

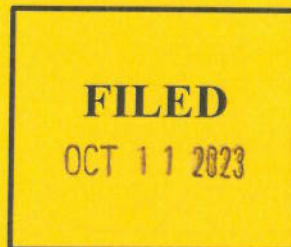
NOT FOR PUBLICATION

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

MATTER OF:

Kehinde Oluwaranti JOBI, D2009-0223

Respondent



ON BEHALF OF EOIR: Paul A. Rodrigues, Disciplinary Counsel

ON BEHALF OF DHS: Toinette M. Mitchell, Disciplinary Counsel

ON BEHALF OF RESPONDENT: Pro se

IN PRACTITIONER DISCIPLINARY PROCEEDINGS
Motion from a Decision of the Board of Immigration Appeals

Before: Malphrus, Deputy Chief Appellate Immigration Judge; Clark, Appellate Immigration Judge; Creppy, Appellate Immigration Judge¹

Opinion by Malphrus, Deputy Chief Appellate Immigration

MALPHRUS, Deputy Chief Appellate Immigration Judge

The respondent was suspended from the practice of law before the Board of Immigration Appeals (“Board”), the Immigration Courts, and the Department of Homeland Security (“DHS”) for an indefinite period of time, effective November 4, 2009. The indefinite suspension was based on the respondent’s resignation from the New York state bar while disciplinary charges were pending. On July 11, 2023, the respondent filed with the Board a motion seeking early reinstatement to practice. The respondent’s opposed motion for early reinstatement will be granted.

With her initial filing, the respondent presented evidence showing that she has been reinstated to practice law in New York and before the United States District Court for the Eastern District of New York, and maintained that she meets the definition of attorney in 8 C.F.R. § 1001.1(f). She also stated that she possessed the moral and professional qualifications to appear before the Board, the Immigration Courts and DHS, and that her reinstatement will not be detrimental to the administration of justice.

On July 13, 2023, the Disciplinary Counsel for the Executive Office for Immigration Review (“EOIR”) and the Disciplinary Counsel for DHS filed an opposition to the respondent’s motion because the respondent did not provide sufficient evidence that she meets the definition of attorney

¹ Temporary Appellate Immigration Judges sit pursuant to appointment by the Attorney General. See 8 C.F.R. § 1003.1(a)(4)

set forth in 8 C.F.R. § 1001(f). The Disciplinary Councils also noted that the respondent did not produce clear and convincing evidence that she possesses the moral and professional qualifications required to appear before the Board, the Immigration Courts, or DHS, and that her reinstatement will not be detrimental to the administration of justice. *See* 8 C.F.R. § 1003.107(b) (discussing requirements for early reinstatement). The Disciplinary Councils noted that the respondent was required to produce such evidence in order to be reinstated in New York, and thus, such evidence was available and should have been presented with her motion for reinstatement with the Board.

On or about July 27, 2023, the respondent submitted additional evidence that included her sworn statement, a copy of a Certificate of Good Standing from the Supreme Court of the State of New York, Appellate Division, First Judicial Department, and a certified copy of a docket sheet from the U.S. District Court, Eastern District of New York (Brooklyn), indicating that the respondent was reinstated to practice as an attorney before that court as of April 11, 2023 (Respondent's July 2023 Reply: Exhs. C-D). The respondent also submitted evidence that was provided and produced in the course of her 2021 New York reinstatement proceedings (Respondent's July 2023 Reply: Exhs. E-M).² In this regard, the respondent submitted, among other things, a transcript of her reinstatement hearings, letters of recommendation, proof of attendance of continuing legal education courses (that included two immigration-related courses, and professional responsibility and ethics courses), and portions of her statement³ she submitted in support of her application for state bar reinstatement (*id.*).

On August 10, 2023, the Disciplinary Councils filed a response continuing to oppose the respondent's motion. While they no longer dispute that the respondent meets the definition of attorney as defined in 8 C.F.R. § 1001.1(f), the Disciplinary Councils contend that the respondent still has not submitted clear and convincing evidence that she satisfied the requirements under 8 C.F.R. § 1003.107(b). The Disciplinary Councils note that the letters of recommendations the respondent submitted were not current, and she did not demonstrate that she obtained legal training that would qualify her to appear as an immigration practitioner after 14 years away from the practice of immigration law.

