

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JAMALUR RASHID CHOWDHURY,
Petitioner

offense as Money Laundering in violation of 18 U.S.C.
§ 1956(c)(1)(A)(i) instead of § 1956(a)(1)(B)(i).

On February 9, 1998, the Immigration and Naturalization
Service ("INS") initiated removal proceedings against

§§ 1101(a)(43)(G) ("a theft offense . . . for which the term of imprisonment [is] at least 1 year") and (M) ("an offense that involves fraud or deceit in which the loss to the victim or victims exceeds \$10,000") as well.

Chowdhury appealed arguing that (1) the INS failed to prove his criminal conviction was for an offense of money laundering because § 1956(c)(1)(A)(i) refers to a definition section of the statute, not a substantive offense; (2) the INS failed to prove that the funds involved exceeded \$10,000 because the overall loss to the victims from the scheme was irrelevant; (3) the IJ violated his due process rights by failing to reopen the case for additional arguments on the allegations contained in the Notice to Appear; and (4) the IJ violated due process by finding the appellant removable under INA §§ 101(a)(43)(G) and (M). The BIA affirmed the IJ's decision

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with regards to the money laundering aggravated felony exceeding \$10,000 43)(G) and (M). The BIA affirmed the IJ's decision.

failed to establish any arguable grounds

law and must be given effect."). Only after determining that a statute is ambiguous do we defer to an agency's interpretation. Id. at 843.

Claims of due process violations in deportation proceedings

not involve loss to a victim. Where the proceeds from a drug transaction are laundered, for example, it would be meaningless to Jre atre thamount ofre thflaus referess te thamountg-

