

No. 03-3078
Sow v. Gonzales

Oral Decision, September 24, 1998 at 16. The Board of Immigration Appeals (the “Board”) summarily affirmed the decision of the immigration judge without opinion on December 16, 2002.

When reviewing the denial of an asylum request or withholding of removal, we apply the following standard:

The Board’s determination “must be upheld if ‘supported by reasonable, substantial, and probative evidence on the record considered as a whole.’” *INS v. Elias-Zacarias*, 502 U.S. 478, 481, 112 S.Ct. 812, 117 L.Ed.2d 38 (1992) (quoting 8 U.S.C. § 1105a(a)(4)). Under this deferential standard, we may not reverse the Board’s determination simply because we would have decided the matter differently. *Mikhailevitch v. INS*, 146 F.3d 384, 388 (6th Cir. 1998); *Klawitter v. INS*, 970 F.2d 149, 151-52 (6th Cir. 1992). In order to reverse the Board’s factual determinations, we must find that the evidence “not only supports a contrary conclusion, but indeed compels it.” *Klawitter*, 970 F.2d at 152. The Supreme Court has explained that the appropriate inquiry is whether the evidence “was such that a reasonable factfinder would have to conclude that the requisite fear of persecution existed.” *Elias-Zacarias*, 502 U.S. at 481, 112 S.Ct. 812.

Koliada v. INS, 259 F.3d 482, 486 (6th Cir. 2001). In this particular case, because the Board affirmed the immigration judge without opinion, we review the immigration judge’s decision as the “final agency determination.” 8 C.F.R. § 3.1(a)(7)(iii) (2002).

While petitioner has come forward with evidence of hardship, we cannot say that it compels a contrary conclusion to that reached by the immigration judge whose oral decision explained why he discounted certain aspects of petitioner’s testimony before concluding that she had failed to establish eligibility for asylum or withholding of removal.

The oral decision of the immigration judge and adopted by the Board is **affirmed**.