

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

SHAJAR ABBAS SYED,

Petitioner,

v.

JOHN ASHCROFT, Attorney General,

Respondent.

No. 02-2072

On Petition for Review of an Order
of the Board of Immigration Appeals.
(A70-894-512)

Submitted: May 27, 2003

Decided: June 17, 2003

Before NIEMEYER, WILLIAMS, and MOTZ, Circuit Judges.

Petition denied by unpublished per curiam opinion.

COUNSEL

Rachel S. Ullman, JOHNSON & YANG, P.C., Wheaton, Maryland, for Petitioner. Robert D. McCallum, Jr., Assistant Attorney General, Civil Division, M. Jocelyn Lopez Wright, Senior Litigation Counsel, Russell J. E. Verby, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Shajar Abbas Syed, a native and citizen of Pakistan, seeks review of the decision of the Board of Immigration Appeals ("Board") denying his application for asylum, withholding of deportation and voluntary departure. We have reviewed the administrative record, the Board's order and the IJ's decision and find substantial evidence supports the Board's conclusion that Syed failed to establish a well-founded fear of persecution necessary to qualify for relief from deportation. *See* 8 C.F.R. § 208.13(b) (2003). We conclude the record supports the Board's conclusion that Syed failed to establish his eligibility for asylum.

The standard for receiving 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 Syed failed to establish refugee status, he cannot satisfy the higher standard for withholding of deportation.

We find Syed's argument regarding the denial of his application for voluntary departure to be without merit.

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