United States Court of Appeals
Fifth Circuit

F I L E D

May 30, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

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No. 05-60363
Summary Calendar

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LEONARO VASO, also known as Leonard Vaso;
KELA VASO; KATERINA VASO,

                                          Petitioners,

versus

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

                                          Respondent.

Petition for Review of Orders of the
Board of Immigration Appeals
No. A96 292 404
No. A96 292 405
No. A96 292 406

Before SMITH, CLEMENT, and PRADO, Circuit Judges.

PER CURIAM:[*]

        Leonaro Vaso, Kela Vaso, and Katerina Vaso, natives and citi-
zens of Albania, petition for review of the decisions of the Board
of Immigration Appeals ("BIA") affirming the decision of the im-
migration judge ("IJ") denying their applications for asylum, with-
holding of removal, and relief under the Convention Against Torture

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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this opinion should not be published and is not precedent except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.

("CAT"). They argue that the IJ erroneously determined that Leonard Vaso's asylum application was untimely, and they contend that he was entitled to withholding of removal and relief under the CAT because he has been persecuted in Albania on account of his political opinion.

Because the BIA relied on the IJ's determination that the asylum application was untimely, we lack jurisdiction to review the denial of asylum. Cf. Zhu v. Ashcroft, 382 F.3d 521, 528 (5th Cir. 2004)(in which the BIA did not indicate whether it was affirming the timeliness decision, the merits decision, or both). The record reveals that Leonard Vaso was subject to harassment that does not rise to the level of persecution. See Eduard v. Ashcroft, 379 F.3d 182, 188 (5th Cir. 2004). The BIA's determination affirming the denial of withholding of removal and relief under the CAT is supported by substantial evidence, and the record does not compel a contrary conclusion. See Efe v. Ashcroft, 293 F.3d 899, 906 (5th Cir. 2002); Chun v. INS, 40 F.3d 76, 78 (5th Cir. 1994).

The petition for review is DENIED.