

Falls Church, Virginia 22041

File: D2008-078

Date:  MAY 29 2008

In re: VICTOR MBA-JONAS, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Bar Counsel

ORDER:

PER CURIAM. The respondent will be suspended indefinitely from practice before the Board, the Immigration Courts, and the Department of Homeland Security (the "DHS").

On March 20, 2007, the Court of Appeals of Maryland indefinitely suspended the respondent from the practice of law. On December 4, 2007, the same court continued the indefinite suspension with the right to reapply for readmission in six months.

Based on the Maryland order indefinitely suspending the respondent, on May 10, 2007, and January 7, 2008, the District of Columbia Court of Appeals also entered orders suspending the respondent. On October 22, 2007, the Virginia State Bar Disciplinary Board also suspended the respondent.

Consequently, on April 14, 2008, the DHS initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. On April 17, 2008, the Office of General Counsel for the Executive Office for Immigration Review (EOIR) asked that the respondent be similarly suspended from practice before EOIR, including the Board and Immigration Courts. Therefore, on April 25, 2008, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS 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. *See* 8 C.F.R. § 1003.105(c)(1); 1292.3(e)(3)(ii). The respondent submitted a timely answer on May 12, 2008. The respondent admits that he was suspended from the practice of law, as charged, and further admits that he has been suspended from the practice of law in Pennsylvania. The respondent does not request a hearing on the charges, and that opportunity is therefore waived. *See* 8 C.F.R. § 1003.105(c)(3). We therefore find it appropriate to issue a final order on the government's charges.

The Notice recommends that the respondent be suspended indefinitely from practice before the DHS, based on the respondent being subject to orders of suspension in Maryland, Virginia, and the District of Columbia. The Office of General Counsel of EOIR asks that we extend that discipline to practice before the Board and Immigration Courts as well. We find that the government's recommendation is appropriate, and we will honor it.

Accordingly, we hereby indefinitely suspend the respondent from practice before the Board, the Immigration Courts, and the DHS. As the respondent is currently under our April 25, 2008, order of suspension, we will deem the respondent's suspension 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 notes that he will be applying for reinstatement to practice law in Maryland, and argues that he should be "automatically reinstated" to practice before the Board, Immigration Courts, and DHS, if he is so reinstated. The request is denied. The respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS under 8 C.F.R. § 1003.107(b). In order to be reinstated, the respondent must demonstrate that he meets the definition of an attorney or representative, as set forth in 8 C.F.R. §§ 1001.1(f) and (j). *Id.* Therefore, the respondent must show that he has been reinstated to practice law in Maryland, Virginia, the District of Columbia, and Pennsylvania before he may be reinstated by the Board. *See* 8 C.F.R. § 1001.1(f).



FOR THE BOARD