UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil Action No. 17-5027(SRN/BRT)

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	**CONSENT JUDGMENT REVOKING NATURALIZATION**
v.	)	
FAYSAL JAMA MIRE, a/k/a MOBARAK JAMA SOLOB,	)	
Defendant.	)	

The Court, having considered the Complaint filed by the United States of America ("United States" or "Plaintiff") against Faysal Jama Mire, a/k/a Mobarak Jama Solob ("Defendant"); this Court having jurisdiction over this matter pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. §§ 1331 and 1345; the parties having filed a Joint Motion for Consent Judgment; Defendant having been advised by counsel; and Defendant having admitted that he illegally procured his naturalization as described in Count I of the Complaint; it is hereby ORDERED as follows:

(1) The Joint Motion for Consent Judgment is GRANTED;

(2) In accordance with the Joint Motion for Consent Judgment, judgment is ENTERED in favor of the United States of America and against Defendant;

(3) The Court FINDS and DECLARES that Defendant illegally procured his U.S. citizenship;

(4) The order admitting Defendant to U.S. citizenship is REVOKED and SET ASIDE, effective as of the original date of the order, April 14, 2010;

(5) Certificate of Naturalization No. 32940843 is CANCELLED, effective as of the original date of the order, April 14, 2010;

(6) Defendant is forever RESTRAINED and ENJOINED from claiming any rights, privileges, benefits, or advantages under any document which evidences United States citizenship obtained as a result of his April 14, 2010 naturalization;

(7) Defendant shall, within ten days of this Order, surrender and deliver his Certificate of Naturalization, any and all U.S. passports, and any other indicia of U.S. citizenship, as well as any copies thereof in his possession or control (and shall make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession or control of others), to Counsel for the United States, Anthony D. Bianco.

(8) The Parties shall appear for a compliance hearing on Wednesday, May 2, 2018 at 2:30 p.m., in Courtroom 7B of the Federal Courthouse located at 316 N. Robert Street, St. Paul, Minnesota. At this hearing, Defendant must demonstrate that he has complied with this Judgment, unless Plaintiff provides notice to the Court that Defendant has fully complied and this Judgment is satisfied.

IT IS SO ORDERED:

DATED at St. Paul, Minnesota, this 19th day of March, 2018.

BY THE COURT:

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil Action No. 17-5027

UNITED STATES OF AMERICA, Plaintiff, v. FAYSAL JAMA MIRE, a/k/a MOBARAK JAMA SOLOB, Defendant.	)	**JOINT MOTION FOR CONSENT JUDGMENT**

The United States of America ("United States" or "Plaintiff") and Faysal Jama Mire, a/k/a Mobarak Jama Solob ("Defendant") jointly move this Court to enter the attached proposed Consent Judgment Revoking Naturalization. This motion is supported by Defendant's admission to, and acknowledgment of the truth of, the allegations contained in Count I of the Complaint. *See* Complaint, Dkt. No. 1 ("Compl.").

To qualify for naturalization, an applicant must have been "lawfully admitted" to the United States for permanent residence and subsequently resided in this country for at least five years prior to the date of application. 8 U.S.C. § 1427(a)(1); *see also id.* § 1429. The term "lawfully" requires compliance with substantive legal requirements for admission and not mere procedural regularity. *See Arellano-Garcia v. Gonzales*, 429 F.3d 1183, 1187 (8th Cir. 2005) ("We will not 'deem' [an alien] to be a 'lawfully admitted permanent resident' when he obtained permanent residence status through a mistake and was not otherwise eligible for the status adjustment."); *see also* 8 U.S.C. § 1101(a)(20). An alien who erroneously obtains permanent residence for which he or

she is not eligible—whether by mistake, fraud, or willful misrepresentation—was never "lawfully" admitted to the United States for permanent residence. *See Arellano-Garcia*, 429 F.3d at 1187.

Specifically, lawful admission for permanent residence requires a "valid unexpired immigrant visa." 8 U.S.C. § 1181(a); *see also Fedorenko v. United States*, 449 U.S. 490, 514-15 (1981). As is relevant here, a child of a diversity visa lottery immigrant may obtain an immigrant visa and be admitted to the United States under the "DV3" immigrant visa category if accompanying or following to join the parent. *See* 8 U.S.C. § 1153(d); 22 C.F.R. §§ 42.11, 42.33. An individual who is not the child, as that term is defined in 8 U.S.C. § 1101(b)(1), of a diversity visa lottery immigrant is not entitled to a DV3 immigrant visa. *See id.*

An alien who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa or whose visa has not been issued in compliance with the provisions of 8 U.S.C. § 1153 is "inadmissible." 8 U.S.C. § 1182(a)(7)(A)(i). Defendant admits that he was not eligible for a DV3 immigrant visa because he was not in fact the child of the diversity visa lottery immigrant through whom he obtained a visa and, thus, at the time he was admitted as a permanent resident, Defendant's immigrant visa was neither valid nor in compliance with the law. Defendant further admits that his ineligibility for an immigrant visa rendered him inadmissible at the time of his admission as a permanent resident, that he was never lawfully admitted to the United States as a permanent resident, and that he thus did not—and could not now—satisfy the lawful

admission requirements of 8 U.S.C. §§ 1427(a)(1) and 1429. *See* Compl. ¶¶ 121-132 (Count I).

