

Falls Church, Virginia 22041

File: D2010-097

Date:

MAY 23 2012

In re: SALVADOR COLLAZO, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

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

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

On April 16, 2010, in the United States District Court for the Southern District of New York, the respondent was found guilty of a "serious crime" within the meaning of 8 C.F.R. § 1003.102(h), relating to his immigration law practice. That is, the respondent was convicted of one count of conspiracy to defraud the United States, in violation of 18 U.S.C. § 371; one count of fraud and misuse of visas/permits, in violation of 18 U.S.C. § 1546(a) and (2), and one count of false statements, in violation of 18 U.S.C. § 1001(a) and (2).

Consequently, on May 19, 2010, the DHS initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. The Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) then asked that the respondent be similarly suspended from practice before EOIR, including the Board and Immigration Courts.

The respondent argued that an immediate suspension order should not issue, because he had filed motions for acquittal or a new trial before the district court, as well as an appeal with the United States Court of Appeals for the Second Circuit. The Board considered the respondent's arguments, but entered an immediate suspension order on June 9, 2010.

The Board's June 9, 2010, decision considered, however, that attorney discipline proceedings may not be concluded "... until all direct appeals from an underlying criminal conviction have been completed." See 8 C.F.R. § 292.3(c)(3). Proceedings concerning the Notice of Intent to Discipline therefore were stayed "until the conclusion of any direct appeal of the respondent's criminal convictions."

The DHS has now filed a "Motion To Set Aside Order Staying Proceedings In This Matter And For Entry Of Final Order of Discipline", to which the respondent has not responded. The DHS presents evidence that the respondent's convictions were affirmed by the United States Court of Appeals for the Second Circuit, and the mandate issued on February 16, 2012.

We find it appropriate to issue a final order on the government's charges. 8 C.F.R. § 1003.106(a)(1), 77 Fed. Reg. 2011, 2015 (Jan. 13, 2012)(in summary disciplinary proceedings, Board may issue a final order when the respondent's answer does not make a prima facie showing that there are any material issues of fact in dispute); *Matter of Salomon*, 25 I&N Dec. 559, 560 (BIA 2011). The respondent fails to show that there is any material issue of fact in dispute in this matter. As the DHS' proposed sanction of disbarment is appropriate, in light of the respondent's criminal record, the Board will honor that proposal.

ORDER: The DHS Disciplinary Counsel's "Motion To Set Aside Order Staying Proceedings In This Matter And For Entry Of Final Order of Discipline", is granted.

FURTHER ORDER: The Board hereby disbars the respondent from practice before the Board, the Immigration Courts, and the DHS.

FURTHER ORDER: 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.

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS under 8 C.F.R. § 1003.107(2012). See 77 Fed. Reg. 2011, 2015 (Jan. 13, 2012).

FURTHER ORDER: As the Board earlier imposed an immediate suspension order in this case, today's order of the Board becomes effective immediately. 8 C.F.R. § 1003.105(d)(2)(2012). See 77 Fed. Reg. 2011, 2015 (Jan. 13, 2012).



FOR THE BOARD