

August 13, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-60886
Summary Calendar

ABDUR RAHMAN KHAWAJA,

Petitioner,

versus

JOHN ASHCROFT, U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of an Order of the
Board of Immigration Appeals
BIA No. A72 023 430

Before JOLLY, HIGGINBOTHAM, and PICKERING, Circuit Judges.

PER CURIAM:*

Abdur Rahman Khawaja, a native and citizen of Pakistan, petitions this court for review of the dismissal by the Board of Immigration Appeals (BIA) of his appeal of the Immigration Judge's denial of his application for asylum and withholding of deportation. Khawaja argues that the BIA erred in not applying the mixed-motives standard and in not finding that he was a refugee under the Immigration and Nationality Act ("the Act").

We have reviewed the record and the briefs and conclude that the BIA applied the correct standard in determining whether

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Khawaja was persecuted or has a well-founded fear of persecution on account of an enumerated ground under the Act. See Girma v. INS, 283 F.3d 664, 666 (5th Cir. 2002). Additionally, the BIA's finding that Khawaja was not a refugee under the Act is supported by substantial evidence, as the record does not compel a contrary conclusion. See INS v. Elias-Zacarias, 502 U.S. 478, 483 (1992).

Accordingly, Khawaja's petition for review is DENIED.