

April 28, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-60139  
Summary Calendar

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SYED ABUL HOSSAIN, SHAHANAZ KAZAL BEGUM

Petitioners

v.

IMMIGRATION AND NATURALIZATION SERVICE

Respondent

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Petition for Review of an Order of the  
Board of Immigration Appeals  
BIA Nos. A73 646 990 & A73 646 991  
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Before KING, Chief Judge, and BARKSDALE and STEWART, Circuit  
Judges.

PER CURIAM:\*

Syed Hossain and his wife, Shahanaz Begum,\*\* petition for  
review of an order of the Board of Immigration Appeals (BIA)  
denying their motion to reopen based on changed circumstances.  
Hossain contends that because the October 1991 elections returned  
the Bangladesh National Party (BNP) to power the BIA should have

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\* 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that this opinion should not be published and is not precedent  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.

\*\* Because Begum's claim is derivative of Hossain's, we  
shall refer to the petitioners as Hossain.

reopened the proceedings in which his application for asylum and withholding of deportation was denied. Hossain's asylum claim asserted that he had been persecuted by BNP members due to his membership in the Jatiyo Party. He argues that in affirming the denial of his original application the BIA relied solely on the prior change in circumstances in Bangladesh during which the Awami Party gained control. He asserts that the BIA erred by requiring him to conclusively establish his eligibility for asylum.

We hold that it was not improper for the BIA to weigh the evidence submitted by Hossain in support of his motion to reopen and that it did not abuse its discretion by denying that motion. See De Morales v. INS, 116 F.3d 145, 147 (5th Cir. 1997); Faddah v. INS, 553 F.2d 491, 494-95 (5th Cir. 1977). Accordingly, the petition for review is DENIED.