

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

May 23, 2019

Lyle W. Cayce
Clerk

No. 18-60310
Summary Calendar

AWET TESFAGEBRIEL TEWELDEBRHAN,

Petitioner

v.

WILLIAM P. BARR, U.S. ATTORNEY GENERAL,

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A202 128 157

Before DAVIS, HAYNES, and GRAVES, Circuit Judges.

PER CURIAM:*

Awet Tesfagebriel Teweldebrhan, a native and citizen of Eritrea, petitions for review of the Board of Immigration Appeals's (BIA's) dismissal of his appeal of the Immigration Judge (IJ's) decision denying his application for asylum and withholding of removal.

Generally, we review only the order of the BIA and consider the underlying decision of the IJ to the extent that it influenced the BIA's decision.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Zhu v. Gonzales, 493 F.3d 588, 593 (5th Cir. 2007). This court reviews questions of law de novo and factual findings for substantial evidence. *Id.* Under the substantial evidence standard, “[t]he alien must show that the evidence was so compelling that no reasonable factfinder could conclude against it.” *Wang v. Holder*, 569 F.3d 531, 537 (5th Cir. 2009).

To qualify for asylum, an alien must prove that he or she either has suffered past persecution or has a well-founded fear of future persecution in his or her native country. 8 C.F.R. § 208.13(b). “[T]he applicant must establish that race, religion, nationality, membership in a particular social group, or political opinion was or will be at least one central reason for persecuting the applicant.” § 1158(b)(1)(B)(i). Substantial evidence supports the BIA’s conclusion that Teweldebrhan failed to establish that he suffered past persecution or a well-founded fear of future persecution. *See Wang*, 569 F.3d at 537.

To qualify for withholding of removal, an alien “must demonstrate a clear probability of persecution upon return.” *Roy v. Ashcroft*, 389 F.3d 132, 138 (5th Cir. 2004) (internal quotation marks and citation omitted). “Withholding of removal is a higher standard than asylum.” *Efe v. Ashcroft*, 293 F.3d 899, 906 (5th Cir. 2002). Thus, one who fails to show entitlement to asylum fails to show entitlement to withholding of removal. *Id.* As substantial evidence supports the BIA’s finding that Teweldebrhan failed to establish his entitlement to asylum, he has also failed to demonstrate his entitlement to withholding of removal. *See id.*

Teweldebrhan additionally argues that his evidentiary hearing was fundamentally unfair because the IJ limited his testimony to new evidence previously not available. Teweldebrhan, however, has failed to show that he

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was substantially prejudiced by the IJ's actions. *See Bouchikhi v. Holder*, 676 F.3d 173, 180 (5th Cir. 2012). The petition for review is therefore DENIED.