

Falls Church, Virginia 22041

File: D2004-121

Date:

~~_____~~ **AUG 4 - 2009**

In re: ANIL SHAH, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

ON BEHALF OF DHS: Rachel A. McCarthy
Bar Counsel

ON BEHALF OF EOIR: Scott Anderson
Deputy Disciplinary Counsel

ON BEHALF OF RESPONDENT: H. Ronald Klasko, Esquire

The respondent's motion for reinstatement to practice, which is opposed by the Department of Homeland Security (the "DHS"), will be granted.

The Board issued a published decision concerning the respondent. In *Matter of Shah*, 24 I&N Dec. 282 (BIA 2007), the Board sustained an appeal filed by the DHS, and found the respondent subject to attorney discipline. On November 25, 2008, the Board dismissed a second appeal filed by the DHS, and suspended the respondent from practice before the Immigration Courts, Board of Immigration Appeals, and DHS, for a period of 6 months, effective 30 days from the date of its order.

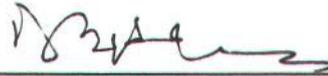
The respondent moves that the Board reinstate him to practice. As the period of suspension has expired, and the respondent presently meets the definition of attorney at 8 C.F.R. § 1101.1(f),¹ the respondent will be reinstated to practice. 8 C.F.R. § 1003.107(a).

ORDER: The respondent is reinstated to practice before the Board, the Immigration Courts, and the DHS, as of the date of this order.

¹According to its filings, the DHS has discussed with New York authorities the fact that the respondent failed to notify them of the Board's suspension order. The respondent argues that he was not obligated to so notify New York authorities. In any event, the respondent is currently under no order of suspension in New York. If the respondent should become subject to discipline in New York, this could be the basis of new disciplinary proceedings in this forum.

FURTHER ORDER: Because the respondent has been reinstated, public notices regarding the respondent's suspension should reflect this reinstatement.

FURTHER ORDER: If the respondent wishes to represent a party before the DHS or Board, he must file a Notice of Appearance (Form G-28 or Form EOIR-27), including any case in which he was formerly counsel, prior to his suspension.

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

FOR THE BOARD