

United States Court of Appeals
For the Eighth Circuit

No. 17-1985

John Asirifi

Petitioner

v.

Jefferson B. Sessions, III, Attorney General of the United States

Respondent

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

Submitted: February 28, 2018

Filed: March 7, 2018

[Unpublished]

Before LOKEN, KELLY, and ERICKSON, Circuit Judges.

PER CURIAM.

John Asirifi, a citizen of Ghana, petitions for review of an order of the Board of Immigration Appeals dismissing his appeal from the decision of an immigration judge (IJ) denying him asylum and withholding of removal.¹

Upon de novo review, this court concludes that Asirifi has not shown that the IJ committed a fundamental procedural error, and thus his due process claim fails. See Alva-Arellano v. Lynch, 811 F.3d 1064, 1066 (8th Cir. 2016) (standard of review; to establish due process violation, alien must demonstrate both fundamental procedural error and prejudice). The record reveals that the IJ complied with the federal law and regulations governing the conduct of removal proceedings, and that Asirifi received a full and fair opportunity to present evidence, offer arguments, and develop the record. See 8 U.S.C. § 1229a(b)(4); 8 C.F.R. §§ 1240.10(a), .11(c)(1); Tun v. Gonzales, 485 F.3d 1014, 1025 (8th Cir. 2007) (alien seeking immigration relief is entitled to fundamentally fair removal hearing under Fifth Amendment’s Due Process Clause); Al Khouri v. Ashcroft, 362 F.3d 461, 464–65 (8th Cir. 2004) (IJ must fully develop the record but is not required to act as alien’s advocate or lawyer).

The petition for review is denied. See 8th Cir. R. 47B.

¹We lack jurisdiction to consider Asirifi’s claim that this court should grant him relief under the Convention Against Torture, as he failed to raise it during his agency proceedings. See Agha v. Holder, 743 F.3d 609, 616–17 (8th Cir. 2014).