



2. BIA Decision

EOIR(b)(6)/OPR(b)(6)(b)(7) appealed IJ EOIR(b)(6)/OPR(b)(6)(b)(7) decision to the BIA. On appeal, OPR(b)(6)(b)(7)(C) According to OPR(b)(6)(b)(7)(C) OPR(b)(6)(b)(7)(C)

OPR(b)(6)(b)(7)(C)

OPR(b)(6)(b)(7)(C)

In an OPR(b)(6)(b)(7)(C) decision (authored by EOIR Non-Responsive/C EOIR(b)(6)/OPR(b)(6)(b)(7)(C)), the BIA rejected EOIR(b)(6)/OPR(b)(6)(b)(7)(C)

OPR(b)(6)(b)(7)(C)

OPR(b)(6)(b)(7)(C)

<sup>37</sup> EOIR(b)(6)/OPR(b)(6)(b)(7)(C) Appellate Brief at 3-4.

<sup>38</sup> *Id.* at 4 (internal citations and quotations omitted).

<sup>39</sup> *In Re:* EOIR(b)(6)/OPR(b)(6)(b)(7)(C)

<sup>40</sup> *Id.* at 3.

# OPR(b)(6)(b)(7)(C)

EOIR(b)(6)/OPR(b)(6) filed a timely appeal with the U.S. Court of Appeals for the EOIR(b)(6)/OPR(b)(6)(7) Circuit.

## D. Appeal to the EOIR(b)(6)/OPR(b)(6)(7) Circuit

OPR(b)(6)(b)(7)(C)  
for the EOIR(b)(6)/OPR(b)(6)(7) Circuit. OPR(b)(6)(b)(7)(C)  
OPR(b)(6)(b)(7)(C)

OPR(b)(6)(b)(7)(C) the EOIR(b)(6)/OPR(b)(6)(7) Circuit held that the fact that EOIR(b)(6)/OP

# EOIR(b)(6)/OPR(b)(6)(b)(7)(C)

## 1. OPR(b)(6)(b)(7)(C)

The EOIR(b)(6)/OPR(b)(6)(7) Circuit found that the OPR(b)(6)(b)(7)(C) OPR(b)(6)(b)(7)(C)<sup>45</sup> The court referred to a BIA decision issued after the IJ and BIA decisions at issue here, in which the Board found that OPR(b)(6)(b)(7)(C) OPR(b)(6)(b)(7)(C)

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<sup>41</sup> The BIA had found that EOIR(b)(6)/OPR(b)(6)(7) OPR(b)(6)(b)(7)(C) OPR(b)(6)(b)(7)(C)

<sup>42</sup> EOIR(b)(6)/OPR(b)(6)(b)(7)(C)

<sup>43</sup> EOIR(b)(6)/OPR(b)(6)(b)(7)(C) (internal citation and quotations omitted).

<sup>44</sup> *Id.* at EOIR(b)(6) (internal citation and quotations omitted).

<sup>45</sup> *Id.* at EOIR(b)(6) (internal citation omitted).

# OPR (b)(6) & (b)(7)(C)

OPR(b)(6)(b)(7)(C) EOIR (b)(6)/OPR (b)(6) & (b)(7)(C)  
EOIR (b)(6)/OPR (b)(6) & (b)(7)(C)  
EOIR(b)(6)/OPR(b)(6)(b)(7)(C) 747 OPR(b)(6)(b)(7)(C)  
OPR(b)(6)(b)(7)(C)

## 2. Other Forms of Persecution

The EOIR(b)(6)/OPR(b)(6)(b)(7) Circuit found that the BIA's second error occurred when it  
OPR (b)(6) & (b)(7)(C):EOIR (b)(6)/OPR (b)(6) & (b)(7)(C)  
EOIR (b)(6)/OPR (b)(6) & (b)(7)(C)  
EOIR (b)(6)/OPR (b)(6) & (b)(7)(C) OPR (b)(6) & (b)(7)(C)  
OPR (b)(6) & (b)(7)(C)

EOIR (b)(6)/OPR (b)(6) & (b)(7)(C)

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<sup>46</sup> OPR (b)(6) & (b)(7)(C)  
OPR (b)(6) & (b)(7)(C)

<sup>47</sup> EOIR (b)(6)/OPR (b)(6) & (b)(7)(C)

<sup>48</sup> *Id.* at EOIR (b)(6) (internal citation omitted).

