

**FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

10756

COUNSEL

deportation. The BIA found that Valderrama's hearing testimony was not credible and concluded that she had not carried

sad v. INS

PREGERSON, Circuit Judge, concurring in part and dissenting in part:

INS District Director for the district in which she resides.² In re H-A-, Interim Dec. 3394 (BIA 1999).

Pursuant to section 5 of the Immigration Marriage Fraud Amendments of 1986, Pub. L. No. 99-639, 100 Stat. 3537, 3543, and the Immigration Act of 1990, Pub. L. No. 101-649, 104 Stat. 4978,³ a marriage entered into by an alien during deportation proceed. 3537,

If the INS District Director determines that Valderrama's

the Office of the General Counsel of the INS provides that

obtains an approved relative visa petition on her behalf. Finally, Valderrama would likely be able to establish that she warrants "a favorable exercise of discretion, " because, in making this determination, the INS considers "the hardship to the alien and/or her U[nited] S[tates] C[itizen] or L[awful] P[ermanent] R[esident] family members if the alien were

