

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1514

MARGARET NJOB TESAMBOM NGBATKAM,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals.

Submitted: December 30, 2009

Decided: January 19, 2010

Before MICHAEL and MOTZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Petition denied by unpublished per curiam opinion.

Danielle L. C. Beach-Oswald, BEACH-OSWALD IMMIGRATION LAW ASSOCIATES, PC, Washington, D.C., for Petitioner. Tony West, Assistant Attorney General, Mary Jane Candaux, Assistant Director, David H. Wetmore, Office of Immigration Litigation, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Margaret Njob Tesambom Ngbatkam, a native and citizen of Cameroon, petitions for review of an order of the Board of Immigration Appeals ("Board") dismissing her appeal from the immigration judge's denial of her requests for asylum, withholding of removal, and protection under the Convention Against Torture.

Ngbatkam first challenges the determination that she failed to establish her eligibility for asylum. We have reviewed the administrative record, the immigration judge's decision, and the Board's affirmation thereof, and find that substantial evidence supports the Board's ruling that Ngbatkam failed to establish persecution or a well-founded fear of persecution on account of membership in a particular social group, political opinion, or any other protected ground. See 8 U.S.C. § 1101(a)(42)(A) (2006) (defining refugee). We therefore uphold the denial of relief.

Additionally, we uphold the denial of Ngbatkam's request for withholding of removal. "Because the burden of proof for withholding of removal is higher than for asylum--even though the facts that must be proved are the same--an applicant who is ineligible for asylum is necessarily ineligible for withholding of removal under [8 U.S.C.] § 1231(b)(3)." Camara v. Ashcroft, 378 F.3d 361, 367 (4th Cir. 2004). Because

Ngbatkam failed to show that she is eligible for asylum, she cannot meet the higher standard for withholding of removal.

Finally, we find that substantial evidence supports the finding that Ngbatkam failed to meet the standard for relief under the Convention Against Torture. To obtain such relief, an applicant must establish that "it is more likely than not that he or she would be tortured if removed to the proposed country of removal." 8 C.F.R. § 1208.16(c)(2) (2009). We find that Ngbatkam failed to make the requisite showing before the immigration court.

Accordingly, we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED