

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-2648

AHMED JALEES,
Petitioner

v.

ATTORNEY GENERAL UNITED STATES OF AMERICA

On Petition for Review of a Decision of
the Board of Immigration Appeals
(Agency No. 029-762-574)
Immigration Judge: William McDermott

Submitted Under Third Circuit L.A.R. 34.1(a)
on September 17, 2026

Before: HARDIMAN, BIBAS, and RENDELL, *Circuit Judges*

(Filed: September 18, 2026)

OPINION*

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

HARDIMAN, *Circuit Judge*.

Ahmed Jalees petitions for review of a Board of Immigration Appeals (BIA) decision dismissing his Convention Against Torture (CAT) claim. We will deny the petition.

I

A native and citizen of India, Jalees entered the United States on a tourist visa in 1989 and became a lawful permanent resident in 2001. In 2023, Jalees pleaded guilty to fraud in violation of 18 U.S.C. § 1343. The Department of Homeland Security then initiated removal proceedings. Before the Immigration Judge (IJ), Jalees conceded removability for having been convicted of a qualifying aggravated felony fraud offense. *See* 8 U.S.C. § 1227(a)(2)(A)(iii). He also conceded ineligibility for asylum and withholding of removal, but sought deferral of removal under the CAT.

Jalees testified that he would be tortured because of his Muslim faith if he returned to India and claimed that the Indian government does not allow Muslims to practice their faith. Jalees also testified that he left India in 1989 following threats against him and his family and attacks on his home and car in retaliation for his 1987 newspaper article detailing the corruption of a ruling party politician. But that testimony conflicted with Jalees's presentence investigation report from his fraud conviction proceedings. According to the report, Jalees left India in 1984, after graduating from college, and moved to England, where he lived and played semiprofessional cricket until moving to the U.S. in 1989. So the report suggests that Jalees was not even in India in 1987 or 1989.

The IJ denied Jalees's request for CAT relief. Jalees appealed, and the BIA remanded because, in its view, the IJ misapplied our precedent in *Myrie v. Att'y Gen.*, 855 F.3d 509 (3d Cir. 2017). On remand, the IJ again denied Jalees's CAT claim.

The IJ first determined that Jalees was partially credible. He found inconsistencies in the evidence and testimony regarding the time frame of the harm Jalees alleged in India. The IJ credited Jalees's assertion that he was Muslim. But the IJ concluded that Jalees did not demonstrate a probability that he would be tortured. Though Jalees's country conditions evidence showed instances of violence against Muslims in India, the IJ found regarding the first prong of *Myrie* that Jalees "could return to India and live in an area that is either not directly controlled by the BJP or is a majority-Muslim area, amongst the 200 million other Muslims in India, and [would be] free from the probability of torture at the hands of either the government or private actors." A.R. 74.

Jalees appealed again, and this time the BIA dismissed his appeal. The BIA affirmed the IJ's finding that Jalees was not credible as to his past harm in India in 1987 to 1989 and his prior employment as a journalist. The BIA also rejected Jalees's claim that the IJ erred in relying on the contents of the presentence investigation report in rendering its adverse credibility finding. Jalees did not object to the report's admission, and its admission was not fundamentally unfair. Further, the BIA affirmed the IJ's denial of CAT relief, holding that the IJ "made sufficient factual findings and legal analysis pertaining to the respondent's likelihood of future torture." A.R. 5. So the BIA agreed that Jalees was not entitled to CAT relief and dismissed his appeal.

This timely petition followed.

II¹

In his opening brief, Jalees did not challenge the agency's adverse credibility determination. So he forfeited that issue. *Bastardo-Vale v. Att'y Gen.*, 934 F.3d 255, 268 (3d Cir. 2019) (en banc). Likewise, Jalees forfeited any challenge to the BIA's conclusion that he did not submit evidence to corroborate his claim that he suffered past harm in India.

As for the arguments he did make, Jalees is incorrect to suggest that the BIA applied the wrong standard of review in affirming the IJ's denial of his CAT claim. The BIA properly reviewed for clear error the IJ's factual determination that Jalees was unlikely to be harmed. *See* 8 C.F.R. § 1003.1(d)(3)(i). And to the extent Jalees suggests that the BIA wrongly applied clear error review to the legal question of whether the alleged harm Jalees feared would constitute torture, we read the BIA's decision to address only the IJ's factual finding. After all, the BIA did not need to reach that legal question because Jalees failed to establish he would face any harm. As the BIA explained, the IJ determined that Jalees "feared *generalized* violence against Muslims," which did not support a factual finding that Jalees himself would be harmed. A.R. 5. (emphasis added). But even if Jalees were correct that the BIA misstated the standard of review, that error was harmless. *Li Hua Yuan v. Att'y Gen.*, 642 F.3d 420, 427 (3d Cir.

¹ We have jurisdiction under 8 U.S.C. § 1252(a)(1); *see also Nasrallah v. Barr*, 590 U.S. 573, 580 (2020). The BIA had jurisdiction under 8 C.F.R. §§ 1003.1(b)(3) and 1240.15. Because Jalees was "found removable due to an aggravated felony conviction" we may review only constitutional claims or questions of law. *Mirambeaux v. Att'y Gen.*, 977 F.3d 288, 292 (3d Cir. 2020); *see also* 8 U.S.C. § 1252(a)(2)(C)–(D).

2011) (remand is not necessary when “it is highly probable that the error did not affect the outcome”).

Finally, Jalees is wrong to suggest that the BIA disregarded record evidence. The BIA considered the country conditions evidence Jalees proffered. *See Huang v. Att’y Gen.*, 620 F.3d 372, 388 (3d Cir. 2010) (“The BIA must provide sufficient analysis to demonstrate that it has truly performed a full review of the record, including the evidence that may support the alien’s asylum claim.”).

* * *

For the stated reasons, we will deny the petition.