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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JESUS ROMERO-RAMIREZ,</p> <p>Petitioner,</p> <p>v.</p> <p>ERIC H. HOLDER, Jr., Attorney General,</p> <p>Respondent.</p>
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No. 05-72995

Agency No. A019-189-498

MEMORANDUM*

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

Submitted March 18, 2009**

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

Jesus Romero-Ramirez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals’ (“BIA”) order dismissing his appeal from an immigration judge’s decision premitting his application for adjustment of status.

We have jurisdiction under 8 U.S.C. § 1252. We review de novo constitutional

* 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).

questions and questions of law, *Becker v. Gonzales*, 473 F.3d 1000, 1001 n.2 (9th Cir. 2007), and we deny the petition for review.

Romero-Ramirez's contention that the agency's retroactive application of the expanded aggravated felony definition in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. § 1101(a)(43), violates due process by denying him relief is foreclosed. *See Becker*, 473 F.3d at 1002-03.

We agree with the agency that Romero-Ramirez's 1985 aggravated felony convictions render him statutorily ineligible for a § 212(h) waiver. *See Becker*, 473 F.3d at 1003-04 (grant of § 212(c) relief only waives the finding of deportability; the crimes alleged to be grounds of deportability do not disappear from the alien's record for immigration purposes); *see also* 8 U.S.C. § 1182(h)(2).

PETITION FOR REVIEW DENIED.