

NEWS RELEASE

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Department of Justice Adopts Final Rule Concerning Professional Conduct for Immigration Practitioners

The Executive Office for Immigration Review (EOIR) and the Immigration and Naturalization Service (INS) have jointly published a final rule for investigating complaints and conducting disciplinary proceedings against attorneys and other representatives (practitioners) who practice before the Board of Immigration Appeals, the Immigration Courts, and INS.

The rule, published in the *Federal Register* today, amends current rules and procedures in Title 8 of the Code of Federal Regulations (8 CFR), Parts 3 and 292, concerning professional conduct for practitioners. The primary purpose of this amendment is to clarify the standards of professional conduct expected of immigration practitioners and to provide for an effective process for dealing with alleged violations of those standards.

The rule details, among other things, grounds for disciplinary action, requirements for receiving and investigating complaints, and procedures for conducting hearings. The rule also provides safeguards against unwarranted or frivolous complaints and ensures due process for those who are subject to sanctions.

By ensuring high professional standards of practice, the rule also helps to safeguard the integrity of immigration proceedings and decisions and to protect vulnerable aliens from unscrupulous or unprofessional immigration practitioners.

Among its major revisions, the rule separates and distinguishes the investigative and disciplinary processes between EOIR and INS, enabling EOIR to respond to complaints about practitioners who appear before the Board of Immigration Appeals and the Immigration Courts, and enabling INS to respond to complaints about practitioners who appear before INS adjudicators (e.g., Asylum Officers, Service Center Directors, Examiners, etc).

This change allows each agency to regulate professional conduct in its own tribunals but provides the same hearing and appeals process for both agencies to ensure fair and

consistent application of the rules. Each agency's Office of General Counsel will accept complaints, conduct investigations, and determine whether complaints have merit. Practitioners who receive a Notice of Intent to Discipline will have an opportunity to respond and request a hearing before an Immigration Judge.

The final rule differs from the proposed rule published on January 20, 1998, (at 63 FR 2901) in its provisions for the review process in disciplinary proceedings. Rather than establish a new Disciplinary Committee within the Department of Justice to review findings and recommendations of an adjudicating official in a disciplinary proceeding, the rule retains the current procedure for conducting proceedings before an Immigration Judge, whose final decisions may be appealed to the Board of Immigration Appeals.

Many factors prompted EOIR and INS to amend the practitioner disciplinary regulations. Misconduct and misrepresentation by immigration practitioners has been a matter of growing concern to the Attorney General and to local and State bars. The Department's Office of Inspector General recommended changes in rules and procedures to improve the timeliness and effectiveness of immigration practitioner disciplinary proceedings. Additionally, this final rule may complement efforts to combat practitioner fraud and other types of serious misconduct.

The final rule was published in the *Federal Register* on June 27, 2000, (at 65 FR 39513) and will become effective July 27, 2000. Following publication, EOIR will distribute to selected organizations and individuals copies of the rule along with this news release and a fact sheet with selected questions and answers about the amended disciplinary rule. A limited number of these information packages will be available to others upon request.

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