<sup>49</sup> *Id.* (emphasis in original).

<sup>50</sup> *Id.* (internal citation omitted)

**B.**

**IJ**

EOIR(b)(6)/OPR(b)(6)

**EOIR(b)(6)/OPR(b)(6)(b)(7)(C)**

**IJ** EOIR(b)(6)/OPR(b)(6) OPR(b)(6)(b)(7)(C) EOIR(b)(6)/OPR(b)(6) OPR(b)(6)(b)(7)(C)  
OPR(b)(6)(b)(7)(C) OPR(b)(6)(b)(7)(C) OPR(b)(6)(b)(7)(C)  
OPR(b)(6)(b)(7)(C) OPR(b)(6)(b)(7)(C)  
OPR(b)(6)(b)(7)(C) OPR(b)(6)(b)(7)(C)  
OPR(b)(6)(b)(7)(C) OPR(b)(6)(b)(7)(C)  
OPR(b)(6)(b)(7)(C) OPR(b)(6)(b)(7)(C)  
OPR(b)(6)(b)(7)(C) OPR(b)(6)(b)(7)(C)

**IJ** EOIR(b)(6)/OPR(b)(6) OPR(b)(6)(b)(7)(C)  
OPR(b)(6)(b)(7)(C) OPR(b)(6)(b)(7)(C) OPR(b)(6)(b)(7)(C)  
**OPR(b)(6)(b)(7)(C)**  
OPR(b)(6)(b)(7)(C) **IJ** OPR(b)(6)(b)(7)(C)  
OPR(b)(6)(b)(7)(C)

**C.**

**BIA Member**

EOIR Non Responsive/OPR

**EOIR Non Responsive/OPR (b)(6) & (b)(7)(C)**

[Redacted]

