

Falls Church, Virginia 22041

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File: D2002-134

Date: FEB 25 2003

In re: AKHTAR HUSSAIN, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Esquire

ON BEHALF OF SERVICE: Theresa A. Repede, Appellate Counsel

PER CURIAM. On August 22, 2002, the Florida Supreme Court suspended the respondent from the practice of law in that state for a period of 90 days, effective on October 1, 2002.

Consequently, on November 12, 2002, the Office of General Counsel for the Executive Office for Immigration Review initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. On January 9, 2003, the Immigration and Naturalization Service asked that the respondent be similarly suspended from practice before that agency. Therefore, on January 30, 2003, we suspended the respondent from practicing before the Board, the Immigration Courts, and the Service pending final disposition of this proceeding.

The respondent seeks to have the Board set aside its immediate suspension order, and reinstate him to practice before the Board, the Immigration Courts, and the Service. The respondent asserts that he has been reinstated to practice law in Florida as of December 30, 2002. A February 4, 2003, letter from the Florida Bar states that Hussain "is currently a member in good standing." The respondent asserts that he did not practice immigration law during his period of suspension in Florida.

The Office of General Counsel, who initiated these disciplinary proceedings, does not agree that the immediate suspension order should be set aside, but does not oppose the respondent's reinstatement to practice before the Board, the Immigration Courts, and the Service. The Office of General Counsel states that the respondent meets the definition of attorney as provided in 8 C.F.R. § 1.1(f). The Service has not responded to the motion.

We decline to set aside our immediate suspension order. As the Office of General Counsel notes, the respondent was subject to discipline by the Florida Supreme Court, based on failing to provide competent representation to a client, and engaging in conduct prejudicial to the administration of justice.

Consistent with the Office of General Counsel's recommendation, however, and relying upon the respondent's statement that he did not practice before the Board, the Immigration Courts, and the Service during his Florida suspension, we will deem his period of suspension to have

commenced on October 1, 2002, the effective date of his suspension from the Florida Supreme Court. Therefore, the respondent has been suspended from practice before the Board of Immigration Appeals and the Immigration Courts for a period of over three months. Given that the respondent has been reinstated to practice law in Florida, his request for reinstatement is unopposed, and there appear to be no adverse factors in his case, we find that the respondent should be and hereby is reinstated to practice before the Board, the Immigration Courts, and the Service, as of the date of this order. Because the respondent has been reinstated, public notices regarding the respondent's suspension by the Board should be withdrawn.



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FOR THE BOARD