

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-2037

CHAI BANG CHEUNG,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: March 19, 2013

Decided: April 18, 2013

Before WILKINSON, DIAZ, and FLOYD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Gary J. Yerman, New York, New York, for Petitioner. Stuart F. Delery, Principal Deputy Assistant Attorney General, Richard M. Evans, Assistant Director, Nancy E. Friedman, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Chai Bang Cheung, a native and citizen of the People's Republic of China, petitions for review of an order of the Board of Immigration Appeals (Board) dismissing his appeal of the Immigration Judge's decision denying relief from removal. Cheung first disputes the finding that he failed to qualify for asylum, contending that he demonstrated past persecution and asserting that the Board erred in concluding that he failed to demonstrate a well-founded fear of forced sterilization or an excessive fine if he returns to China with his three United States citizen children.

A determination regarding eligibility for asylum or withholding of removal is affirmed if supported by substantial evidence on the record considered as a whole. INS v. Elias-Zacarias, 502 U.S. 478, 481 (1992). Administrative findings of fact, including findings on credibility, are conclusive unless any reasonable adjudicator would be compelled to decide to the contrary. 8 U.S.C. § 1252(b)(4)(B) (2006). Legal issues are reviewed de novo, "affording appropriate deference to the BIA's interpretation of the INA and any attendant regulations." Li Fang Lin v. Mukasey, 517 F.3d 685, 691-92 (4th Cir. 2008). This court will reverse the Board only if "the evidence . . . presented was so compelling that no reasonable factfinder could fail to find the requisite fear of

persecution.” Elias-Zacarias, 502 U.S. at 483-84; see Rusu v. INS, 296 F.3d 316, 325 n.14 (4th Cir. 2002).

We have reviewed the evidence of record and conclude that substantial evidence supports the agency’s finding that Cheung failed to meet his burden of establishing a well-founded fear of persecution. We therefore uphold the denial of Cheung’s requests for asylum and withholding of removal. See Camera v. Ashcroft, 378 F.3d 361, 367 (4th Cir. 2004) (“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).”).

Finally, Cheung challenges the denial of his application for protection under the Convention Against Torture (CAT). To qualify for this relief, a petitioner bears the burden of demonstrating 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) (2012). We have reviewed the evidence of record and conclude that substantial evidence supports the agency’s denial of CAT protection.

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 this court and argument would not aid the decisional process.

PETITION DENIED