

DEC 28 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>MIRNA ARGENTINA BAIRES-HERNANDEZ,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 11-73494

Agency No. A072-126-855

MEMORANDUM*

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

Submitted December 19, 2012**

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Mirna Argentina Baires-Hernandez, a native and citizen of El Salvador, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing her appeal from an immigration judge’s decision denying her

* 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).

applications for relief from deportation. We have jurisdiction under 8 U.S.C. § 1252. Reviewing for substantial evidence, *Ramos v. INS*, 246 F.3d 1264, 1266 (9th Cir. 2001), we deny the petition for review.

Substantial evidence supports the BIA's determination that Baires-Hernandez is statutorily barred from establishing the good moral character required for suspension of deportation and voluntary departure because she voluntarily gave false testimony under oath at an interview with an asylum officer in 2007 with the subjective intent to obtain an immigration benefit. *See* 8 U.S.C. § 1101(f)(6); *Ramos*, 246 F.3d at 1266.

Baires-Hernandez's contention that her false testimony was the result of ineffective assistance of counsel provided by an immigration consultant she knew was not a lawyer is foreclosed by our decision in *Hernandez v. Mukasey*, 524 F.3d 1014, 1020 (9th Cir. 2008) (holding that knowing reliance upon the advice of a non-attorney cannot support a claim for ineffective assistance of counsel in a removal proceeding).

PETITION FOR REVIEW DENIED.