

Not for Publication in West's Federal Reporter

United States Court of Appeals
For the First Circuit

No. 07-2019

SENADA NDREKA,
Petitioner,

v.

MICHAEL B. MUKASEY,
United States Attorney General,
Respondent.

ON PETITION FOR REVIEW OF AN ORDER
OF THE BOARD OF IMMIGRATION APPEALS

Before
Torruella, Circuit Judge,
Wallace,* Senior Circuit Judge,
and Lipez, Circuit Judge.

Charles Christophe and Christophe & Associates, P.C., on brief
for Petitioner.

Briena L. Strippoli, Trial Attorney, Office of Immigration
Litigation, Jeffrey S. Bucholtz, Acting Assistant Attorney General,
and Mary Jane Candaux, Assistant Director, on brief for respondent.

March 14, 2008

*Of the Ninth Circuit, sitting by designation.

Wallace, Senior Circuit Judge. Petitioner Senada Ndreka seeks review of the Board of Immigration Appeals' (Board) denial of her appeal. Substantial evidence supports the Board's decision, and we affirm. See López de Hincapié v. Gonzales, 494 F.3d 213, 218-220 (1st Cir. 2007).

Ndreka cannot qualify as a refugee unless she was persecuted based on a protected ground. INS v. Cardoza-Fonseca, 480 U.S. 421, 428 (1987); see also 8 U.S.C. § 1101(a)(42)(A). Although Ndreka argues she was subject to persecution based on her political opinion, substantial evidence supports the Board's determination that Ndreka was targeted by criminals interested in using her for sex trafficking and not because of her political opinion. Thus, she is not entitled to asylum relief. See 8 U.S.C. § 1158(b)(1). Because Ndreka failed to show that she was persecuted based on a protected ground for asylum eligibility purposes, she likewise fails in her application for withholding of removal. See López de Hincapié, 494 F.3d at 220.

Substantial evidence supports the Board's determination that Ndreka has not shown it is more likely than not that she would be tortured by or at the acquiescence of a government official upon her return to Albania, and the denial of relief under the Convention Against Torture was therefore appropriate. See Xue Deng Jiang v. Gonzales, 474 F.3d 25, 32 (1st Cir. 2007).

Therefore, Ndreka's petition for review is denied.

It is so ordered.