

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-1469**

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ALIBEK V. TURKAYEV; VERA BELAN,

Petitioners,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

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Submitted: November 2, 2012

Decided: November 29, 2012

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Before KING and DAVIS, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Petition denied by unpublished per curiam opinion.

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H. Raymond Fasano, YOUMAN, MADEO & FASANO, LLP, New York, New York, for Petitioners. Stuart F. Delery, Acting Assistant Attorney General, Gregory D. Mack, Senior Litigation Counsel, Kathryn L. DeAngelis, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Alibek V. Turkayev and Vera Belan (collectively, "Petitioners") petition the Court for review of the Board of Immigration Appeals' ("Board's") order dismissing their appeal of the immigration judge's ("IJ's") order denying the application for asylum, withholding of removal, and protection under the Convention Against Torture ("CAT") filed by Turkayev, a native and citizen of Kazakhstan. We have thoroughly examined the record and the contentions of the parties, and we deny the petition for review.

When assessing an alien's petition for review, we must uphold the Board's determination that an alien is not eligible for asylum or withholding of removal unless the Board's determination is "manifestly contrary to law and an abuse of discretion." Mirisawo v. Holder, 599 F.3d 391, 396 (4th Cir. 2010) (quoting 8 U.S.C. § 1252(b)(4)(D) (2006)). Legal questions determined by the Board are reviewed de novo, see Li Fang Lin v. Mukasey, 517 F.3d 685, 691-92 (4th Cir. 2008), while "administrative findings of fact are conclusive unless any reasonable adjudicator would be compelled to decide to the contrary." 8 U.S.C. § 1252(b)(4)(B) (2006); Crespin-Valladares v. Holder, 632 F.3d 117, 124 (4th Cir. 2011). Consequently, the Board's determination regarding eligibility for asylum or withholding of removal will be affirmed if it is

supported by substantial evidence on the record considered as a whole. INS v. Elias-Zacarias, 502 U.S. 478, 481 (1992).

The Petitioners' claim before this court is very narrow: they simply contend that the Board improperly engaged in factfinding when it determined that they were not prejudiced by the conduct of the attorney who represented them before the IJ, such that they did not receive ineffective assistance of counsel. We have reviewed the record and the Board's opinion, and we conclude that the Petitioners' arguments are without merit.

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

PETITION DENIED