

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-3016

Fen Hao Chen,

Petitioner,

v.

Eric H. Holder, Jr.,¹
Attorney General,

Respondent.

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* Petition for Review of
* an Order of the Board
* of Immigration Appeals.
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* [UNPUBLISHED]
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Submitted: March 6, 2009
Filed: March 16, 2009

Before BYE, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Chinese citizen Fen Hao Chen petitions for review of an order of the Board of Immigration Appeals (BIA) affirming an Immigration Judge's (IJ's) denial of his application for asylum and withholding of removal.² Having carefully reviewed the

¹Pursuant to Federal Rule of Appellate Procedure 43(c)(2), Attorney General Eric H. Holder, Jr., is automatically substituted for Michael B. Mukasey as Respondent.

²The IJ also denied relief under the Convention Against Torture, but we lack jurisdiction to consider the denial of this relief because it was not first raised before

record, we deny the petition. See Khrystodorov v. Mukasey, 551 F.3d 775, 781 (8th Cir. 2008) (standard of review).

The record supports the IJ's adverse credibility finding, as she provided specific cogent reasons for disbelieving Chen's asylum-application and hearing claims as to why he left China. See Cao v. Gonzales, 442 F.3d 657, 660-61 (8th Cir. 2006). We also agree with the IJ that, even if Chen's testimony were credible, he did not qualify for asylum, see Yang v. U.S. Atty. Gen., 494 F.3d 1311, 1318-19 (11th Cir. 2007), cert. denied, 128 S. Ct. 2466 (2008) (per curiam); and he thus did not meet the higher standard required for withholding of removal, see Uli v. Mukasey, 533 F.3d 950, 958 (8th Cir. 2008). Accordingly, we deny Chen's petition for review.

the BIA. See Eta-Ndu v. Gonzales, 411 F.3d 977, 986 n.4 (8th Cir. 2005).