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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DEBORA CAROLINA;
REZA AGUSTA IRFANSYAH;
BERNADUS BOYKE,

Petitioners,

v.

MICHAEL B. MUKASEY,
United States Attorney General,

Respondent.

No. 04-73570

Agency Nos. A95-400-795
A95-400-548
A95-400-851

MEMORANDUM *

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

Submitted October 22, 2007**

Before: B. FLETCHER, WARDLAW and IKUTA, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Debora Carolina, and her brothers, Reza Augusta Irfansyah and Bernadus Boyke (“petitioners”) are natives and citizens of Indonesia. They petition for review of the Board of Immigration Appeals’ order summarily affirming an Immigration Judge’s (“IJ”) denial of their application for asylum, withholding of removal and relief under the Convention Against Torture (“CAT”).

We have jurisdiction under 8 U.S.C. § 1252, and we deny the petition for review.

Substantial evidence supports the IJ’s decision because the threats made against the petitioners and the attempts by petitioners’ father to convert them to Islam do not rise to the level of past persecution. *See Nagoulko v. INS*, 333 F.3d 1012, 1015-18 (9th Cir. 2003). Substantial evidence also supports the IJ’s conclusion that petitioners do not have a well-founded fear of future persecution. *See Prasad v. INS*, 47 F.3d 336, 338-340 (9th Cir. 1995); *cf. Sael v. Ashcroft*, 386 F.3d 922, 927-29 (9th Cir. 2004). Accordingly, petitioners are not eligible for asylum.

Because petitioners fail to establish eligibility for asylum, they necessarily fail to qualify for the higher standard under withholding of removal. *See Prasad*, 47 F.3d at 340.

Finally, substantial evidence supports the denial of CAT relief because it is not more likely than not that petitioners will be tortured if returned to Indonesia.

See Singh v. Ashcroft, 351 F.3d 435, 443 (9th Cir. 2003).

PETITION FOR REVIEW DENIED.