

**NONPRECEDENTIAL DISPOSITION**

To be cited only in accordance with FED. R. APP. P. 32.1

**United States Court of Appeals**

**For the Seventh Circuit  
Chicago, Illinois 60604**

Argued January 30, 2024  
Decided February 28, 2024

**Before**

DIANE S. SYKES, *Chief Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 23-2114

ASAD MUHAMMAD ASHFAQ,  
*Petitioner,*

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

*v.*

No. A095-925-171

MERRICK B. GARLAND,  
*Respondent.*

**ORDER**

Asad Ashfaq, a Pakistani citizen, petitions for review of an order of the Board of Immigration Appeals denying his applications for immigration relief based on harm he fears because of his prior participation with a political party, the Mohajir Qaumi Movement (MQM). For the reasons below, we deny Ashfaq's petition for review.

Ashfaq, now 47, entered the United States in 1997 on a student F-1 visa. He attended San Francisco State University for one semester before dropping out because of financial hardship. He was placed into removal proceedings in 2003, but a woman claiming to be his wife filed an I-130 immediate relative petition on his behalf. Shortly after the Immigration and Naturalization Service approved the application (in 2005),

she requested revocation of the visa, stating that the marriage was illegitimate. The United States Citizenship and Immigration Services revoked Ashfaq's visa in 2006.

Ashfaq then applied for asylum and withholding of removal under the Immigration and Nationality Act as well as protection under the United Nations Convention Against Torture. In his application, Ashfaq recounted his experience growing up in Karachi, Pakistan, as someone whose family migrated from India and spoke Urdu. Local politics were dominated by MQM, a political group centered in Karachi that engaged in violent means of maintaining control. Ashfaq says he informally joined MQM in 1992, helping to distribute flyers, arrange chairs at meetings, and serve water to meeting attendees. After MQM splintered into two factions, Ashfaq testified that he briefly joined one faction before leaving MQM out of frustration with its unlawful activities. In 1995, he joined the Pakistan People's Party, which competed with MQM for support in Karachi.

Because of his wavering commitment to MQM and its later factions, Ashfaq stated that MQM began threatening him. He attested that MQM members vandalized his father's property, threatened his family, and later physically assaulted him.

The immigration judge denied all relief. She concluded that, despite Ashfaq's credible testimony, he was not eligible for asylum because his application was untimely. Because of Ashfaq's fraudulent marriage, the immigration judge also denied his application for asylum as a matter of discretion. Next, she ruled that Ashfaq was ineligible for withholding of removal because he did not suffer harm that rose to the level of past persecution and, even if he had, it was not on the account of a protected ground. Nor would future persecution be likely, the immigration judge concluded, because Ashfaq's past volunteer role with MQM was relatively minor, and he could reasonably relocate to an area of Pakistan other than Karachi. Finally, the immigration judge denied his claim under the Convention Against Torture for lack of proof.

The Board, through a Temporary Appellate Immigration Judge,<sup>1</sup> affirmed the immigration judge's decision. In response to Ashfaq's argument that the harm he experienced did not amount to past persecution or torture, the Board ruled that Ashfaq waived—by not meaningfully challenging—her rulings about asylum, withholding of removal based on past persecution, and denial of protection under the Convention Against Torture. Next, with regard to withholding of removal based on future

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<sup>1</sup> The Temporary Appellate Immigration Judge sat according to appointment by the Attorney General. *See* 8 C.F.R. § 1003.1(a)(1), (4).

persecution, the Board agreed with the immigration judge that, despite Ashfaq's asserted fear of retaliation by the Pakistani government, he had not demonstrated a sufficient risk of future persecution because he last worked with MQM nearly 30 years ago and he reasonably could avoid harm by relocating to another part of Pakistan.

In his petition for review, Ashfaq rehashes much of his brief submitted to the Board and does not engage with the Board's determination that he waived any challenge to the immigration judge's rulings regarding asylum, past persecution, and protection under the Convention. He also raises arguments—for the first time—that the harm he suffered was severe enough to amount to past persecution and that Pakistan presently experiences significant political violence, which he says would likely subject him to future persecution or torture. But a failure to argue an issue in administrative proceedings results in failure to exhaust, so we may not review the Board's rulings. *See Barrados-Zarate v. Barr*, 981 F.3d 603, 604–05 (7th Cir. 2020); 8 U.S.C. § 1252(d)(1).

The last issue concerns the Board's determination that he could reasonably relocate somewhere other than Karachi. By not contesting that determination, Ashfaq has waived any challenge to it. *Munoz-Rivera v. Garland*, 81 F.4th 681, 690 (7th Cir. 2023).

Ashfaq's petition for review is DENIED.