

**NOT FOR PUBLICATION**

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

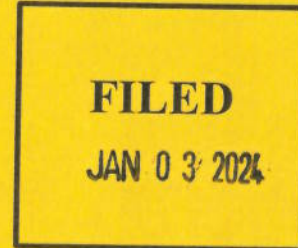
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MATTER OF:

Sandra Esther SUAREZ KRUEGER, D2018-0229

Respondent

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

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

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

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

Opinion by Malphrus, Deputy Chief Appellate Immigration Judge

MALPHRUS, Deputy Chief Appellate Immigration Judge

In a decision dated October 16, 2018, we disbarred the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (“DHS”), effective immediately. The respondent’s disbarment was based on her disbarment in Iowa. The respondent now has filed a motion for reinstatement, which will be denied.

I. PROCEDURAL HISTORY AND ARGUMENTS

On December 13, 2017, the Supreme Court of Iowa indefinitely suspended the respondent from the practice of law in Iowa. The court had previously temporarily suspended the respondent’s law license based on her incarceration. In light of the respondent’s indefinite suspension in Iowa, we indefinitely suspended the respondent from practice before the Immigration Courts, Board, and DHS, in disciplinary case number D2018-0095.

On May 18, 2018, the respondent was disbarred from the practice of law, effective immediately, by the Iowa Supreme Court. The disbarment was based on multiple violations of the Iowa Rules of Professional Conduct, including the misappropriation of funds. The court noted that the respondent was a solo practitioner and provided legal services primarily in the areas of immigration law, family law, and criminal law. On August 24, 2018, the Disciplinary Counsel for the Executive Office for Immigration Review (“EOIR”) filed a Notice of Intent to Discipline seeking the respondent’s disbarment in light of her disbarment in Iowa. Because the respondent did not file a timely answer to the allegations contained in the Notice of Intent to Discipline and because the proposed sanction of disbarment was appropriate considering her disbarment in Iowa, our October 16, 2018, final order disbarred the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS, effective immediately.

The respondent now asks to be reinstated to practice before the Board of Immigration Appeals, the Immigration Courts, and DHS.<sup>1</sup> She initially filed a motion for reinstatement on October 18, 2023, claiming that she had been reinstated to the practice of law in Iowa and that she now meets the definition of attorney contained in 8 C.F.R. § 1001.1(f). *See* 8 C.F.R. § 1003.107(b)(1) (discussing requirements for reinstatement after disbarment). In support of this argument, she submitted evidence of her reinstatement in Iowa (Respondent's Mot., Exh. A). She further submitted the application for reinstatement she had submitted to the Supreme Court of Iowa. The application included a lengthy personal statement and letters of recommendation (Respondent's Mot, Exh. B and C). This evidence suggests that the respondent possesses the moral and professional qualifications required to appear before the Board, the Immigration Courts, and DHS and that her reinstatement would not be detrimental to the administration of justice. *See* 8 C.F.R. § 1003.107(b)(1) and (2).

The Disciplinary Counsels for the Executive Office for Immigration Review and DHS do not dispute that the respondent meets the definition of attorney at 8 C.F.R. § 1001.1(f). The Disciplinary Counsels also initially did not dispute that the respondent possesses the moral and professional qualifications required to appear before the Board, the Immigration Courts, and DHS and did not claim that the respondent had failed to comply with the conditions of her disbarment (Gov't Non-Opp. at 2).

On October 30, 2023, however, the respondent filed an amended motion for reinstatement and a supplemental response. In the amended motion, the respondent states that she believed that she was automatically reinstated to practice before the Board, the Immigration Courts, and DHS when she was reinstated to practice in Iowa (Respondent's Amended Mot.) (unpaginated). She further admits that, on October 13, 2023, she appeared in person at the Omaha Immigration Court and obtained an attorney registration number.<sup>2</sup> *Id.* She believed that, because she was given this number, she was allowed to file a motion for a client. *Id.* She did not learn that her reinstatement to practice before the Board, the Immigration Courts and DHS was not automatic until she participated in an employment interview on October 17, 2023.

In the supplemental response the respondent submitted with her amended motion, she explains that the Disciplinary Counsel for EOIR contacted her on October 26, 2023, to ask about the motion she had filed on October 13, 2023 (Respondent's Suppl. Response) (unpaginated). The respondent again reiterates that she believed she had been reinstated to practice before the Immigration Courts

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<sup>1</sup> The respondent states that she is seeking reinstatement pursuant to 8 C.F.R. § 1003.107(a). This provision, however, only applies to individuals who have completed their period of disciplinary suspension. Because the respondent was disbarred and remains disbarred, she must seek reinstatement under 8 C.F.R. § 1003.107(b). We therefore have considered her request under 8 C.F.R. § 1003.107(b).

