

NOT FOR PUBLICATION

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

MATTER OF:

Arthur ARCADIAN, D2023-0031

Respondent

FILED

APR 27 2023

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

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

IN PRACTITIONER DISCIPLINARY PROCEEDINGS
On Motion from a Decision of the Board of Immigration Appeals

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

Opinion by Liebowitz, Appellate Immigration Judge

LIEBOWITZ, Appellate Immigration Judge

On February 28, 2023, the Board denied the Joint Petition for Immediate Suspension filed by the Disciplinary Counsels for the Executive Office for Immigration Review and the Department of Homeland Security (“DHS”). On March 29, 2023, the Disciplinary Counsels filed with the Board a motion to accept an amended Joint Petition for Immediate Suspension, as well as a motion to withdraw the Joint Notice of Intent to Discipline filed on February 21, 2023. We have not received a response from the respondent to date. The Disciplinary Counsels’ motions will be granted. The Disciplinary Counsels’ amended Joint Petition for Immediate Suspension will be granted.

In their amended joint petition, the Disciplinary Counsels have sought the respondent’s immediate suspension based on his criminal proceedings in the U.S. District Court, Southern District of New York. The amended petition is supported by a certified copy of the transcript of the respondent’s January 25, 2023, criminal proceedings in which he pled guilty to conspiracy to commit immigration fraud, in violation of 18 U.S.C. §§ 371 and 1546(a). The Disciplinary Counsels contend that the respondent is subject to immediate suspension from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS, because the respondent pled guilty to a “serious crime” as defined in 8 C.F.R. § 1003.102(h). *See* 8 C.F.R.

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

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§ 1003.103(a). The petition will be granted.² *See* 8 C.F.R. §§ 1003.103(a)(1) and (4) (discussing grounds for immediate suspension). The following orders will be entered.

ORDER: The Disciplinary Counsels' motion to accept the amended Joint Petition for Immediate Suspension, and motion to withdraw the previously filed Joint Notice of Intent to Discipline, are granted.

FURTHER ORDER: The amended Joint Petition for Immediate Suspension is granted, and the respondent is hereby suspended from the practice of law before the Board of Immigration Appeals, the Immigration Courts, and DHS, pending final disposition of this proceeding. 8 C.F.R. § 1003.103(a)(4).

FURTHER ORDER: The Joint Notice of Intent to Discipline filed on February 21, 2023, is deemed withdrawn.

² Upon good cause shown, the Board of Immigration Appeals may set aside the order of immediate suspension when it appears in the interest of justice to do so. 8 C.F.R. § 1003.103(a)(4).