

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-4877
Summary Calendar

BAHRAM MOHAMMED SLIM,

Petitioner,

v.

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

Petition for Review of an Order of the
Immigration and Naturalization Service
(A24 867 988)

September 17, 1993

Before GARWOOD, JONES, and EMILIO GARZA, Circuit Judges.*

EDITH H. JONES, Circuit Judge:

Petitioner Bahram Mohammed Slim seeks review of an order of the Board of Immigration Appeals (BIA) dismissing his appeal of an immigration judge order declaring Slim ineligible for asylum or withholding of deportation. We find that Slim has failed to meet his burden of proof of showing a well-founded fear of persecution under the Immigration and Nationality Act and dismiss the petition for review.

*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

I.

Slim, a native and citizen of Lebanon, entered the United States as a nonimmigrant student in December 1978. He last attended school in the United States in 1984. Slim married a United States citizen in September 1985, but the INS later discovered that the marriage was a sham that Slim entered into solely to circumvent the immigration laws. They divorced in 1986. A few months later, in September 1986, Slim married another United States citizen. The INS has not challenged this marriage.

In July 1986, the INS instituted deportation proceedings against Slim, charging him with deportability for failing to comply with the conditions of his nonimmigrant student status. During that proceeding, Slim admitted the relevant allegations made against him, and the immigration judge (IJ) found him deportable as charged. Slim then applied for relief from deportation in the form of asylum, withholding of deportation, or voluntary departure. The IJ concluded that Slim had not met his burden of proof of demonstrating a well-founded fear of persecution. The IJ granted Slim the privilege of voluntarily departing the United States by January 30, 1988.

The Board of Immigration Appeals dismissed Slim's appeal on June 16, 1992. Slim now brings his case before us.

II.

Asylum may be granted to a person who is unable to return to his or her country "because of persecution or a well-founded fear of persecution on account of race, religion, nationality,

membership in a particular social group, or political opinion." 8 U.S.C. § 1101(a)(42). A request for asylum and deportation proceedings is automatically considered a request for withholding of deportation. 8 C.F.R. § 208.3(b) (1992); INS v. Stevic, 467 U.S. 407, 420 n.13, 104 S. Ct. 2489, 2496 n.13, 81 L.Ed.2d 321 (1984). Putting aside certain exceptions not relevant to this case, withholding of deportation is mandatory if an "alien's life or freedom would be threatened" because of the factors considered for asylum eligibility. Id.; see Flores v. INS, 786 F.2d 1242, 1250 (5th Cir. 1986), cert. denied, 480 U.S. 930, 107 S. Ct. 1565, 94 L.Ed.2d 757 (1987). A request for withholding of deportation is examined under the "clear probability of persecution" standard, Stevic, 467 U.S. at 413, 104 S. Ct. at 2492, a stricter measure than the "well-founded fear of persecution" standard for asylum. Adevisi v. INS, 952 F.2d 910, 913 (5th Cir. 1992); Castillo-Rodriguez v. INS, 929 F.2d 181, 185 (5th Cir. 1991).

A petitioner for either form of relief must demonstrate that the fear of persecution pertains to him as an individual, rather than to the population generally. Ganjour v. INS, 796 F.2d 832, 837 (5th Cir. 1986). Thus, as the BIA found, generalized assertions about the violent conditions in Lebanon are insufficient to demonstrate an individualized fear of persecution.

Slim contends that he fears persecution in Lebanon because he is married to an American Christian. At the hearing on his claim, however, Slim failed to testify about any facts specific to him that indicated that his claimed fear of persecution was well

founded. Instead, he testified generally that religious intermarriage between Muslims and Christians was not well accepted in his native Lebanon.

Moreover, Slim testified at his hearing that he had never been arrested, jailed, harmed, or even threatened by anyone or any group while living in Lebanon. See Farzad v. INS, 802 F.2d 123, 125 (5th Cir. 1986) (upholding denial of asylum where petitioner had not been identified as a political opponent, had not participated in significant political activities, was not a member of an opposition group, and had received no direct threats).

Given the petitioner's own testimony, our review of the immigration judge's factual determinations under the "substantial evidence" standard, see Adebisi, 952 F.2d at 912, leads ineluctably to the conclusion that the IJ did not err in denying Slim's request for asylum. Because Slim did not meet his burden of proof of establishing eligibility for asylum, we need not address his claim of entitlement to withholding of deportation, which requires a showing of a clear probability of persecution, a more difficult standard to meet than a request for asylum. See Adebisi, 952 F.2d at 914; Castillo-Rodriguez, 929 F.2d at 185.

CONCLUSION

For the assigned reasons, Slim's petition for review is **DISMISSED**.