

- misrepresenting qualifications or services offered
- conduct that would constitute contempt of court in a judicial proceeding
- a conviction for a serious crime
- falsely certifying a copy of a document
- frivolous behavior, as defined in 8 C.F.R. § 1003.102(j)
- ineffective assistance of counsel
- repeated failure to appear
- assisting in the unauthorized practice of law
- engaging in conduct that is prejudicial to the administration of justice or undermines the integrity of the adjudicative process
- failing to provide competent representation to a client
- failing to abide by a client's decisions
- failing to act with reasonable diligence and promptness
 - a practitioner's workload must be controlled and managed so that each matter can be handled competently
 - a practitioner has the duty to comply with all time and filing limitations
 - a practitioner should carry through to conclusion all matters undertaken for a client, consistent with the scope of representation
- failing to maintain communication with the client
- failing to disclose adverse legal authority
- failing to submit a Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court (Form EOIR-28)
- repeatedly filing boilerplate submission

10.5 Filing a Complaint

(a) Who may file. — Anyone may file a complaint against a practitioner, including Immigration Judges, Board Members, the practitioner's clients, Department of Homeland Security personnel, and other practitioners. 8 C.F.R. § 1003.104(a)(1).

(b) What to file. — Complaints must be submitted in writing. Persons filing complaints are encouraged to use the Immigration Practitioner Complaint Form, (Form EOIR-44). See Chapter 11.2 (Obtaining Blank Forms), Appendix E (Forms). The Form EOIR-44 provides important information about the complaint process, the confidentiality of complaints, and the types of misconduct that can result in discipline by the Executive Office for Immigration Review. Complaints should be specific and as detailed as possible, and supporting documentation should be provided if available.

(c) Where to file. — Complaints alleging practitioner misconduct before the Immigration Courts or the Board of Immigration Appeals should be filed with the Executive Office for Immigration Review disciplinary counsel. 8 C.F.R. § 1003.104(a)(1). The completed Form EOIR-44 and supporting documents should be sent to:

United States Department of Justice
Executive Office for Immigration Review
Office of the General Counsel
5107 Leesburg Pike, Suite 2600
Falls Church, VA 20530
Attn: Disciplinary Counsel

See Appendix B (EOIR Directory). After receiving a complaint, the EOIR disciplinary counsel decides whether to initiate disciplinary proceedings. 8 C.F.R. § 1003.104(b). See Chapter 10.7 (Disciplinary Proceedings).

(d) When to file. — Complaints should be filed as soon as possible. There are no time limits for filing most complaints. However, complaints based on ineffective assistance of counsel must be filed within one year of a finding of ineffective assistance of counsel by an Immigration Judge, the Board of Immigration Appeals, or a federal court judge or panel. 8 C.F.R. § 1003.102(k).