

Falls Church, Virginia 22041

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File: D2016-0262

Date: DEC 22 2016

In re: JING TAN, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF DHS: Catherine M. O'Connell, Disciplinary Counsel

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

The respondent will be suspended from practice before the Board of Immigration Appeals ("Board"), the Immigration Courts, and the Department of Homeland Security ("DHS") for a period of 60 days.

On September 22, 2016, the Court of Appeals of Maryland issued an order suspending the respondent from the practice of law in that state for a period of 60 days. Consequently, on October 25, 2016, the Disciplinary Counsel for the DHS petitioned for the respondent's immediate suspension from practice before that agency. The Disciplinary Counsel for the Executive Office for Immigration Review ("EOIR") then asked that the respondent be similarly suspended from practice before the Board and the Immigration Courts. We granted the petition on November 23, 2016.

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. The respondent's failure to file a response within the time period prescribed in the Notice of Intent to Discipline 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(d)(1).

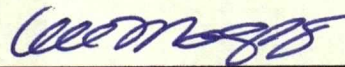
The Notice of Intent to Discipline proposes that the respondent be suspended from practicing before the DHS for 60 days. The Disciplinary Counsel for the EOIR asks the Board to extend that discipline to practice before the Board and the Immigration Courts as well. Because the respondent has failed to file an answer, the regulations direct the Board to adopt the proposed sanction contained in the Notice of Intent to Discipline, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105(d)(2). The proposed sanction is appropriate in light of the respondent's 60-day suspension in Maryland. 8 C.F.R. § 1003.101(a)(2) (suspension is a disciplinary sanction that may be imposed by the Board); 8 C.F.R. § 1003.102(e) (practitioner who has been suspended is subject to discipline by the Board). Further, as the respondent is currently under our November 23, 2016, order of suspension, we will deem the respondent's suspension to have commenced on that date.

ORDER: The Board suspends the respondent from practice before the Board, the Immigration Courts, and the DHS for 60 days. The suspension is deemed to have commenced on November 23, 2016.

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our prior order. The respondent must notify the Board of any further disciplinary action against her.

FURTHER ORDER: The contents of the order shall be made available to the public, including at the Immigration Courts and appropriate offices of the DHS.

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board, the Immigration Courts, and the DHS under 8 C.F.R. § 1003.107.

A handwritten signature in blue ink, appearing to read "William J. ...", is written above a horizontal line.

FOR THE BOARD