

NONPRECEDENTIAL DISPOSITION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**

Submitted December 9, 2025*

Decided January 15, 2026

Before

DAVID F. HAMILTON, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 23-1144

GENTIAN SHEGAJ,
Petitioner,

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

v.

No. A099-345-915

PAMELA J. BONDI, Attorney General
of the United States,
Respondent.

ORDER

Gentian Shegaj, an Albanian native and citizen, failed to comply with federal regulations requiring he submit biometrics to support his applications for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”) on penalty of dismissal. Shegaj challenges the dismissal of his applications on the basis he lacked sufficient notice of the biometrics requirement in advance of his third merits hearing. The Board of Immigration Appeals (the “Board”) acted within its discretion in

* We granted the petitioner’s unopposed motion to waive oral argument, and the appeal is therefore submitted on the briefs and the record. FED. R. APP. P. 34(a)(2)(C).

finding Shegaj received adequate notice, and Shegaj's additional arguments are not properly before us. We therefore deny Shegaj's petition for review.

Shegaj claims he left Albania due to political persecution in 1996, and he entered the United States in 2005. In 2006, he filed for asylum, withholding of removal, and protection under CAT. Shegaj's applications informed him of the biometrics requirement, a central component of which constitutes Shegaj providing his fingerprints. Before reaching this court, Shegaj proceeded through three merits hearings, four master calendar hearings preparing him for those merits hearings, and three appeals. Counsel represented Shegaj at all but one hearing.

After Shegaj submitted biometrics in 2006 as part of his initial applications, an immigration judge ("IJ") at a 2007 merits hearing denied his claims for relief. Shegaj appealed, and the Board remanded on the basis that a transcription error precluded review of the record. The IJ held another merits hearing, which again resulted in the denial of Shegaj's claims. The Board remanded again on the basis it lacked a complete record for review, this time because the IJ cited a report absent from the record. After Shegaj's appearance without counsel at a hearing in 2012 led to a continuance, Shegaj appeared with counsel at a March 2014 master calendar hearing to schedule his third merits hearing. At several points in the proceedings up to this stage, the IJ and the government provided Shegaj with notice and instructions surrounding the biometrics requirement, including information that the government only deemed biometrics current if they were submitted within roughly a year before any merits hearing. *See Yang v. Holder*, 760 F.3d 660, 666 (7th Cir. 2014) (recognizing this policy). Thus, Shegaj would need to resubmit biometrics for successive merits hearings. The IJ set the third merits hearing for 2018 and instructed Shegaj's counsel to get Shegaj "printed" to ensure he would have current biometrics.

Shegaj did not submit his biometrics in advance of his 2018 hearing. The IJ deemed Shegaj's applications abandoned, and denied his motion for a continuance. In doing so, the IJ referenced 8 C.F.R. § 1003.47(c) (2025), which provides that "[f]ailure to ... comply with the requirement[] to provide biometrics ... constitutes abandonment of the application and the immigration judge may enter an appropriate order dismissing the application...." *See also* 8 C.F.R. § 1003.47(d). The IJ subsequently ordered Shegaj's removal. The Board affirmed the IJ and dismissed Shegaj's appeal. Shegaj petitions for our review.

We review an abandonment ruling for abuse of discretion. *See Umezurike v. Holder*, 610 F.3d 997, 1002 (7th Cir. 2010); *Juarez v. Holder*, 599 F.3d 560, 562 (7th Cir.

2010). This review is “highly deferential” and “[u]nless the Board’s decision ‘was made without a rational explanation, inexplicably departed from established policies, or rested on an impermissible basis,’ we will deny the petition for review.” *Umezurike*, 610 F.3d at 1002 (citations omitted). Where, as here, “the Board ‘adopted the view of the IJ and affirmed with additional analysis, we review both opinions.’” *See Mateo-Mateo v. Garland*, 124 F.4th 470, 474 (7th Cir. 2024) (quoting *Osorio-Morales v. Garland*, 72 F.4th 738, 741 (7th Cir. 2023)).

Shegaj argues that the IJ and Board abused their discretion in finding his applications abandoned because he did not receive adequate notice under 8 C.F.R. § 1003.47(d) and *Matter of D-M-C-P-*, 26 I. & N. Dec. 644, 648–49 (BIA 2015), an argument he makes by focusing on the oral instructions from his 2014 hearing. As the Board noted, however, this argument ignores the ample notice Shegaj received in light of “the entire record.” This notice includes a disclaimer on Shegaj’s applications for relief, two written orders from the IJ describing the biometrics requirement and the consequences of his failure to comply with it, as well as two written forms from the Department of Homeland Security providing similar information alongside instructions on how Shegaj could submit his biometrics. Moreover, two of his prior hearings before the IJ included substantive discussions on submitting biometrics and Shegaj previously complied with this requirement. Finally, the IJ orally reiterated the biometrics requirement at the 2014 hearing. The Board, in concluding this record rebutted Shegaj’s claim that he lacked adequate notice of the biometrics requirement, did not abuse its discretion. *See Umezurike*, 610 F.3d at 1003 (“It clearly was not an abuse of discretion for the immigration judge to find that Umezurike had not supplied good cause for failing to present fingerprint data despite having three warnings that he needed to comply, and two-and-a-half years in which to do so.”).

In his brief to this court, Shegaj argues that the entire record of notice “does not amount to adequate notification under the ... regulations” because the IJ had an “independent duty” at the 2014 hearing to provide each of the forms of notice described in *Matter of D-M-C-P-* and 8 C.F.R. § 1003.47(d). “A court may review a final order of removal only if the applicant first exhausts “‘all administrative remedies available to the alien as of right,” and ... this includes the obligation first to present to the Board any arguments that lie within its power to address.” *Munoz-Rivera v. Garland*, 81 F.4th 681, 687 (7th Cir. 2023) (quoting *Issaq v. Holder*, 617 F.3d 962, 968 (7th Cir. 2010)); *see* 8 U.S.C. § 1252(d)(1). To exhaust an argument, the petitioner must make it “specifically” and provide “enough detail to put the Board on notice that the petitioner is trying to challenge the immigration judge’s decision based on that argument.” *Munoz-Rivera*, 81

F.4th at 687–88 (citing *Kithongo v. Garland*, 33 F.4th 451, 458 (7th Cir. 2022)). “It is not enough that the new argument bears some relation to the evidentiary record.” *Id.* at 688 (quoting *Nyandwi v. Garland*, 15 F.4th 836, 841 (7th Cir. 2021)).

We do not reach the merits of Shegaj’s “independent duty” argument because he did not raise it before the Board. Shegaj never claimed below that the notice requirements under § 1003.47(d) and *Matter of D-M-C-P-* apply anew each time an applicant must update his biometrics, without regard to prior notice.

Shegaj raises two additional arguments. First, he claims that federal regulations obligate the IJ to provide him a specific appointment at which he can submit his fingerprints. *But see Mejia-Velasquez v. Garland*, 26 F.4th 193, 201 (4th Cir. 2022) (rejecting that proposition). Second, he argues that the IJ erred in denying his motion for a continuance on the basis he showed good cause for his failure to submit his biometrics. Shegaj, however, raised neither argument before the Board. Thus, they are not properly before us.

For the reasons discussed, we DENY Shegaj’s petition for review.