

Falls Church, Virginia 22041

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File: D2011-207

Date:

OCT - 6 2011

In re: JOSEPH ANGEL SILVA, Jr., 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 from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS"), for five years.

On May 9, 2011, the Supreme Court of Texas accepted the respondent's resignation from the practice of law in Texas. Consequently, on August 16, 2011, the Disciplinary Counsel for the Executive Office for Immigration Review petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. The DHS then asked that the respondent be similarly suspended from practice before that agency.

Therefore, on September 1, 2011, the Board suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

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(c)(1). 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(d)(1), (2).

The Notice proposes that the respondent be suspended from practicing before the Board and the Immigration Courts for five years, noting that the respondent may not petition for reinstatement to practice law in Texas for at least five years. 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(d)(2).

Since the proposed sanction is appropriate, in light of the respondent's resignation from the practice of law in Texas while a state disciplinary proceeding was pending, the Board will honor that proposal. As the respondent is currently under our September 1, 2011, 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 five years.

**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.

**FURTHER ORDER:** As the Board earlier imposed an immediate suspension order in this case, today's order of the Board becomes effective immediately. *See* 8 C.F.R. § 1003.105(d)(2)(2010); *Matter of Kronegold*, 25 I&N Dec. 157, 163 (BIA 2010).



FOR THE BOARD