

Immigration Practitioner Complaint Form

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

Read reverse side before completing this form. Use this form to file a complaint against an attorney or representative.

Your name:	Mr. <input type="checkbox"/>	Mrs. <input type="checkbox"/>	Ms. <input type="checkbox"/>				
	(First)	(Middle Initial)	(Last)	Alien Number of Case Related to Complaint			
Address:	(Number and Street)		(Apt No.)	(City)	(State)	(Zip Code)	
Telephone Number:	Home: ()		Work: ()				

Name of ATTORNEY OR REPRESENTATIVE against whom you wish to file a complaint:							
(First)	(Middle Initial)				(Last)		
Address:	(Number and Street)				(Suite No.)		
(City)	(State)		(Zip Code)				
Office Telephone Number: ()							

Have you or a member of your family complained about this matter to anyone else (e.g., a state bar)?
 Yes No If yes, please provide details, including to whom the complaint was made (including name and address of the organization), its approximate date, and any disposition. (Use additional paper if necessary.)

Did you hire the attorney or representative? Yes No If yes, give the approximate date you employed him or her and the amount paid, if any. If no, what is your connection with the attorney or representative? (Use additional paper if necessary.) Attach a copy of your retainer agreement or contract if you have one.

Explain the circumstances and details of your complaint on additional sheets of paper. Include a statement of what the attorney or representative did or did not do, and a narrative of the facts as you understand them. Do not include opinions or arguments. If you employed the attorney or representative, state what work he or she was supposed to do for you. Sign and date each separate piece of paper and attach copies of any pertinent or supporting documents.

I, the undersigned, hereby certify that the statements in this complaint are true and correct to the best of my knowledge. I waive the attorney-client privilege and any other confidentiality protections under the Freedom of Information Act/Privacy Act necessary to conduct an inquiry including, but not limited to, making referrals and disclosures to state attorney discipline authorities and any other law enforcement authorities for the purpose of investigating, examining, and/or taking disciplinary action against the attorney or representative as necessary. I hereby permit the Executive Office for Immigration Review to release any and all records in its system of records for the purpose of conducting such an inquiry.

Mail: Office of the General Counsel
 Attn: Disciplinary Counsel
 Executive Office for Immigration Review
 5107 Leesburg Pike, Suite 2600
 Falls Church, VA 20530

Signature _____

Date _____

Form EOIR - 44
 Rev. October 2013
 [month] 2014

Instructions for Filing a Complaint Against an Attorney or Representative

Every immigration practitioner (private attorney, accredited representative, law student, and others) authorized to practice before the Board of Immigration Appeals (Board), Immigration Courts, and the Department of Homeland Security is obligated to observe high standards of ethical conduct and professional behavior. The Rules of Professional Conduct for Practitioners (Rules) set forth at 8 C.F.R. §§ 1003.101-1003.107, govern an immigration practitioner's actions. The following are examples of behavior that may provide grounds for an investigation:

- charging grossly excessive fees
- engaging in conduct lacking competence or diligence
- knowingly or recklessly making a false statement of material fact or otherwise misleading and/or misinforming any person, including knowingly or recklessly offering evidence known to be false
- making false or misleading communications about his/her qualifications or services
- providing ineffective assistance of counsel as found by the Board of Immigration Appeals or an Immigration Judge
- repeatedly failing to appear for scheduled hearings in a timely manner without good cause
- failing to maintain communications with a client
- failing to abide by a client's decision in a case

Some conduct on the part of practitioners falls outside the parameters of the Rules. The Executive Office for Immigration Review (EOIR) Disciplinary Counsel (DC) is unable to investigate those activities and cannot:

- give you legal advice or otherwise represent you, or recommend a particular attorney or firm
- compel an attorney to act for you, or tell your attorney how to proceed with your case or to refund your fee
- investigate complaints about Department of Homeland Security attorneys

Confidentiality Generally, information about complaints or preliminary inquiries is confidential. However, by signing this complaint form, you waive the attorney-client privilege and any other confidentiality and/or privacy protections with respect to the practitioner's handling of an immigration case to the extent necessary for DC to conduct an inquiry. By signing this complaint form, you also agree to allow DC to make referrals to state bar and law enforcement authorities where it appears the practitioner has engaged in ethical and/or criminal misconduct and to make any disclosure to such law enforcement authorities of any and all records maintained in an EOIR system of records that are otherwise subject to confidentiality protections under the Freedom of Information Act/Privacy Act.

How to File a Complaint Your complaint should be filed in writing either by completing a complaint form or by writing your own statement. Your statement should include your name and address, the practitioner's name and address, an explanation of the circumstances, and specific details of your complaint, and your signature. Supporting documents and information, such as correspondence between you and the practitioner, documents concerning the immigration case involved (including the case name and number), and copies of filings in connection with the case will assist us in our investigation.

Processing of Your Complaint When your complaint is received, it will be reviewed by DC to determine whether, based upon the merits, the complaint warrants further investigation. Does the complaint allege conduct on the part of a practitioner which, if true, would violate the Rules of Professional Conduct? If the answer to this question is "no," then no further action will be taken. If the answer to this question is "yes," then a preliminary inquiry will be conducted. If additional information is needed about the complaint, DC may request answers to specific questions, review the court file, and interview potential witnesses. If, upon completion of the inquiry, DC determines that the practitioner has engaged in a violation of the Rules, DC may issue a warning letter, or an informal admonition, enter into an agreement in lieu of discipline, or issue a Notice of Intent to Discipline (NID) to the practitioner recommending that discipline be imposed.

In a disciplinary case in which a NID is issued and the practitioner contests the charges, the matter ^{may} ~~will~~ be scheduled for a hearing before an Adjudicating Official (for instance, an Immigration Judge). This is an adversarial hearing in which DC acts as a prosecutor. DC does not represent individual complainants in this hearing; however, as the complainant, you may be called as a witness. Following the hearing, the Adjudicating Official will issue a decision either recommending dismissal of the charges or adopting, modifying, or otherwise amending the proposed discipline. The Adjudicating Official's decision is final unless the practitioner files an appeal. If the practitioner files an appeal, the Adjudicating Official's decision is reviewed by the Board of Immigration Appeals, which then issues a final administrative decision. You will be informed by letter of the final disposition of your complaint.

Further information about Rules and Procedures on Professional Conduct for Practitioners is available on EOIR's website at: <http://www.justice.gov/eoir/press/09/AttorneyDisciplineFactSheet.pdf>.

Filing Considerations Filing a complaint against an immigration practitioner is a serious matter. Your decision to file a complaint should only be made after careful consideration and after all efforts to work out the problem with the practitioner have failed. The disciplinary system is designed to provide an orderly and fair way to deal with ethics complaints against practitioners.

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete this form is two (2) hours, including the time for reviewing and completing the form, and gathering and attaching supporting documentation. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 20530.

The information on this form is authorized by 8 U.S.C. § 1362 and 8 C.F.R. § 1003.104 in order to file a complaint against an immigration practitioner. The information you provide is mandatory and is required to file an immigration practitioner complaint. Failure to provide the requested information may result in dismissal of the complaint. EOIR may share this information with others in accordance with approved routine uses described in EOIR-003, Practitioner Complaint-Disciplinary Files, or 8 C.F.R. § 1003.108(a).