

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-60018
Summary Calendar

ZOLTAN SZABO,

Petitioner,

versus

IMMIGRATION AND NATURALIZATION
SERVICE,

Respondent..

- - - - -
Petition for Review of an Order of
the Board of Immigration Appeals
USDC No. A70-802-521
- - - - -

November 17, 1998

Before HIGGINBOTHAM, JONES, and DENNIS, Circuit Judges.

PER CURIAM:*

Zoltan Szabo, an ethnic Hungarian who is a native and citizen of Romania, has petitioned this court to review the Board of Immigration Appeal's (BIA) determination that he should be deported. We DENY Szabo's petition. The BIA's decision was supported by "reasonable, substantial, and probative evidence on the record considered as a whole." Carbajal-Gonzalez v. INS, 78 F.3d 194, 197 (5th Cir. 1996).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Assuming Szabo has established that he was previously persecuted in Romania, State Department documents introduced in Szabo's immigration proceedings were sufficient to overcome the presumption that he has a reasonable fear of present or future persecution. See 8 C.F.R. § 208.13(b)(1)(i); Vaduva v. INS, 131 F.3d 689, 691-92 (7th Cir. 1997). The BIA did not err in determining that Szabo was not entitled to asylum under the doctrine articulated in Matter of Chen, 20 I&N Dec. 16 (BIA April 25, 1989), and its factual determinations in ruling on this matter were supported by substantial evidence. See Rivera-Cruz v. INS, 948 F.2d 962, 969 (5th Cir. 1991).

PETITION DENIED.