

Falls Church, Virginia 22041

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File: D2000-112

Date: JUN - 6 2002

In re: ROBERT EDWIN PORGES, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF SERVICE: Javier Balasquide, Appellate Counsel

ORDER:

PER CURIAM. On February 11, 2002, the respondent pled guilty to (1) conspiracy to engage in racketeering activity, in violation of 18 U.S.C. § 1962(d); (2) engaging in a pattern of racketeering activity, in violation of 18 U.S.C. § 1546(a); and (3) conspiracy to commit tax fraud in violation of various sections of Title 26 of the United States code, in the United States District Court, Southern District of New York. *See* Transcript of February 11, 2002, hearing, at 47-58, 65-66. The respondent admitted that he "agreed with others employed by and associated with the Porges Law Firm to conduct and participate in the conduct of the affairs of the Porges Law Firm racketeering enterprise through a pattern of activity consisting of multiple acts involving the preparation and submission of fraudulent documents relating to claims for political asylum" (Tr. at 47). Respondent also admitted that "these applications contained false statements of fact, including false stories of persecution that were set forth as the basis for asylum claims" and that he "was aware that many of the stories that were submitted by the aliens were either false, inaccurate, or exaggerations." *Id.* at 48. Respondent further admitted that he "closed [his] eyes as to what [he] knew was the deliberate creation of stories by employees of the Porges Law Firm and the aliens" with a purpose "to further the scheme of the asylum fraud." *Id.* at 49. The crimes are felonies and therefore are "serious crimes" within the meaning of 8 C.F.R. § 3.102(h).

Consequently, on April 6, 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 April 16, 2002, the Immigration and Naturalization Service asked that the respondent be similarly suspended from practice before that agency. Therefore, on May 6, 2002, we suspended the respondent from practicing before the Board, the Immigration Courts, and the Service 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. § 3.105(c)(1). 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. § 3.105(d)(1), (2).

The Notice recommends that the respondent be expelled from practicing before the Board and the Immigration Courts. The Service asks that we extend that discipline to practice before it as well. Because 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. § 3.105(d)(2). Since the recommendation is appropriate in light of the respondent's crimes, we will honor that recommendation. Accordingly, we hereby expel the respondent from practice before the Board, the Immigration Courts, and the Service. As the respondent is currently under our May 6, 2002, 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 seek reinstatement under appropriate circumstances. *See* 8 C.F.R. § 3.107(b).



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FOR THE BOARD