

Falls Church, Virginia 20530

File: D2013-237

Date: OCT 29 2013

In re: ANSELM ANDREW EFE a.k.a. Anselm Erighono, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF DHS: Diane H. Kier
Associate Legal Advisor

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

On August 29, 2013, the Disciplinary Counsel for the Executive Office for Immigration Review filed a Notice of Intent to Discipline in this case.¹ The Notice of Intent to Discipline alleges that the respondent is a native and citizen of Nigeria (Notice of Intent to Discipline, at ¶ 1). The Notice of Intent to Discipline further explains that the respondent was admitted to the United States in 1994 as a visitor, and ultimately was permitted to stay in the United States as a student, and as a practical trainee, until June 29, 1998. *Id.* at ¶¶ 2-5.

The respondent was placed into removal proceedings on November 3, 2009 (Notice of Intent to Discipline, at ¶ 7; Exh. 1). He applied for cancellation of removal for certain nonpermanent residents, under section 240A(b) of the Immigration and Nationality Act, 8 U.S.C. § 1229b(b) (Notice of Intent to Discipline, at ¶ 9; Exh. 2). The respondent was granted work authorization, but such work authorization expired on September 19, 2011 (Notice of Intent to Discipline, at ¶ 10; Exh. 3).

The Notice of Intent to Discipline also sets out how the respondent was admitted to the Colorado Supreme Court as an attorney on December 11, 2006 (Notice of Intent to Discipline, at ¶ 11; Exh. 4). The Notice of Intent to Discipline alleges that since October 12, 2011, the respondent has appeared as the attorney of record before the Denver Immigration Court in four cases, and filed Forms EOIR-28, "Notice of Entry of Appearance As Attorney or Representative Before the Immigration Court" (Notice of Intent to Discipline, at ¶ 13; Exhs. 5A-5D).

¹The EOIR Disciplinary Counsel did not petition for the respondent's immediate suspension from practice pending final disposition of this proceeding, under 8 C.F.R. § 1003.103(a)(2013).

The EOIR Disciplinary Counsel argues that the respondent engaged in employment as an attorney before EOIR, when he did not have authorization for employment, in violation of United States immigration law, and when he did not have lawful status in the United States (Notice of Intent to Discipline, at ¶¶ 14-15). The EOIR Disciplinary Counsel alleges that the respondent's actions are grounds for discipline under 8 C.F.R. § 1003.102(n)(engaging in conduct that is prejudicial to the administration of justice or undermines the integrity of the adjudicative process):

Conduct that will generally be subject to sanctions under this ground includes any action or inaction that seriously impairs or interferes with the adjudicative process when the practitioner should have reasonably known to avoid such conduct. Respondent was unlawfully present in the United States and was not authorized to work in the United States when he continually appeared before the Denver Immigration Court from October 2011 through May 2013, and he should have reasonably known that he should not be appearing on behalf of aliens in immigration court under those circumstances.

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* 8 C.F.R. § 1003.105 (2013). 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).

The Notice of Intent to Discipline proposes that the respondent be indefinitely suspended from practice before the Board and the Immigration Courts. The DHS asks that the Board extend that discipline to practice before it as well. Because the respondent has failed to file an answer, the regulations direct the Board 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).

The proposed sanction is appropriate, considering the charges of the EOIR Disciplinary Counsel, which the respondent does not dispute, and considering sanctions imposed involving similar cases (Notice of Intent to Discipline, at 3; Exhs. 6-7). Accordingly, we indefinitely suspend the respondent from practice before the Board, the Immigration Courts, and the DHS.

ORDER: The respondent is indefinitely suspended from practice before the Immigration Courts, Board of Immigration Appeals, and DHS, effective 15 days from this date. 8 C.F.R. § 1003.106(c)(2013).

FURTHER ORDER: The respondent is directed to promptly notify, in writing, any clients with cases currently pending before the Board, the Immigration Courts, or the DHS that the respondent has been suspended from practicing before these bodies.

FURTHER ORDER: The respondent shall maintain records to evidence compliance with this order.

FURTHER ORDER: The respondent is instructed to notify the Board of any further disciplinary action against him.

FURTHER ORDER: The Board directs that the contents of this notice be made available to the public, including at Immigration Courts and appropriate offices of the DHS.

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).

A handwritten signature in black ink, appearing to be "I. Smith", written above a horizontal line.

FOR THE BOARD