

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-1266

XIA LIN,

Petitioner,

v.

ERIC H. HOLDER, JR., Attorney General,

Respondent.

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

Submitted: February 27, 2014

Decided: June 18, 2014

Before MOTZ, KING, and KEENAN, Circuit Judges.

Petition granted in part and remanded; and denied in part by unpublished per curiam opinion.

Nataliya I. Gavlin, GAVLIN & ASSOCIATES, P.C., New York, New York, for Petitioner. Stuart F. Delery, Acting Assistant Attorney General, Jennifer Paisner Williams, Senior Litigation Counsel, Yedidy A. Cohen, OFFICE OF IMMIGRATION LITIGATION, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Xia Lin, 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 her appeal from the Immigration Judge's denial of her requests for asylum and withholding of removal.¹ Lin asserts on appeal that she established eligibility for asylum and withholding of removal by demonstrating a well-founded fear of persecution on account of her violation of China's family planning policy due to the births of her two United States citizen children, and on account of her Christian faith.

We have thoroughly reviewed the administrative record and agency decisions and conclude that the record contains "powerful contradictory evidence" to that relied on by the Board in determining that Lin failed to qualify for asylum and withholding of removal based on her family planning claim. See Ai Hua Chen v. Holder, 742 F.3d 171 (4th Cir. 2014). We accordingly grant the petition for review in part and remand

¹ In her opening brief, Lin fails to raise any meaningful challenge to the denial of her request for protection under the Convention Against Torture (CAT). Accordingly, we conclude that Lin has abandoned her CAT claim on appeal. See Ngarurih v. Ashcroft, 371 F.3d 182, 189 n.7 (4th Cir. 2004).

Lin's family planning claim to the Board for further proceedings in light of our decision in Ai Hua Chen.²

Next, we have reviewed the record and claims relevant to Lin's claim based on her Christian faith, and conclude that the record evidence does not compel a ruling contrary to that of the Board, and that substantial evidence supports the finding that Lin did not establish eligibility for asylum and withholding of removal on this ground. See 8 U.S.C. § 1252(b)(4)(B); INS v. Elias-Zacarias, 502 U.S. 478, 481 (1992). We therefore deny the petition for review in part with respect to this claim.

Accordingly, we grant the petition for review in part and remand, and deny the petition for review in part. 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 GRANTED IN PART AND REMANDED;
AND DENIED IN PART

² The Board's further proceedings may include a review of the Immigration Judge's determination that Lin's asylum application is time-barred and that she failed to show that she qualified under any exception to the one-year filing requirement. See 8 U.S.C. § 1158(a).