

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 99-1246

Ahmed Mohamud Isaq,

Petitioner,

v.

Immigration and Naturalization
Service,

Respondent.

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Petition for Review of an
Order of the Immigration
and Naturalization Service.

[UNPUBLISHED]

Submitted: April 7, 2000

Filed: April 24, 2000

Before LOKEN, FAGG, and HANSEN, Circuit Judges.

PER CURIAM.

After an Immigration Judge denied Ahmed Mohamud Isaq asylum and withholding of deportation, he appealed the decision to the Board of Immigration Appeals (BIA), which affirmed the decision. Isaq moved for reconsideration, but the BIA denied his motion. In this petition for review, Isaq argues that the BIA abused its discretion by failing to consider certain hardship factors.

Having carefully reviewed the record, we conclude the BIA did not err in refusing to consider the hardship factors, as Isaq has not shown that he applied to the Attorney General for a suspension of his deportation, and the hardship factors were thus irrelevant. See 8 U.S.C. § 1254(a) (Supp. 1996) (Attorney General may, in her discretion, suspend deportation of alien who applies to Attorney General for suspension, has been physically present in United States for continuous period of at least seven years, is person of good moral character, and deportation of whom would result in extreme hardship to self, spouse, parent or child); cf. Feleke v. INS, 118 F.3d 594, 599-600 (8th Cir. 1997) (appellate court had no jurisdiction to address issue of alien's eligibility for suspension of deportation where BIA never took action on issue and alien first sought to introduce it in motion before appellate court). We conclude the BIA did not abuse its discretion in denying the motion for reconsideration. See Perwolf v. INS, 741 F.2d 1109, 1110 (8th Cir. 1984) (standard of review).

Accordingly, we deny Isaq's petition.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.