On August 26, 2023, the respondent filed a response to the Disciplinary Councils' continued opposition to her motion, submitting, *inter alia*, additional and updated character references letters

² The Disciplinary Councils stated that the respondent's submissions are not organized alphabetically (Gov't's Continued Opposition to Respondent's Motion for Reinstatement at 3, n.5). For the sake of clarification, we note that it appears that with her Reply, the respondent submitted several sets of documents which she labeled Exhibit A to Exhibit O. However, the set of documents the respondent submitted as Exhibit E, contained within a "table of contents" and other documents labeled as exhibits A to W. According to the respondent, group Exhibit E contained documents she submitted in support of her application for reinstatement in New York (Respondent's July 2023 Reply at 3, ¶8). We gather that the respondent simply copied her New York reinstatement application packet as it was originally organized, labeled, and submitted, resulting in the Disciplinary Councils' confusion.

³ The respondent's group Exhibit E, paginated from 1 to 201, is missing even-numbered pages (Respondent's July 2023 Reply

from her husband, and from personal and professional acquaintances, that spoke of the respondent's good moral character, and her skills and professionalism while working in the addiction and mental health field during her period of suspension from legal practice (Respondent's August 2023 Reply: Exh. E). The respondent contends that she possesses the moral and professional qualifications required to appear before the Board, Immigration Courts, and DHS, as evidenced by her reinstatement to practice law in New York.

As correctly noted by the Disciplinary Counsels in their first response to the respondent's motion, to be reinstated to practice law in New York, the respondent had the similar burden of showing, among other things, clear and convincing evidence that she has the requisite character and general fitness to practice law and that it will be in the public interest that she be reinstated to the practice of law (Respondent's July 2023 Reply: Exh. L). 22 NYCRR § 1240.16(a). The respondent submitted evidence showing that on August 22, 2022, a panel of five justices from the Appellate Division of the Supreme Court of the State of New York ("Appellate Division") unanimously denied the adverse recommendation from the Referee and the Attorney Grievance Committee ("Committee"), and ordered the respondent to be reinstated upon satisfaction of certain conditions (*id.*). Following compliance with the conditions of the August 22, 2022, order, and non-opposition by the Committee, a panel of five justices from the Appellate Division unanimously granted the respondent's motion and reinstated her as an attorney in New York, effective February 23, 2023 (Respondent's 2023 Reply: Exh. M).

We acknowledge the Disciplinary Counsels' concerns regarding the level of the respondent's knowledge of immigration law and procedure after nearly 14 years of not practicing immigration law (Gov't's Continued Opposition to Respondent's Motion for Reinstatement at 3). While we recognize that the respondent failed to avail herself of more than two immigration-related courses during her lengthy suspension, we do not find this to be determinative of the proper result in this case in light of the countervailing evidence presented by the respondent.

We have considered the orders of the Appellate Division that necessarily determined that the respondent established by clear and convincing evidence that she has the requisite character and general fitness to practice law in New York, the evidence produced in the respondent's New York state bar reinstatement proceedings, the evidence she submitted in her motion for reinstatement with the Board, the respondent's statements reflecting remorse, commitment not to reoffend and other rehabilitative efforts, her expressed intent to stay abreast of developments in immigration law, the length of her suspension, and the lack of any indication or allegation that the respondent did not comply with the conditions of her suspension during that time. Upon consideration of the totality of this evidence, as well as the arguments by all parties, we conclude that the respondent has demonstrated that she is an attorney as defined in 8 C.F.R. § 1001.1(f) and (j), and that she has met her burden of establishing that she should be reinstated to practice before the Board, the Immigration Courts, and DHS. *See* 8 C.F.R. § 1003.107(b). The following orders will be entered.

ORDER: The respondent is reinstated to practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS, as of the date of this order.

FURTHER ORDER: This reinstatement should be reflected in any public notices maintained and disseminated by the Executive Office for Immigration Review regarding attorney discipline.

FURTHER ORDER: If the respondent wishes to represent a party before the Board, the Immigration Courts or DHS, she must file a Notice of Appearance (Form G-28, Form EOIR-26, or Form EOIR-27), even in cases in which she was counsel prior to her suspension.