

**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
UNITED STATES IMMIGRATION COURT  
YORK, PENNSYLVANIA**

<b>IN THE MATTER OF:</b>	)	<b>IN ATTORNEY DISCIPLINE PROCEEDINGS</b>
	)	
	)	
<b>JOSE L. DEL CASTILLO,</b>	)	<b>Disciplinary Case Number D2008-119</b>
	)	
	)	
<b>Respondent.</b>	)	
_____	)	

**CHARGES:** 8 C.F.R. § 1292.3(b) (2009): Practitioner who falls within 8 C.F.R. § 1003.102(c), for having knowingly or with reckless disregard made a false statement of material fact or law, or willfully misleading, misinforming, threatening, or deceiving any person concerning any material and relevant matter relating to a case, including knowingly or with reckless disregard offering false evidence in a matter filed with U.S. Citizenship and Immigration Services (USCIS).

8 C.F.R. § 1292.3(b) (2009): Practitioner who falls within 8 C.F.R. § 1003.102(h) as having been found guilty of a serious crime, in any court of the United States, or of any state, possession, territory, commonwealth, or the District of Columbia.

**ON BEHALF OF RESPONDENT:**

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**ON BEHALF OF DHS**

Rachel A. McCarthy, Esquire  
Office of the General Counsel  
Department of Homeland Security  
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**DECISION AND ORDER OF THE IMMIGRATION JUDGE**

**Procedural History**

On May 23, 2008, the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) filed a Petition for Immediate Suspension and Notice of Intent to Discipline in this matter with the Chief Clerk of the Board of Immigration Appeals (BIA).

On June 6, 2008, the Office of the General Counsel for the Executive Office for Immigration Appeals (EOIR) filed a Motion to Join for Reciprocal Discipline with the BIA, as well as a Motion to Broaden the Scope of the Petition for Immediate Suspension. The BIA granted that latter motion on June 24, 2008.

On July 22, 2008, respondent, through counsel, filed a Motion for Extension of Time with the BIA. Two days later, respondent filed a Supplemental and Substituted Motion for Extension of Time with the BIA, requesting a 30-day extension of time in which to answer and request a hearing with respect to the Notice of Intent to Discipline. On August 19, 2008, the BIA granted a 15-day extension for respondent to file an answer.

On September 3, 2008, respondent filed his Answer. He denied therein paragraph 7 in the Notice of Intent to Discipline "insofar as it alleges that the appropriate sanction for the respondent is expulsion from practice before USCIS. The respondent submits that the appropriate sanction should be suspension for less than one year." Answer, at 1. He also requested a hearing. On October 14, 2008, the Chief Immigration Judge assigned this matter to me.

On March 17, 2009, the parties filed Stipulations and Consent to Entry of Final Order of Discipline (Stipulations and Consent). A copy of that decision is attached hereto.

In the Stipulations and Consent, respondent admitted that he "pleaded guilty to a serious crime in the U.S. District Court, District of Connecticut, specifically related to his immigration law practice," and that his "conduct violated Rule 1292.3(b), as set forth in Rules 1003.102(c) and (h)." Stipulations and Consent, at 2. Respondent therein also "freely and voluntarily withdr[ew] his request for a hearing in this matter and consent[ed] to the entry of a final order of discipline, suspending him from practice before the [BIA], the Immigration Courts, and USCIS, DHS for a period of one year, effective June 24, 2008." *Id.* at 3. Respondent further acknowledged that "he may file a petition for reinstatement to the [BIA] after he meets the definition of attorney in 8 C.F.R. [§] 1.1(f)<sup>1</sup> and there are no restrictions on his ability to practice law in the States of Connecticut, New Jersey and Florida," and that he "must serve any petition for reinstatement he may file on USCIS Bar Counsel and EOIR Bar Counsel." *Id.*<sup>2</sup>

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<sup>1</sup>That regulation states: "The term attorney means any person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbaring, or otherwise restricting him in the practice of law."

<sup>2</sup>The parties further stipulated that upon approval of the terms as set forth in the terms set forth in the Stipulations and Consent, "the charge of misconduct under Rule 1003.102(f) will be dismissed." No such charge appears in the Notice of Intent to Discipline. Any such implicit charge would, however, be dismissed pursuant to this order.


The court has fully reviewed the Stipulations and Consent, as well as all other filings in this matter. Based upon the court's review of this matter, the following is the order of the court:

Order

In accordance with the Stipulations and Consent, and pursuant to the Rules of Professional Conduct, 8 C.F.R. §§ 1003.102(c) and (h), and 1003.106(b), respondent is hereby suspended from the practice of law before the BIA, the Immigration Courts, and the USCIS for a period of one (1) year, effective June 24, 2008.

Respondent may seek reinstatement under the restrictions set forth in 8 C.F.R. § 1003.107, provided that: (1) at the time of the filing of the reinstatement petition, respondent meets the definition of attorney at 8 C.F.R. § 1.1(f); and (2) he serve any petition for reinstatement he may file on USCIS Bar Counsel and EOIR Bar Counsel.

March 31, 2009

  
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Andrew R. Arthur  
Immigration Judge