

Falls Church, Virginia 22041

File: D2005-204

Date: FEB 8 2008

In re: ELEANOR CHEN, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

ON BEHALF OF GENERAL COUNSEL: Barbara J. Leen, Associate General Counsel

ON BEHALF OF DHS: Eileen M. Connolly, Appellate Counsel

ON BEHALF OF RESPONDENT: Samuel C. Stretton, Esquire

ORDER:

PER CURIAM. The respondent's unopposed motion for reinstatement to practice will be granted.

On December 20, 2006, the Office of General Counsel for the Executive Office for Immigration Review initiated these disciplinary proceedings against the respondent with a Notice of Intent to Discipline, and sought discipline based on the respondent's frivolous behavior concerning filing briefs on appeal to the Board.¹ 8 C.F.R. § 1003.102(j). On December 29, 2006, the Department of Homeland Security (the "DHS") asked that any punishment applied to the respondent also apply to practice before the DHS. The respondent requested a hearing, and on November 8, 2007, an Immigration Judge suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS, for 60 days.

The respondent moves that the Board reinstate her to practice. The Office of General Counsel does not oppose the petition for reinstatement, observing that appropriate discipline has been effected against the respondent, and noting that the respondent has presented evidence that she meets the definition of attorney at 8 C.F.R. § 1101.1(f).

Given that the respondent's motion is unopposed, we find that the respondent should be and hereby is reinstated to practice before the Board, the Immigration Courts, and the DHS, as of the date of this order. Because the respondent has been reinstated, public notices regarding the respondent's suspension should reflect this reinstatement. If the respondent wishes to represent a party before the DHS or Board, she must file a Notice of Appearance (Form G-28 or Form EOIR-27), including any case in which she was formerly counsel, prior to her suspension.



FOR THE BOARD

¹The Office of General Counsel did not petition for the respondent's immediate suspension from practice pending final disposition of this proceeding, under 8 C.F.R. § 1003.103(a).