

OCT 6 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JIN JOO LEE, a.k.a. Jin Joo Kim; YOUNG HAK LEE,</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. 06-72946

Agency Nos. A071-946-929
A072-976-142

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.

Jin Joo Lee and her son Young Hak Lee, 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 agency's findings

* 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).

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' remaining contention is not persuasive.

PETITION FOR REVIEW DENIED.