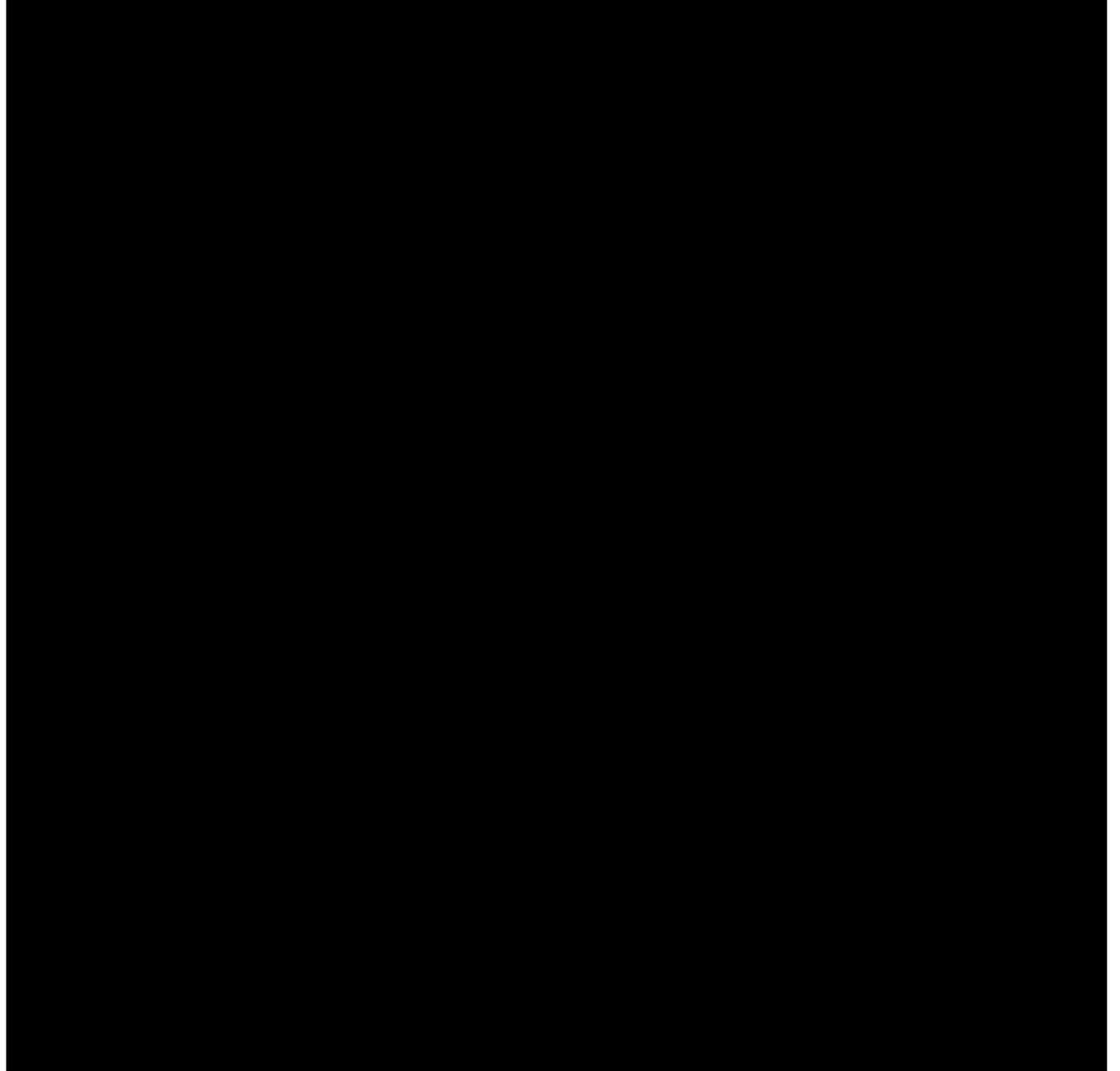
**EOIR(b)(6)/OPR(b)(6)(b)(7)(C)**

<sup>61</sup> **IJ** EOIR(b)(6)/OPR(b)(6)(b)(7)(C) Response at 5 (September 16, 2008).

<sup>62</sup> *Id.* at 6.

<sup>63</sup> Attachment One of BIA Member EOIR Non Responsive/OPR (b)(6) & (b)(7)(C)

EOIR Non Responsive/OPR (b)(6) & (b)(7)(C)



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<sup>64</sup> *Id.* at n. EOIR Non Responsive/OPR (b)(6) & (b)(7)(C)

EOIR Non Responsive/OPR (b)(6) & (b)(7)(C)

<sup>65</sup> *Id.* at 2 (quotations in original).

EOIR Non Responsive/OPR (b)(6) & (b)(7)(C)

D. **BIA Member** EOIR Non Responsive/OPR (b)

EOIR Non Responsive/OPR (b)(6) & (b)(7)(C)

<sup>66</sup> *Id.* at 3.

<sup>67</sup> *Id.* at 4 (internal citation omitted; emphasis in original).

<sup>68</sup> *Id.*

**IV. STANDARDS OF CONDUCT**

**A. OPR's Analytical Framework**

OPR finds professional misconduct when an attorney intentionally violates or acts in reckless disregard of a known, unambiguous obligation imposed by law, rule of professional conduct, or Department regulation or policy. In determining whether an attorney has engaged in professional misconduct, OPR uses the preponderance of the evidence standard to make factual findings.

An attorney intentionally violates an obligation or standard when the attorney (1) engages in conduct with the purpose of obtaining a result that the

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<sup>69</sup> EOIR Non Responsive/OPR (b)(6) & (b)(7)(C)

<sup>70</sup> *Id.* at 4 (internal quotations and citation omitted).

<sup>71</sup> *Id.* at 5 quoting EOIR(b)(6)/OPR(b)(6)(b)(7)(C)

<sup>72</sup> *Id.* at 6.

<sup>73</sup> *Id.* at 7.