

JUL 31 2009

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>YOUNGAE SONG; KAE HYUNG SONG; KAE SUN SONG,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>ERIC H. HOLDER Jr., Attorney General,</p> <p style="text-align: center;">Respondent.</p>
--

No. 07-74067

Agency Nos. A072-009-542  
A047-054-689  
A047-054-690

MEMORANDUM \*

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

Submitted July 29, 2009\*\*

Before: WALLACE, LEAVY, and HAWKINS, Circuit Judges.

Youngae Song and her two children, natives and citizens of South Korea,  
petition for review of the Board of Immigration Appeals' order dismissing their

---

\* This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

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

appeal from an immigration judge's order of removal. We have jurisdiction pursuant to 8 U.S.C. § 1252, and we deny the petition.

We reject petitioners' contention that the government failed to establish removability by clear and convincing evidence, because Kae Sun Song conceded removability, *see Shin v. Mukasey*, 547 F.3d 1019, 1024 (9th Cir. 2009), Youngae and Kae Hyung Song lacked valid entry documents, *see Sinotes-Cruz v. Gonzales*, 468 F.3d 1190, 1197 (9th Cir. 2006).

We also reject petitioners' contention that the government should be equitably estopped from ordering their removal. Although a government employee, Leland Sustaire, issued Youngae Song's fraudulent alien registration card (Kae Hyung and Kae Sun Song were derivative beneficiaries), the record shows Youngae Song was not "ignorant of the true facts" when she procured the card, *see Shin*, 547 F.3d at 1025, and "[i]n any event, estoppel against the government is unavailable where petitioners have not lost any rights to which they were entitled." *Sulit v. Schiltgen*, 213 F.3d 449, 454 (9th Cir. 2000).

Finally, we find no defects amounting to a due process violation. *See Shin*, 547 F.3d at 1024-25; *Hong v. Mukasey*, 518 F.3d 1030, 1035-36 (9th Cir. 2008).

**PETITION FOR REVIEW DENIED.**