

Falls Church, Virginia 22041

File: D2010-097

Date:

JUN 9 2010

In re: SALVADOR COLLAZO, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

PETITION FOR IMMEDIATE SUSPENSION

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

ON BEHALF OF EOIR: Jennifer J. Barnes, Disciplinary Counsel

On April 16, 2010, in the United States District Court for the Southern District of New York, the respondent was found guilty of a "serious crime" within the meaning of 8 C.F.R. § 1003.102(h), relating to his immigration law practice. That is, the respondent was convicted of one count of conspiracy to defraud the United States, in violation of 18 U.S.C. § 371; one count of fraud and misuse of visas/permits, in violation of 18 U.S.C. § 1546(a) and (2), and one count of false statements, in violation of 18 U.S.C. § 1001(a) and (2). Consequently, on May 19, 2010, the Department of Homeland Security (the "DHS"), initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. The Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) then asked that the respondent be similarly suspended from practice before EOIR, including the Board and Immigration Courts.

The respondent argues that an immediate suspension order should not issue, because he has filed motions for acquittal or a new trial before the district court, as well as an appeal with the United States Court of Appeals for the Second Circuit. Under the attorney discipline regulations, however, a "verdict of guilty"... "is deemed to be a conviction within the meaning of this section." 8 C.F.R. § 1003.102(h). Moreover, any pending appeal with the Second Circuit is not a basis for setting aside the immediate suspension order. 8 C.F.R. § 1292.3(c)(2)(Board is to enter an immediate suspension order "notwithstanding the pendency of an appeal, if any, of the underlying conviction...").

The regulations note, however, that attorney discipline proceedings may not be concluded "... until all direct appeals from an underlying criminal conviction have been completed." 8 C.F.R. § 1292.3(c)(3). Therefore, proceedings concerning the Notice of Intent to Discipline will be stayed until the conclusion of any direct appeal of the respondent's criminal convictions.

ORDER: The petition 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. *See* 8 C.F.R. § 1003.103(a); 1292.3(c).

FURTHER ORDER: 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.

FURTHER ORDER: The respondent shall maintain records to evidence compliance with this order.

FURTHER ORDER: Proceedings in the case concerning the Notice of Intent to Discipline are stayed pending the conclusion of any direct appeal of the respondent's criminal conviction.

FURTHER ORDER: The Board directs that the contents of this notice be made available to the public, including at Immigration Courts and appropriate offices of the DHS.

A handwritten signature in black ink, appearing to be "D. M. A.", is written above a horizontal line.

FOR THE BOARD