

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 94-40491

JOSE GUILLERMO BLANCO PEREZ,

Petitioner,

versus

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

Petition for Review of an Order
of the Board of Immigration Appeals
(A 72 815 007)

(May 5, 1995)

Before WISDOM, DUHÉ, and BENAVIDES, Circuit Judges.

PER CURIAM:¹

Jose Guillermo Blanco-Perez appealed an Immigration Judge's denial of his applications for asylum and withholding of deportation to the Board of Immigration Appeals (BIA). The BIA dismissed his appeal, and Blanco-Perez petitions us to review the BIA's decision. We dismiss his petition for review.

Jose Guillermo Blanco-Perez is a citizen of Guatemala who has lived most of his life in the village of Canilla. Blanco-Perez claims that the Guatemalan Army began harassing him because it believed him to be a member of the Guerrilla Army of the Poor

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

("EGP") and to know the location of the EGP commander. The Guatemalan Army questioned him at gunpoint about the whereabouts of the EGP commander. Fearing for his and his family's safety, Blanco-Perez moved his family out of Canilla, eventually settling in Guatemala City in early 1993. He then fled to Mexico. In October 1993 Blanco-Perez entered the United States illegally.

I.

The BIA concluded that Blanco-Perez had not established eligibility for asylum or withholding because of a lack of evidence that the authorities sought to persecute him on account of political opinion. An alien may be granted asylum if he proves persecution or a well-founded fear of persecution on account of or because of his political opinion. 8 U.S.C.A. § 1101(a)(42)(A) (West 1995); INS v. Elias-Zacarias, 112 S. Ct. 812, 816 (1992); Ozdemir v. INS, 46 F.3d 6, 8 (5th Cir. 1994). The burden of proof for withholding of deportation is higher than that for asylum. See Ozdemir, 46 F.3d at 8.

Blanco-Perez first argues that the BIA erred in refusing to recognize that evidence of persecution based on an imputed political opinion² may satisfy the requirement that an applicant be persecuted on account of "political opinion."

² An imputed political opinion is a political opinion that an individual does not possess but which others attribute to him. See Canas-Segovia v. INS, 970 F.2d 599, 602 (9th Cir. 1992) ("A persecutor falsely attributes an opinion to the victim, and then persecutes the victim because of that mistaken belief about the victim's views.").

We disagree. Assuming without deciding that persecution based on imputed political opinion would qualify Blanco-Perez for asylum, we note that the BIA found that political opinion, expressed or imputed, was not the cause of Blanco-Perez's persecution. The BIA found that police targeted Blanco-Perez because they were seeking information on the EGP and guerilla commander.

[T]he respondent simply has failed to establish that he was targeted on account of his political opinion There is no convincing evidence that the government's interest in him involved anything more than the investigation of and reaction against those thought))rightly or wrongly))to be members of the EGP seeking the overthrow of the government. . . . [T]he record reflects that the purpose of the mistreatment was to extract information about the EGP, rather than to persecute the respondent "because" of his political opinion or the mere fact that he had lived in a rural village under EGP influence.

R. 6; see also R. 5 at n.1 ("There is nothing to indicate that . . . the government cared what the respondent's individual political opinions may or may not have been or whether he was or was not a member of the EGP.").

We review factual conclusions of the BIA for substantial evidence. Silwany-Rodriguez v. INS, 975 F.2d 1157, 1160 (5th Cir. 1992). To warrant overturning the BIA, the evidence must not merely support a contrary conclusion, but must compel it. Id. Substantial evidence supports the BIA's conclusion that Blanco-Perez was persecuted not on account of his political opinion, but rather for information. Cf. Ozdemir, 46 F.3d at 8 (mistreatment during interrogation by police searching for information about terrorist organizations is not persecution on account of political

opinion).³ The evidence and the entire administrative record support the BIA's decision.

II.

Alternative grounds for our decision exists. Even if the BIA erred in concluding that Blanco-Perez was not persecuted on account of political opinion, we would nevertheless dismiss Blanco-Perez's petition because he failed to demonstrate that the alleged persecution was country-wide. We disagree with Blanco-Perez's contention that the BIA's statement about country-wide persecution is not an independent ground for the BIA's decision. After finding that Blanco-Perez "ha[d] not established his eligibility for either asylum or withholding of deportation," the BIA held,

Moreover, we do not find adequate evidence to demonstrate that the alleged persecution in this case exists on a country-wide basis. . . . [T]he respondent's claim is primarily focused on the rural village of Canilla. The respondent did not indicate that he had any problems with Guatemalan authorities after moving to Guatemala City.

R. 7. See also, e.g., Etugh v. INS, 921 F.2d 36, 39 (3rd Cir. 1990) (finding no prima facie case for asylum where scope of alleged persecution was not national). This factual determination of the BIA is supported by substantial evidence in the record and the evidence does not compel a contrary conclusion. See Silwany-Rodriguez, 975 F.2d at 1160.

³ Blanco-Perez also contends that the BIA erred in relying on a BIA case that was vacated on appeal as controlling the question whether he established persecution on account of political opinion. We need not determine the controlling effect of that decision, because Blanco-Perez has not established persecution on account of political opinion under Ozdemir.

For the foregoing reasons, Blanco-Perez's petition is
DISMISSED.