

# United States Court of Appeals For the First Circuit

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No. 00-1971

ZEESHAN MANZOOR,

Petitioner,

v.

UNITED STATES DEPARTMENT OF JUSTICE, IMMIGRATION &  
NATURALIZATION SERVICE

Respondents.

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ON PETITION FOR REVIEW OF AN ORDER OF  
THE BOARD OF IMMIGRATION APPEALS

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Before

Selya, Lynch, and Lipez, Circuit Judges.

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Madeline G. Compton for petitioner.

Lyle D. Jentzer, Attorney, Office of Immigration Litigation, Civil Division, with whom David W. Ogden, Assistant Attorney General, Civil Division, and Terri J. Scadron, Senior Litigation Counsel, Office of Immigration Litigation, were on brief, for appellee.

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June 26, 2001

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LIPEZ, Circuit Judge.

Manzoor said that he is a member of the Mohajir Quami Movement (MQM). According to reports by the U.S. State Department and Amnesty International, the MQM was founded in 1984 by Mohajirs who felt disadvantaged in relation to native Sindhis. The same reports explain that a faction called the Haqiqi split off from the main MQM, now sometimes called the MQM(A), in the early 1990s. Both the State Department

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if he were returned to Pakistan. An asylum pre-screening officer interviewed Manzoor and determined that his testimony was sufficiently credible to warrant a hearing before an immigration judge. Manzoor was also charged with being subject to removal from the United States under 8 U.S.C. § 118(a)(7)(A)(i)(I).<sup>1</sup> A TD -0.3125.July14 , 1998,. Manzoer

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<sup>1</sup> The statute forbids entry to the United States when an applicant for admission lacks a valid immigrant visa or entry document. See 8 U.S.C. § 118(a)(7)(A)(i)(I).



documentation, especially regarding the political climate in Pakistan and the activities of the MQM vis-a-vis other political parties, are consistent with the country profile prepared by the Department of State." As a result, the BIA found Manzoor's testimony credible. Thle prep-75 -2

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625 (BIA 1992); Matter of Acosta, 19 I. & N. Dec. 211, 235 (BIA 1985)  
("an alien seeking to meet the definition of a refugee must do more

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evidence, the Haqiqi were not rebels but rather operated with government support.

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<sup>4</sup> The new regulations state: "In cases in which an applicant has demonstrated past persecution . . . the Service shall bear the burden of establishing by a preponderance of the evidence" that "[a]n applicant does not have a well-founded fear of persecution if the

fear of persecution in his home country, the INS has the burden to prove by a preponderance of the evidence that the threat is limited to a particular region.

at 620); see

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<sup>5</sup> The 1998 Amnesty International report states: "According to many commentators in Pakistan, [the Haqiqi] faction was supported by successive federal governments and the military to weaken the main MQM." The 1996 report states: "The ongoing conflict in Karachi has involved mainly two factions of the . . . MQM . . . [and] the federal

