

NOT FOR PUBLICATION

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

MATTER OF:

Nosuk Pak KIM, D2022-0143

Respondent



ON BEHALF OF RESPONDENT: Pro se

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 Before the Board of Immigration Appeals

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

Opinion by Noferi, Temporary Appellate Immigration Judge

NOFERI, Temporary Appellate Immigration Judge

The respondent will be disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (“DHS”), effective September 8, 2022.

On August 5, 2022, the Virginia State Bar Disciplinary Board issued a final order revoking the respondent’s license to practice law in Virginia. On August 19, 2022, 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, as well as a Joint Petition for Immediate Suspension, based upon the revocation of the respondent’s license to practice law in Virginia. We granted the Joint Petition for Immediate Suspension on September 8, 2022.

On September 21, 2022, the respondent filed a motion to extend time to file an answer. The respondent was granted until October 13, 2022, to file an answer, and a notice informing the

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

respondent of this deadline was mailed to the respondent's address in our record, 696 J Clyde Morris Blvd, Newport News, VA 23601. The Board did not receive a response from the respondent on or before October 13, 2022. Another notice was mailed to the respondent at the address reported in the motion, 601 Thimble Shoals Blvd., Suite 210, Newport News, VA 23606, further extending the time to file the response on or before December 13, 2022.² To date, the Board has not received a response from the respondent.

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 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 disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS, effective as of the date of the Board's immediate suspension order. Because the respondent did not 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 in light of the revocation of the respondent's license to practice law in Virginia. We will honor the proposed discipline and will order the respondent disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS, effective September 8, 2022.

ORDER: The Board hereby disbars the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS, effective September 8, 2022.

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 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.

² The notice was returned to the Board, marked "attempted -- not known; unable to forward."