

April 16, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-60571
Summary Calendar

ZAHIDA JABEEN JAMAAL KHAN,

Petitioner,

versus

ALBERTO R. GONZALES, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A95-344-562

Before KING, HIGGINBOTHAM, and GARZA, Circuit Judges

PER CURIAM:*

Zahida Jabeen Jamaal Khan (Khan) has filed a petition for review of an order of removal of the Board of Immigration Appeals (BIA). She argues that the BIA erred when it rejected her claim that removal proceedings should be terminated because the proceedings were instituted based on information set forth in an application for benefits that she filed under the confidentiality provisions of the Legal Immigration Family Equity (LIFE) Act.

As the BIA noted in its order of removal, the confidentiality requirements of the Immigration and Nationality

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Act are applicable to applications for legalization under the LIFE Act. Immigration and Nationality Act § 245A(c)(5), 8 U.S.C. § 1255a(c)(5)(A)(i); LIFE Act, PL 106-553, 2000 HR 4942,*2762A-148; 8 C.F.R. § 245a.21. However, the Immigration Judge's determination that Khan failed to establish that she filed an application under the LIFE Act is based upon substantial evidence. See Roy v. Ashcroft, 389 F.3d 132, 137-38 (5th Cir. 2004). Moreover, the Immigration Judge's determination that an independent source apprised Immigration and Customs Enforcement officials of Khan's illegal status is also based upon substantial evidence. See id. The BIA therefore did not err when it determined that the confidentiality provisions of the LIFE Act were not violated.

Khan's petition for review is DENIED.