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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>HAM DO KIM; JINOK KIM; et al.,</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>
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No. 06-72864

Agency Nos. A071-790-402
A071-564-734
A071-564-735
A071-564-737

MEMORANDUM*

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

Submitted September 27, 2011**

Before: SILVERMAN, W. FLETCHER, and MURGUIA, Circuit Judges.

Ham Do Kim, his wife Jinok Kim, and two of their children, natives and citizens of South Korea, petition for review of the Board of Immigration Appeals' order dismissing their appeal from an immigration judge's removal order. We have jurisdiction under 8 U.S.C. § 1252. We review for substantial evidence the

* 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).

agency's findings of fact, and review de novo questions of law. *Kim v. Holder*, 603 F.3d 1100, 1102 (9th Cir. 2010). We deny the petition for review.

Substantial evidence supports the agency's finding of removability by clear and convincing evidence. *See id.* at 1103.

The agency did not err in concluding that petitioners were ineligible for a waiver of inadmissibility under 8 U.S.C. § 1182(k) where they never possessed immigrant visas. *See Kyong Ho Shin v. Holder*, 607 F.3d 1213, 1219 (9th Cir. 2010) (to be eligible for a waiver under 8 U.S.C. § 1182(k) an alien must possess an immigrant visa).

Petitioners' contention that the government should be equitably estopped from ordering their removal is unavailing. *See Sulit v. Schiltgen*, 213 F.3d 449, 454 (9th Cir. 2000) (“[E]stoppel against the government is unavailable where petitioners have not lost any rights to which they were entitled.”); *cf. Salgado-Diaz v. Gonzalez*, 395 F.3d 1158, 1165-68 (9th Cir. 2005).

Petitioners' remaining contention is not persuasive.

PETITION FOR REVIEW DENIED.