

Falls Church, Virginia 22041

~~APR 15 2008~~ APR 15 2008

File: D2008-008

Date:

In re: ANDE ABRAHA, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

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

ORDER:

PER CURIAM. The respondent will be expelled from practice before the Board, the Immigration Courts, and the Department of Homeland Security (the "DHS").

On October 12, 2006, the New York Supreme Court, Appellate Division, First Judicial Department suspended the respondent from the practice of law in that state effective November 13, 2006, and until further order of the court. On September 12, 2005, the respondent was disbarred by the Supreme Court of New Jersey.

Consequently, on January 31, 2008, the DHS initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. On February 1, 2008, 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. Therefore, on February 12, 2008, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline but has failed to do so. *See* 8 C.F.R. §§ 1003.105(c)(1); 1292.3(e)(3)(ii). The respondent's failure to file a response within the time period prescribed in the Notice constitutes an admission of the allegations therein, and the respondent is now precluded from requesting a hearing on the matter. 8 C.F.R. § 1292.3(e)(3)(ii).

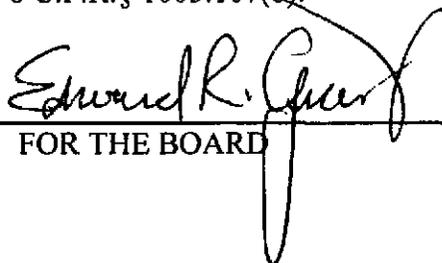
The DHS alleges, and the respondent does not dispute, that the respondent failed to notify it that he had been suspended from practice in New York, or disbarred in New Jersey, as required by 8 C.F.R. § 292.3(c)(4). Moreover, the DHS alleges, and the respondent does not dispute, after September 12, 2005, the respondent submitted numerous applications and petitions associated with "Notice of Entry of Appearance or Representative" forms (Forms G-28) to the DHS, checking block 1 and listing his good standing in the New York or New Jersey bars, without disclosing that he had been disbarred in New Jersey and suspended in New York. 8 C.F.R. §§ 1292.3; 1003.102(c); 1003.102(f). Moreover, the DHS alleges, and the respondent does not dispute, after September 12, 2005, the respondent filed Forms G-28 using the address of "Levy's Consulting Agency", which is

owned by an individual not eligible to appear before the DHS. Therefore, the DHS alleges, and the respondent does not dispute, the respondent assisted a person, other than a practitioner as defined in 8 C.F.R. § 1003.101(b), in the performance of activity that constitutes the unauthorized practice of law. 8 C.F.R. §§ 1292.3; 1003.102(m).

The Notice recommends that the respondent be expelled 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. As the respondent failed to file a timely answer, the regulations direct us to adopt the recommendation contained in the Notice, unless there are considerations that compel us to digress from that recommendation. 8 C.F.R. §§ 1003.105(d)(2); 1292.3(e)(3)(ii). Since the recommendation is appropriate in light of the respondent's suspension in New York, and disbarment in New Jersey, 8 C.F.R. §§ 1292.3; 1003.102(e)(1), as well as the other grounds for discipline alleged by the DHS, we will honor it. Accordingly, we hereby expel the respondent from practice before the Board, the Immigration Courts, and the DHS.

As the respondent is currently under our February 12, 2008, order of suspension, we will deem the respondent's expulsion to have commenced on that date. The respondent is instructed to maintain compliance with the directives set forth in our prior order. The respondent is also instructed to notify the Board of any further disciplinary action against him.

The respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS under 8 C.F.R. § 1003.107(b).

  
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FOR THE BOARD