

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 93-5637
Summary Calendar

FARHAD KAVIANI,

Petitioner,

VERSUS

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

Petition for Review of an Order of the
Immigration and Naturalization Service
(A27 898 036)

(August 9, 1994)

Before GARWOOD, DAVIS, and DUHÉ, Circuit Judges.

PER CURIAM:¹

Farhad Kaviani appeals the Board of Immigration Appeal's ("BIA") order of deportation and its rejection of his request for withholding of deportation under § 243(h) of the Immigration and Naturalization Act ("INA"), 8 U.S.C. § 1253(h), and his request for asylum under INA § 208(a), 8 U.S.C. § 1158(a). We affirm.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Kaviani, a citizen of Iran, was ordered deported pursuant to INA § 241(a)(2), 8 U.S.C. § 1251(a)(2), because he has remained in the United States longer than permitted. He appeared before an immigration judge pursuant to an order to show cause and was found deportable by clear and convincing evidence. The immigration judge denied his request for withholding of deportation and asylum. The BIA affirmed the decision of the immigration judge and dismissed the appeal.

Kaviani argued before the immigration judge and the BIA that he would be subjected to persecution for his political beliefs if he were deported to Iran. This argument was based primarily on his service in the revolutionary guard in Iran from 1980 to 1981. Kaviani testified that he resigned from the guard in 1981, and as a result, was harassed by government officials. Kaviani testified that after he left the revolutionary guard he worked for three years as a watch salesman in the bazaar. He testified that during this time he was often stopped and questioned regarding the whereabouts of a cousin who was a member of the Mujahedin. He testified that, on one occasion, he was stopped for two hours and fifteen minutes by members of the revolutionary guard and questioned about his cousin.

Substantial evidence supports the BIA's conclusion that Kaviani did not establish a well-founded fear of persecution on account of political opinion or religion. The immigration judge was entitled to conclude that Kaviani would not have been hired by the government, following his resignation as a member of the

revolutionary guard, if he was hated as much as he asserts. Moreover, Kaviani was granted a passport and allowed to leave the country without difficulty, which further belies his assertion that he was or will be subject to persecution.

As to Kaviani's assertion that he feared persecution based on his conversion to Christianity, the record before the BIA was not clear as to whether such a conversion had taken place. The immigration judge and the BIA were entitled to conclude that Kaviani was considering converting to Christianity, but had not yet done so.

Because the BIA's order of deportation and denial of asylum and withholding of deportation are supported by substantial evidence, the petition for review is DENIED.