

NOT FOR PUBLICATION

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

MATTER OF:

Aroon Roy PADHARIA, D2011-0011

Respondent

FILED

DEC 21 2022

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

ON BEHALF OF DHS: Toinette M. Mitchell, Disciplinary Counsel

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

Notice of Intent to Discipline from a Decision of the Board of Immigration Appeals

Before: Malphrus, Chief Appellate Immigration Judge, Liebowitz, Appellate Immigration Judge,
Noferi, Temporary Appellate Immigration Judge¹

Opinion by Noferi, Temporary Appellate Immigration Judge

Noferi, Temporary Appellate Immigration Judge

The respondent will be suspended from the practice of law before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (“DHS”) for 6 months, effective September 19, 2020.

On February 6, 2013, the District of Columbia Court of Appeals issued an order temporarily suspending the respondent from the practice of law in the District of Columbia. Consequently, on February 7, 2013, the Disciplinary Counsel for the Executive Office of Immigration Review (“EOIR”) petitioned for the respondent’s immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. DHS then asked that the respondent be similarly suspended from practice before that agency. We granted the petition on February 25, 2013.

On October 13, 2022, the Disciplinary Counsels for EOIR and DHS filed a Joint Notice of Intent to Discipline alleging that, on August 20, 2020, the District of Columbia Court of Appeals issued a final order suspending the respondent from the practice of law in the District of Columbia for 6 months, effective September 19, 2020. The Disciplinary Counsels claimed that the respondent is subject to summary discipline based on his suspension in the District of Columbia.

¹ Temporary Appellate Immigration Judges sit pursuant to appointment by the Attorney General. See 8 C.F.R. § 1003.1(a)(4)

The respondent was required to file a timely answer to the allegations contained in the Joint 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 prescribed in the Joint 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 Notice of Intent to Discipline proposes that the respondent be suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS for 6 months. Because the respondent has failed to file an answer, the regulations direct us to adopt the proposed sanction contained in the Joint 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 considering the respondent's suspension in the District of Columbia. We therefore will honor the proposed discipline and will order the respondent suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS for 6 months, effective September 19, 2020, the date his suspension became effective in the District of Columbia.

ORDER: The Board hereby suspends the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS for 6 months, effective September 19, 2020.

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.