

Falls Church, Virginia 20530

File: D2013-042

Date: JUN 04 2015

In re: JERRY GOH, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

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

ON BEHALF OF DHS: Diane H. Kier
Associate Legal Advisor

On January 11, 2013, the respondent was suspended from the practice of law in Texas for six months. Consequently, the Disciplinary Counsel for the Executive Office for Immigration Review petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. The Department of Homeland Security (the "DHS") asked that the respondent be similarly suspended from practice before that agency. We granted the petition for immediate suspension on April 9, 2013, and issued a final order imposing six months' discipline on May 15, 2013, effective April 9, 2013. The respondent's opposed request for reinstatement to practice will be granted.

Our final order directed that the respondent could petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS under 8 C.F.R. § 1003.107(2013). As the period of suspension imposed on the respondent has expired, the pertinent regulation is 8 C.F.R. § 1003.107(a), which states that

Upon notice to the Board, a practitioner who has been suspended will be reinstated to practice before the Board and the Immigration Courts or the DHS, or before all three authorities, once the period of suspension has expired, provided that he or she meets the definition of attorney or representative as set forth in §1001.1(f) and (j), respectively, of this chapter.

As of this date, the respondent has completed the period of suspension. 8 C.F.R. § 1003.107(a). The EOIR Disciplinary Counsel agrees that the respondent meets the regulatory definition of attorney. EOIR Disciplinary Counsel Opp. at ¶ 4; 8 C.F.R. § 1001.1(f). Given the regulatory language, which provides that a practitioner will be reinstated upon expiration of the suspension period, so long as he meets the regulatory definition of attorney, and notwithstanding the arguments of the EOIR Disciplinary Counsel, the Board will reinstate the respondent.

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

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 Board, Immigration Court, or DHS, he must file a Notice of Appearance (Form EOIR-27, Form EOIR-28 or Form G-28), including any case in which he was formerly counsel, prior to his suspension.

A handwritten signature in black ink, consisting of a stylized 'M' followed by a series of loops and a long horizontal stroke.

FOR THE BOARD