

United States Court of Appeals
For the Eighth Circuit

No. 20-2157

Vilma Chacon-Nunez

Petitioner

v.

Robert M. Wilkinson, Acting Attorney General of the United States¹

Respondent

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

Submitted: January 19, 2021

Filed: January 22, 2021

[Unpublished]

Before LOKEN, BENTON, and ERICKSON, Circuit Judges.

PER CURIAM.

¹Robert M. Wilkinson has been appointed to serve as Acting Attorney General of the United States, and is substituted as respondent pursuant to Federal Rule of Appellate Procedure 43(c).

Vilma Chacon-Nunez, a citizen and native of El Salvador, petitions for review of an order of the Board of Immigration Appeals (BIA) denying her motion to reopen her removal proceedings based on the alleged ineffective assistance of her non-attorney accredited representative.

We review the denial of a motion to reopen for abuse of the agency's broad discretion, recognizing that motions to reopen are viewed with disfavor. See Kucana v. Holder, 558 U.S. 233, 240-52 (2010); Habchy v. Gonzales, 471 F.3d 858, 861-62 (8th Cir. 2006). After careful review, we conclude the administrative record supports the BIA's conclusion that Chacon-Nunez failed to submit new evidence or otherwise show that the outcome of her immigration case might have been different but for the alleged ineffective assistance. See 8 U.S.C. § 1229a(c)(7)(B); 8 C.F.R. § 1003.2(c)(1); Ortiz-Puentes v. Holder, 662 F.3d 481, 485 (8th Cir. 2011); Obleshchenko v. Ashcroft, 392 F.3d 970, 972-73 (8th Cir. 2004). Chacon-Nunez argues her Fifth Amendment due process rights were violated because she was not represented by counsel but acknowledges we have held that there is no Fifth Amendment right to effective assistance of counsel in removal proceedings. See Rafiyev v. Mukasey, 536 F.3d 853, 861 (8th Cir. 2008).

Accordingly, we deny the petition for review.
