

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 92-4889
Summary Calendar

TAREK ELAGAMY,

Petitioner,

VERSUS

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

Petition for Review of an Order of
the Immigration and Naturalization Service
(A26 440 666)

March 29, 1993

Before KING, DAVIS and WIENER, Circuit Judges.

PER CURIAM:¹

Petitioner appeals the order of the Board of Immigration Appeals ordering him deported and denying eligibility for withholding of deportation or asylum. We affirm.

Petitioner, a thirty-four year old native and citizen of Egypt entered this country in May 1982. He entered on a non-immigrant student visa and had his status changed to a lawful permanent resident in 1983 following his marriage to a United States citizen.

¹Local 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

In December 1986, he was convicted on his guilty plea of credit card fraud and given a five-year suspended sentence and placed on active probation for five years. Following his conviction, he was ordered to show cause why he should not be deported.

Petitioner contended below that he should be granted withholding of deportation or asylum because he will be persecuted if he returns to Egypt. He contends that Moslem fanatics will persecute him because of his stay in the United States and his marriage to a U.S. citizen who is a Christian. Although his marriage was terminated by divorce, he contends that he nevertheless will be persecuted by his family and other Egyptian Moslems because of his marriage. The immigration judge and the board concluded that he had not established a well founded fear of persecution or a clear probability of persecution. The board concluded that there was "no evidence of record" that the Egyptian government "persecutes its citizens on the basis of religion" or "either tolerates or would be unable to control any group or groups of Moslem zealots who would wish to harm [him] on account of his marriage." The board concluded that what Elagamy really feared was ostracism from his family and the reality of the hardships in Egypt for marrying a person from a different culture with different religious beliefs. It agreed with the Immigration judge, however, that "such recriminations are not persecutory in nature" and are outside the protection of the statute.

Elagamy's evidence was not so compelling that no reasonable fact finder could disagree with him that he established an

objective basis for his fear of persecution. **I.N.S. v. Elias Zacarias**, ___ U.S. ___, 112 S.Ct. 812, 817 (1992). The board's conclusion that the social ostracism Elagamy may suffer from his family and other Moslems because of his visit to this country and his marriage to American women does not rise to the level of "persecution."

AFFIRMED.