

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

FEB 04 2009

ANTHONY ONYEAGORO,

Petitioner,

v.

ERIC H. HOLDER , Attorney General,

Respondent.

No. 05-71804

Agency No. A071-812-093

MEMORANDUM*

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted February 2, 2009**
Pasadena, California

Before: PREGERSON, GRABER, and WARDLAW, Circuit Judges.

Petitioner Anthony Onyeagoro, a native and citizen of Nigeria, petitions for review from a decision of the Board of Immigration Appeals, which found that Petitioner attempted to obtain an immigration benefit by fraud or wilful misrepresentation of a material fact and was therefore inadmissible and removable

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. Fed. R. App. P. 34(a)(2).

under 8 U.S.C. § 1227(a)(1)(A). Reviewing de novo the BIA's finding, Chavez-Perez v. Ashcroft, 386 F.3d 1284, 1287 (9th Cir. 2004), we deny the petition.

Title 8 U.S.C. § 1182(a)(6)(C)(i) states that, "[i]n general[,] [a]ny alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States . . . is inadmissible." Petitioner argues that he is not subject to § 1182(a)(6)(C)(i) because he did not marry a United States citizen to procure admission as an immigrant. The record supports the BIA's finding to the contrary.

Petitioner married a United States citizen in May 1992. He then filed an application to adjust his status to that of a lawful permanent resident on July 13, 1992, based on that marriage. In his application, Petitioner stated that he had been married previously to a woman in Nigeria and that the marriage had ended with her death. In support of the application, Petitioner submitted what he claimed to be a Nigerian death certificate for the woman. Documentary evidence showed the death certificate to be a fake, and Petitioner admitted as much. Because Petitioner used the false document to support his claim of a valid marriage to a United States citizen, the requisite nexus is established.

Petitioner further argues that his employment-based visa was improperly revoked. However, under 8 U.S.C. § 1154, the government properly revoked

Petitioner's employment-based visa because he was found to have entered into a marriage for the purpose of evading immigration laws. The record supports the BIA's finding.

Finally, Petitioner asserts in the closing paragraph of his reply brief that he is entitled to a waiver of inadmissibility, based on hardship to his mother. The BIA did not err because Petitioner failed to establish a biological relationship with his purported mother.

PETITION DENIED.