

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-1536

BUNTHAN THAN CHHAY,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: December 15, 2010

Decided: January 11, 2011

Before MOTZ, SHEDD, and DAVIS, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Irena I. Karpinski, LAW OFFICES OF IRENA I. KARPINSKI, Washington, D.C., for Petitioner. Tony West, Assistant Attorney General, Paul Fiorino, Senior Litigation Counsel, Jessica R. C. Malloy, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bunthan Than Chhay, a native and citizen of Cambodia, entered the United States on a conditional basis as a lawful permanent resident based on his marriage to a United States citizen, Mey Chang. The couple later divorced. On June 16, 2005, Chhay filed a Form I-751, Petition to Remove the Conditions on Residence, and applied for a good faith waiver of the requirement that he and Chang jointly file the I-751 petition. The immigration judge concluded that Chhay failed to demonstrate that he entered into his marriage in good faith and therefore failed to meet the conditions for a waiver of the joint filing requirement. The judge denied the I-751 petition, and the Board of Immigration Appeals ("Board") dismissed Chhay's subsequent appeal. Chhay now petitions this court for review.

We review de novo the agency's finding that Chhay's evidence failed to satisfy the legal standard of what constitutes a good faith marriage. See Ibrahimi v. Holder, 566 F.3d 758, 764 (8th Cir. 2009). The central question is whether Chhay and Chang intended to establish a life together at the time they were married. See id.; In re Laureano, 19 I. & N. Dec. 1, 2-3 (B.I.A. 1983).

We have reviewed the record and the Board's order and conclude that the evidence clearly supports the determination that Chhay did not intend to establish a marital life with Chang

at the time he entered into the marriage. We have also considered Chhay's claims that the immigration judge erred in admitting certain hearsay evidence and in excluding a proposed witness and find these arguments to be without merit. We therefore deny the petition for review for the reasons stated by the Board. See In re Chhay (B.I.A. Apr. 15, 2010). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED