

NOT FOR PUBLICATION

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

MATTER OF:

Ismael E. JUSINO TORRES, D2023-0011

Respondent

FILED

MAR 10 2023

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: Liebowitz, Appellate Immigration Judge, Brown, Temporary Appellate Immigration Judge, Noferi, Temporary Appellate Immigration Judge¹

Opinion by Brown, Temporary Appellate Immigration Judge

BROWN, Temporary Appellate Immigration Judge

The respondent will be suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security ("DHS") for 3 months, effective December 12, 2022.

On November 17, 2022, the Supreme Court of Puerto Rico suspended the respondent from the practice of law in Puerto Rico for 3 months, effective immediately. The respondent filed a motion to reconsider, but the Supreme Court of Puerto Rico denied the motion on December 5, 2022, and the respondent's suspension became effective December 12, 2022. On January 23, 2023, the Disciplinary Counsel for the Executive Office for Immigration Review and the Disciplinary Counsel for DHS jointly petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS. We granted the petition on February 13, 2023.

The respondent filed a timely answer and admitted the allegations contained in the Joint Notice of Intent to Discipline. *See* 8 C.F.R. § 1003.105. The respondent also explained that he believed his notice to the Disciplinary Counsels was timely because he filed the notice within 30 days of the final effective date of his suspension. The respondent apologized for his misunderstanding,

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

expressed his remorse for the actions that led to the disciplinary proceeding, and asks that his request for reinstatement be considered positively when that request is made.

Given the respondent's admissions, there is no material issue of fact in dispute in the respondent's case and summary proceedings are appropriate.² 8 C.F.R. § 1003.103(b)(2). 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 3 months. The proposed sanction is appropriate in light of the respondent's suspension in Puerto Rico. 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 3 months. Further, as the respondent did attempt, in good faith, to comply with the notice requirement of 8 C.F.R. § 1003.103(c), his suspension will be effective December 12, 2022, the effective date of his suspension in Puerto Rico.

ORDER: The Board hereby suspends the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS for 3 months, effective December 12, 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 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.

² The respondent also did not request a hearing or establish that a hearing was warranted. 8 C.F.R. § 1003.106(a).