

Falls Church, Virginia 22041

File: D2003-194

Date: SEP 16 2005

In re: MAQSOOD MIR, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

PETITION FOR IMMEDIATE SUSPENSION

ON BEHALF OF DHS: Rachel A. McCarthy, Ethics Counsel

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Bar Counsel

ON BEHALF OF RESPONDENT: Herbert R. Rubenstein, Esquire

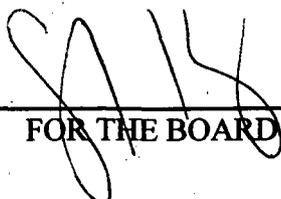
ORDER:

PER CURIAM. On April 14, 2005, in the United States District Court for the District of Maryland, the respondent was found guilty of numerous counts of false statements, in violation of 18 U.S.C. § 1546(a) and 18 U.S.C. § 2. The crimes involved immigration fraud and are "serious crimes" within the meaning of 8 C.F.R. § 1003.102(h).

Consequently, on June 8, 2005, the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service), initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. On June 13, 2005, the Office of General Counsel for the Executive Office for Immigration Review (EOIR) asked that the respondent be similarly suspended from practice before EOIR, including the Board and immigration courts.

The respondent argues in response to the Petition for Immediate Suspension that he should not be suspended from practice, because although he has been convicted, he has not been sentenced and plans to appeal. Yet as the DHS argues, the pertinent regulation provides that an attorney who has been convicted of a "serious crime" within the meaning of 8 C.F.R. § 1003.102(h) shall be suspended "forthwith . . . notwithstanding the pendency of an appeal, if any, of the underlying conviction . . ." 8 C.F.R. § 1292.3(c)(2); *see also* 8 C.F.R. § 1003.103(a). Therefore, the Petition for Immediate Suspension is granted, and the respondent is hereby suspended from the practice of law before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. Accordingly, the respondent is directed to promptly notify, in writing, any clients with cases currently pending before the Board, the Immigration Courts, or the DHS that the respondent has been suspended from practicing before these bodies. The respondent shall maintain records to evidence compliance with this order. Moreover, we direct that the contents of this notice be made available to the public, including at Immigration Courts and appropriate offices of the DHS.

The DHS also filed a Notice of Intent to Discipline, which recommends that the Board issue a final order of discipline expelling the respondent from practice before the DHS. The Office of General Counsel of EOIR asks that we extend that discipline to practice before the Board and immigration courts as well. The respondent filed an answer in which he argues that it is premature to expel him from practice because he has not been sentenced and plans to appeal his conviction. We agree with the respondent, as 8 C.F.R. § 1292.3(c)(3) states that "... any such [summary disciplinary proceeding based on a respondent's criminal conviction] shall not be concluded until all direct appeals from an underlying criminal conviction have been completed." *See also* 8 C.F.R. § 1003.103(b). Therefore, the Board declines to issue a final order of discipline until the respondent's direct appeal of his conviction has been resolved.



FOR THE BOARD