

Falls Church, Virginia 22041

File: D2003-194

Date: JUL 9 2008

In re: MAQSOOD MIR, 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

ON BEHALF OF RESPONDENT: Herbert R. Rubenstein, Esquire

ORDER:

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

On April 14, 2005, in the United States District Court for the District of Maryland, the respondent was found guilty of numerous counts of false statements, in violation of 18 U.S.C. § 1546(a) and 18 U.S.C. § 2. The crimes involved immigration fraud and are "serious crimes" within the meaning of 8 C.F.R. § 1003.102(h).¹

Consequently, on June 8, 2005, the DHS initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. On June 13, 2005, 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 September 16, 2005, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. In so doing, the Board rejected the respondent's argument that he should not be suspended from practice, because although he had been convicted, he had not been sentenced and planned to appeal. The Board accepted the DHS' argument that the pertinent regulation provides that an attorney who has been convicted of a "serious crime" within the meaning of 8 C.F.R. § 1003.102(h) shall be suspended "forthwith . . . notwithstanding the pendency of an appeal, if any, of the underlying conviction . . ." 8 C.F.R. § 1292.3(c)(2); *see also* 8 C.F.R. § 1003.103(a).

As part of the Board's September 16, 2005, order, the Board considered that the DHS also filed a Notice of Intent to Discipline, which recommended that the Board issue a final order of discipline expelling the respondent from practice before the DHS. The Office of General Counsel of EOIR asked that we extend that discipline to practice before the Board and Immigration Courts as well. The Board accepted the respondent's argument that it was premature to expel him from practice

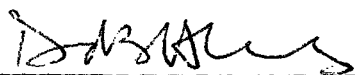
¹On September 22, 2005, the district court sentenced Mir to 78 months imprisonment and fined him \$25,000, and his law firm was fined \$200,000. *U.S. v. Mir*, 525 F.3d 351, 355 (4th Cir. 2008).

because he had not been sentenced and planned to appeal his conviction. *See* 8 C.F.R. § 1292.3(c)(3) (“... any such [summary disciplinary proceeding based on a respondent’s criminal conviction] shall not be concluded until all direct appeals from an underlying criminal conviction have been completed”). *See also* 8 C.F.R. § 1003.103(b). Therefore, the Board declined to issue a final order of discipline until the respondent’s direct appeal of his conviction was resolved.

The DHS now presents evidence that, on May 6, 2008, the Fourth Circuit Court of Appeals, in a published decision, denied the respondent’s appeal of his conviction, and affirmed the district court “in all respects.” *U.S. v. Mir, supra*, at 359. The mandate in the case issued on June 11, 2008. The DHS argues that the Board should now issue an order expelling the respondent from practice. The respondent’s Answer to the Notice of Intent to Discipline, filed on July 8, 2005, only argued that a final order was premature “until his appeal from his conviction has run its course and his conviction has not been overturned.” His conviction has now been affirmed by the Fourth Circuit, and the respondent presents no further argument in response to the government’s contention that he should be expelled. Accordingly, we hereby expel the respondent from practice before the Board, the Immigration Courts, and the DHS.

As the respondent is currently under our September 16, 2005, order of suspension, we will deem the respondent’s 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 other disciplinary action against him.

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).



FOR THE BOARD