not clear that all direct appeals had been waived or completed, we requested supplemental briefing from the parties on the question of whether we could proceed with a final order in light of 8 C.F.R. § 1003.103(b). The respondent did not submit a supplemental brief. The Disciplinary Counsels for EOIR and the DHS, however, concluded that the respondent was not yet subject to summary discipline. We therefore did not adjudicate the original Notice of Intent to Discipline.

The respondent was required to file a timely answer to the allegations contained in the Joint Amended 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 Joint Amended 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. 8 C.F.R. § 1003.105(d)(1).

The Joint Amended Notice of Intent to Discipline proposes that the respondent be disbarred from practice 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 Joint Amended 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).

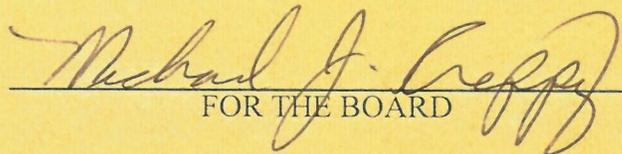
The proposed sanction is appropriate in light of the respondent's criminal offenses. The respondent's offenses are felonies and accordingly constitute serious crimes as defined in 8 C.F.R. § 1003.102(h). The offenses further involved immigration fraud, an offense that strikes at the heart of this country's immigration laws and undermines the integrity of the entire system. *Matter of Krivonos*, 24 I&N Dec. 292, 293 (BIA 2007) (declining to reinstate an attorney who was expelled from practice on the basis of convictions for immigration-related fraud). We therefore will honor the proposed discipline and will order the respondent disbarred from practice before the Board, the Immigration Courts, and the DHS. Further, as the respondent is currently under our January 17, 2018, order of suspension, we will deem her disbarment to have commenced on that date.

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

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 her.

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