

Falls Church, Virginia 20530

File: D2015-039

Date:

In re: JOHN TU, ATTORNEY

APR 0-2 2015

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF DHS: Caitlin Shay, Acting Disciplinary Counsel

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

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

On January 27, 2010, the Supreme Court of California suspended the respondent from the practice of law for 18 months. Subsequently, on January 25, 2012, the same court suspended the respondent from the practice of law for 6 months. Consequently, on February 23, 2015, the Acting Disciplinary Counsel for the Department of Homeland Security (DHS) petitioned for the respondent's immediate suspension from practice before that agency. On March 9, 2015, the Acting Disciplinary Counsel for the DHS filed an amended Petition for Immediate Suspension. The Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) then asked that the respondent be similarly suspended from practice before the Board of Immigration Appeals and the Immigration Courts. We granted the petition for immediate suspension on March 25, 2015.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline. 8 C.F.R. § 1003.105 (2013); 8 C.F.R. § 292.3(e). 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. 8 C.F.R. § 1003.105(2013); 8 C.F.R. § 292.3(e).

The Notice of Intent to Discipline proposes that the respondent be suspended from practice before the DHS for six months, and the Disciplinary Counsel for EOIR asks that we extend that discipline to practice before the Board and Immigration Courts as well. As the respondent failed to file a timely answer, the regulations direct us to adopt the proposed sanction contained in the Notice, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105 (2013); 8 C.F.R. § 292.3(e).

The proposed sanction is appropriate in light of the respondent's suspension from the practice of law in California. We therefore will honor the proposed sanction. The respondent is currently under our March 25, 2015, order of suspension. We will deem the respondent's suspension to have commenced on that date.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS for six months.

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 (2013).

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) (2013).



FOR THE BOARD