<sup>2</sup> In an amendment to her second supplemental response, the respondent states that she filed the motion at the Omaha Immigration Court on October 6, 2023, not October 13, 2023 (Respondent's Amendment to Second Suppl. Response t 1-2).

when she filed that motion. *Id.* She further explains that, on October 17, 2023, when she discovered that her reinstatement was not automatic, she ceased all work for that client and immediately submitted a motion for reinstatement to the Board. *Id.* She contends that it was never her intention to violate the order of disbarment and that she has been extremely careful not to practice immigration law. *Id.*

On November 2, 2023, the Disciplinary Councils for EOIR and DHS submitted an opposition to the respondent's motion for reinstatement that rescinded their earlier non-opposition (Gov't Opp. at 2). The Disciplinary Councils argue that the new information in the respondent's case shows that she did not comply with the terms of her disbarment from practice before the Immigration Courts. *Id.* The Disciplinary Councils further note that the respondent's failure to comply with the terms of her disbarment shows that she currently does not possess the moral and professional qualifications required to appear before the Board, the Immigration Courts, and DHS, and that her reinstatement will likely be detrimental to the administration of justice. *Id.* The Disciplinary Councils assert that the respondent knew that she had violated the terms of her disbarment when she filed her initial motion for reinstatement, yet she did not disclose her transgression. The Disciplinary Councils contend that the respondent only disclosed her transgression after she was contacted by the Disciplinary Council for EOIR and that this lack of candor weighs against reinstatement. *Id.*

In answer to the Disciplinary Councils' opposition, the respondent submitted a second supplemental response. In her response, the respondent corrects some of the dates set out in the Disciplinary Councils' opposition, and she reiterates that she did not intentionally fail to comply with the terms of her disbarment (Respondent's Second Suppl. Response) (unpaginated).<sup>3</sup> She contends that she made a grave and isolated error and asks for forgiveness given the totality of the circumstances. She asserts that she "desperately and humbly wants to be of maximum service to a community in need of access to affordable and knowledgeable legal representation." *Id.*

## II. ANALYSIS

The regulations governing reinstatement after disbarment provide two conditions under which a motion for reinstatement should be denied. First, the Board "shall deny the petition for reinstatement without further consideration" if "a practitioner cannot meet the definition of attorney or representative." 8 C.F.R. § 1003.107(b)(3). Second, "[i]f the petition for reinstatement is found to be otherwise inappropriate or unwarranted, the petition shall be denied." 8 C.F.R. § 1003.107(b)(3). The first condition does not apply in this case because the parties agree that the respondent meets the definition of attorney but for her disbarment before the Board, the Immigration Courts, an DHS.

The Disciplinary Councils assert that the motion should be denied under the second provision. We agree. The respondent admits that, when she filed her initial motion for reinstatement, she was

<sup>3</sup> The respondent later submitted an amendment to her second supplemental response indicating that she filed a motion at the Omaha Immigration Court on October 6, 2023, not October 13, 2023 (Respondent's Amendment to Second Suppl. Response t 1-2).

aware that she had violated our order of disbarment. The respondent, however, did not disclose this violation until the Disciplinary Counsel for EOIR contacted her about her transgression. Failure to comply with our order of disbarment or suspension is a type of violation that mandates denial of a motion for reinstatement filed under 8 C.F.R. § 1003.107(a). *See* 8 C.F.R. § 1003.107(a)(3) (discussing reinstatement after completion of term of suspension and indicating that the Board “shall deny” a motion for reinstatement if a practitioner has failed to comply with the terms of the suspension). The regulation under which the respondent must seek reinstatement does not include this mandate, but we agree with the Disciplinary Counsels that the respondent’s transgression and her failure to admit it in her initial motion mandate denial of her motion for reinstatement. 8 C.F.R. § 1003.107(b)(2) (discussing reinstatement after disbarment and indicating that the Disciplinary Counsels may submit evidence that the practitioner has failed to comply with the terms of disbarment).

Based on the foregoing, we deny the respondent’s motion for reinstatement. The respondent may not file another motion for reinstatement “before the end of one year” from the date of this decision. 8 C.F.R. § 1003.107(b)(3).

ORDER: The respondent’s motion for reinstatement is denied.

FURTHER ORDER: The respondent remains suspended from the practice of law before the Board of Immigration Appeals, the Immigration Courts, and DHS.

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our prior orders. 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 DHS.

FURTHER ORDER: The respondent must wait one full year from the date of this order before she files another petition this Board for reinstatement to practice before the Board, the Immigration Courts, and DHS under 8 C.F.R. § 1003.107(b).