

MAY 09 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>HAE JUNG CHUNG LEE,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
--

No. 07-72815

Agency No. A098-266-344

MEMORANDUM*

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

Submitted April 20, 2011**

Before: RYMER, THOMAS, and PAEZ, Circuit Judges.

Hae Jung Chung Lee, a native and citizen of South Korea, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing her appeal from an immigration judge’s (“IJ”) removal order. We have jurisdiction under 8 U.S.C. § 1252. We review de novo claims of due process violations.

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

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

Sandoval-Luna v. Mukasey, 526 F.3d 1243, 1246 (9th Cir. 2008) (per curiam). We deny the petition for review.

The agency properly determined that it lacked jurisdiction to consider Chung Lee's application for a U visa. *See* 8 C.F.R. § 214(c)(5)(ii) (listing the application procedures for a U visa); *Lee v. Holder*, 599 F.3d 973, 975-76 (9th Cir. 2010) (per curiam) (U.S. Citizenship and Immigration Service has sole jurisdiction over all U visa applications).

Chung Lee's due process contention is unpersuasive. *Cf. Dielman v. INS*, 34 F.3d 851, 853 (9th Cir. 1994) (finding unpersuasive a similar contention that Congress violated due process by delegating authority over visa petitions to the Attorney General rather than the IJs or the BIA).

PETITION FOR REVIEW DENIED.