

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-5017
Summary Calendar

NICHOLAS EMIL MORCOS,

Petitioner,

versus

IMMIGRATION AND NATURALIZATION
SERVICE,

Respondent.

Petition for Review of an Order of the
Immigration and Naturalization Service

(A22 602 448)

(January 19, 1994)

Before POLITZ, Chief Judge, KING and WIENER, Circuit Judges.

PER CURIAM:*

Nicholas Emil Morcos petitions for review of an order of the Board of Immigration Appeals denying his application for asylum and ordering his deportation to Syria. Finding no error in the BIA's decision, we deny the petition for review.

Background

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

A native and citizen of Syria, Morcos entered the United States as a nonimmigrant student in July of 1980. On May 24, 1988 an Order to Show Cause issued charging Morcos with deportability for violating the conditions of his visa.¹ Morcos conceded deportability and the immigration judge continued the proceedings to allow him time to file applications for relief. At a hearing held September 26, 1988 Morcos presented evidence to support his requests for asylum, withholding of deportation, suspension of deportation, and voluntary departure.

With regard to his claim for asylum, Morcos argued that as a Christian he would suffer religious persecution at the hands of the Suni Moslems who predominate in Syria. He attested that the Sunis stormed his home and destroyed his crucifixes. He further stated that his brother has been shot more than once in retaliation for practicing the Christian faith. Morcos claimed that he would suffer political persecution if returned to his native country. The Ba'ath Party, which presently holds power in Syria, has solicited Morcos to become a member of their organization but he has repeatedly refused to do so on political ideological grounds.

Based on the evidence presented, the immigration judge denied Morcos' applications for relief with the exception of voluntary departure. Morcos appealed to the BIA, which dismissed his case per curiam. He now petitions for review of the denial of his application for asylum.

Analysis

¹8 U.S.C. § 1251(a)(9).

Section 208(a) of the Immigration and Nationality Act authorizes the attorney general to grant asylum to an alien who demonstrates a "well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion."² The phrase "well-founded fear" requires the alien to show not only a genuine, subjective fear of persecution, but also the objective reasonableness of that fear.³ Only upon the establishment of this statutory threshold may the attorney general, in her discretion, consider granting the requested asylum.⁴

In determining whether the BIA correctly concluded that an alien failed to establish entitlement to the relief sought, we review findings of fact under the substantial evidence standard. That standard requires only that the BIA's conclusion be reasonable and based on a modest amount of evidence. The record before us contains such. That we may disagree with those findings is not sufficient to support a reversal.⁵ While we admire counsel's valiant effort to champion his client's cause, we must find that the record before us supports the BIA's conclusion that Morcos did not demonstrate eligibility for asylum and DENY the petition for review.

²8 U.S.C. § 1158(a); 8 U.S.C. § 1101(a)(42)(A).

³**Guevara Flores v. I.N.S.**, 786 F.2d 1242 (5th Cir. 1986), cert. denied, 480 U.S. 930 (1987).

⁴**Zamora-Morel v. I.N.S.**, 905 F.2d 833 (5th Cir. 1990).

⁵**Silwany-Rodriguez v. I.N.S.**, 975 F.2d 1157 (5th Cir. 1992); **Rojas v. I.N.S.**, 937 F.2d 186 (5th Cir. 1991).