

Falls Church, Virginia 22041

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File: D2000-123

Date: FEB 26 2001

In re: JUSTIN JIN-LIN ONG, 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 July 17, 2000, the respondent was convicted of the crimes of Visa Fraud and Subscribing to False Return and was sentenced by the United States District Court for the Southern District of Texas to 4 months' imprisonment and 3 years' supervised release thereafter. The respondent was also ordered to surrender his law license, to resign from the practice of law, and to cease any employment related to immigration law until reinstated as an attorney by the state bar of Texas.

Consequently, on January 5, 2001, 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 January 11, 2001, the Immigration and Naturalization Service moved to join that petition and asked that the respondent be similarly suspended from practice before that agency. Therefore, on January 25, 2001, 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* 65 Fed. Reg. 39,513, 39,528 (June 27, 2000) (to be codified at 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. *Id.* at 35,529 (to be codified at 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 has failed to file an 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. *Id.* at 35,529 (to be codified at 8 C.F.R. § 3.105(d)(2)). Since the recommendation is appropriate in light of the respondent's criminal conviction and the nature of his wrongdoing, 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 January 25, 2001, order of suspension, we will deem his 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.

After one year from the effective date of the expulsion, the respondent may be reinstated to practice before the Board, the Immigration Courts, and the Service, provided that he meets the definition of an attorney or representative set forth in 8 C.F.R. § 1.1(f) and (j). *See id.* at 39,530 (to be codified at 8 C.F.R. § 3.107(a)). Therefore, should the respondent seek reinstatement, he must notify the Board of his bar standing and his ability to practice law in the state of Texas. We will consider the respondent for reinstatement once he demonstrates by clear, unequivocal, and convincing evidence that he possesses the moral and professional qualifications required to appear before the Board, the Immigration Courts, the Service, or all three, and that his reinstatement will not be detrimental to the administration of justice. *Id.* (to be codified at 8 C.F.R. § 3.107(b)(1)).



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FOR THE BOARD