

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

MOHAMED MOHASIN ALHAG,
Petitioner,

v.

U.S. IMMIGRATION & NATURALIZATION
SERVICE; JOHN ASHCROFT, Attorney
General,

Respondents.

No. 02-1569

On Petition for Review of an Order
of the Board of Immigration Appeals.
(A74-665-596)

Submitted: February 26, 2003

Decided: March 11, 2003

Before MOTZ, WILLIAMS, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

COUNSEL

Kenneth F. Liberstein, Washington, D.C., for Petitioner. Robert D. McCallum, Jr., Assistant Attorney General, David V. Bernal, Assistant Director, Ernesto H. Molina, Jr., Senior Litigation Counsel, Office of Immigration Litigation, Civil Division, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondents.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Mohamed Mohasin Alhag, a native and citizen of Yemen, seeks review of a decision of the Board of Immigration Appeals (Board) dismissing the immigration judge's (IJ's) denial of his applications for asylum and for withholding of deportation. We have reviewed the administrative record and find that substantial evidence supports the conclusion of the IJ and the Board that Alhag failed to establish a well-founded fear of persecution necessary to qualify for relief from deportation.¹ See 8 U.S.C. § 1105a(a)(4) (1994);² 8 C.F.R. § 208.13(b) (2002). We conclude that the record supports the IJ's conclusion that Alhag failed to establish his eligibility for asylum.

The standard for withholding of deportation is "more stringent than that for asylum eligibility." *Chen v. INS*, 195 F.3d 198, 205 (4th Cir. 1999). An applicant for withholding must demonstrate a clear probability of persecution. *INS v. Cardoza-Fonseca*, 480 U.S. 421, 430 (1987). As Alhag has failed to establish refugee status, he cannot satisfy the higher standard for withholding of deportation.

We accordingly deny the petition for review. We dispense with oral argument because the facts and legal arguments are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED

¹Alhag does not argue past persecution to this court.

²We note that 8 U.S.C. § 1105a(a)(4) was repealed by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104-128, 110 Stat. 3009 (IIRIRA), effective April 1, 1997. Because this case was in transition at the time the IIRIRA was passed, § 1105a(a)(4) is still applicable here under the terms of the transitional rules contained in § 309(c) of the IIRIRA.