

FILED

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ASIF MUHAMMED and FARHANA
ASIF,

Petitioners,

v.

JEFFERSON B. SESSIONS III, Attorney
General,

Respondent.

No. 14-70685

Agency Nos. A079-628-793
A079-628-794

MEMORANDUM*

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

Argued and Submitted June 13, 2018
San Francisco, California

Before: SCHROEDER, EBEL,** and OWENS, Circuit Judges.

Petitioners Asif Muhammed and Farhana Asif, natives and citizens of Pakistan, petition for review of the Board of Immigration Appeals's ("BIA") order denying their untimely motion to reopen based on changed country conditions. We

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The Honorable David M. Ebel, United States Circuit Judge for the U.S. Court of Appeals for the Tenth Circuit, sitting by designation.

review the BIA's denial of the motion to reopen for abuse of discretion, *see Najmabadi v. Holder*, 597 F.3d 983, 986 (9th Cir. 2010), and deny the petition.

The BIA did not abuse its discretion in concluding that Petitioners have failed to show materially changed country conditions in Pakistan. Petitioners argue that Americans and Westerners face significant risks in traveling to Pakistan. Such risks, however, were documented in the record at Petitioners' merits hearing. Petitioners' new evidence shows a continuation of the same conditions and does not qualitatively differ from the evidence they presented originally. *See Salim v. Lynch*, 831 F.3d 1133, 1137 (9th Cir. 2016).

Petitioner Muhammed also argues his family would be the target of violence on account of his former employment with Western oil companies, but this argument has been considered and rejected by the BIA and this Court. *See Muhammed v. Holder*, 543 F. App'x 652, 652–53 (9th Cir. 2013). Petitioner has failed to produce qualitatively different evidence in support of the motion to reopen. Nor has Petitioner Muhammed produced qualitatively different evidence about his involvement in the political party MQM-H or the risks he would face upon return because of that involvement. Petitioner's generalized grievance about Pakistan's education system does not establish any material change in country conditions.

PETITION DENIED.