

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-41052

Summary Calendar

FAUZI MUNIR-ILYAS,
a/k/a BENNY HARRIS,

Petitioner,

versus

IMMIGRATION AND NATURALIZATION
SERVICE,

Respondent.

Appeal from the Board of Immigration Appeals
(A 71 519 595)

(May 19, 1995)

Before GARWOOD, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:*

Fauzi Munir-Ilyas seeks review of the Board of Immigration Appeals' dismissal of his appeal from an immigration judge's deportation order. We affirm.

Munir-Ilyas concedes that he is deportable to his native Indonesia, but he argues that he is entitled to asylum under

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Section 208 of the Immigration and Nationality Act and to withholding of deportation under Section 243(h) of the Act. Munir-Ilyas' own testimony was the key evidence for his case. He stated that because he had protested against the Indonesian government as a student activist twelve years ago, he has a well-founded fear of persecution should he return. Because the BIA found his testimony not credible and because Munir-Ilyas' claim depended on his testimony, the BIA denied him relief. Munir-Ilyas argues that the BIA abused its discretion in finding his testimony not credible.

The BIA found him not credible because his testimony contradicted evidence in the record and because he had tried to deceive immigration officials before. He testified that he had never been criminally convicted nor had ever made a false claim of being a United States citizen, despite record evidence that he had pled guilty in 1992 to attempted entry into the United States by making a willfully false misrepresentation of U.S. citizenship. Further, he subsequently entered the United States through Los Angeles under a false name (Benny Harris) and by false documents on June 30, 1992.

Because nothing in the record compels us to disagree with the BIA's credibility assessment of Munir-Ilyas, and because the BIA's holding turns entirely on its assessment of his credibility, we affirm. See Chun v. INS, 40 F.3d 76, 78-79 (5th Cir. 1994) (per curiam).

Because we cannot fault the BIA's credibility assessment here, we need not reach Munir-Ilyas' alternative argument that his

testimony, if it had been found to be credible, was sufficient to establish a well-founded fear of persecution.