On or about June 25, 2000, Fosia Abdi Adan ("Adan") entered the Diversity Visa lottery by filing a U.S. Department of State Optional Form OF-230, Application for Immigrant Visa and Alien Registration ("Form OF-230") and U.S. Department of State Form DSP-122, Supplemental Registration for the Diversity Immigrant Visa Program with the U.S. Department of State. On her Form OF-230, Adan listed "Jama Solob Kayre" as her spouse who would accompany her to the United States. Also on or around June 25, 2000, Jama Solob Kayre, a/k/a Ahmed Mohamed Warsame ("Warsame/Kayre"), filed a Form OF-230 with the U.S. Department of State, requesting an immigrant visa as the spouse of a diversity visa immigrant. Warsame/Kayre listed Adan as his spouse and stated she would accompany him to the United States. On each of their Forms OF-230, Warsame/Kayre and Adan also listed three children and provided dates of birth for each: Mohamed Jama Solob (born in October 1984); Mobarak Jama Solob (born in April 1986); and Mostapha Jama Solob (born in June 1989). Warsame/Kayre and Adan stated on each of their Forms OF-230 that their children would follow them to the United States at a later date. Warsame/Kayre's and Adan's statements on their Forms OF-230 regarding their children were false. Neither Warsame/Kayre nor Adan are, or ever were, the legal or biological parent of Mohamed Jama Solob, Mobarak Jama Solob, or Mostapha Jama Solob. "Mohamed Jama Solob," "Mobarak Jama Solob," and "Mostapha Jama Solob" are fictitious identities.

On or around August 31, 2001, Defendant, using the name "Mobarak Jama Solob," filed a Form OF-230 with the U.S. Department of State requesting an immigrant visa as the child of a diversity visa lottery immigrant. On his Form OF-230, Defendant stated that he had not used and was not known by other names, and listed "Jama Solob Kayre" as his father and "Fosia Abdi Adan" as his mother. In support of his Form OF-230, Defendant submitted to the U.S. Department of State a document dated August 23, 2001, indicating that "Mobarak Jama Solob" was born in Somalia in April 1986, and that his mother is "Fosia Abdi Adan." On or around September 30, 2001, the U.S. Consulate in Sana'a, Yemen, issued Defendant, under the name "Mobarak Jama Solob," a DV3 immigrant visa as the child of a diversity visa immigrant.

Defendant admits that he was not the child of Adan, the diversity visa immigrant through whom he obtained a DV3 immigrant visa, and was thus ineligible for an immigrant visa as the child of a diversity visa immigrant. Defendant admits that, because he was ineligible for an immigrant visa at the time he was admitted as a permanent resident, his visa was neither valid nor in compliance with the law and he was therefore inadmissible pursuant to 8 U.S.C. § 1182(a)(7)(A)(i) at the time of his admission to the United States.

Pursuant to 8 U.S.C. § 1451(a), this Court must revoke Defendant's naturalization and cancel his Certificate of Naturalization if his naturalization was illegally procured. Defendant admits that his naturalization was illegally procured because he was never lawfully admitted for permanent residence as alleged in Count I of the Complaint. *See* Compl. ¶¶ 121-132.

In light of the facts alleged in Count I of the Complaint, which he admits are true, Defendant, having fully discussed the case with his counsel, agrees with Plaintiff that denaturalization is proper and to avoid delay, uncertainty, inconvenience, and expense of further litigation does not wish to further contest denaturalization. Accordingly, Plaintiff and Defendant jointly move this Court for an order providing the relief requested in the attached proposed Consent Judgment of Denaturalization. The Parties also jointly request the Court to set a hearing for approximately 21 days from the effective date of the judgment at which Defendant must demonstrate that he has complied with the Judgment, unless the United States provides notice that Defendant has fully complied and the Judgment is satisfied.

//

//

//

//

//

//

//

//

//

//

//

//

Respectfully submitted,

FOR Faysal Jama Mire:

Faysal J. Mire

FAYSAL JAMA MIRE
Defendant

Dated: March 6, 2018

Subscribed and sworn before me this 6th day of March, 2018,

Notary Public

My commission expires January 31, 2021

Lorena L. Olivares
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2021

BRUCE D. NESTOR
De León & Nestor, LLC
3547 Cedar Avenue South
Minneapolis, MN 55407
Telephone: (612) 659-9019
Fax: (612) 436-3664
E-mail: nestor@denestlaw.com

Dated: March 6th, 2018

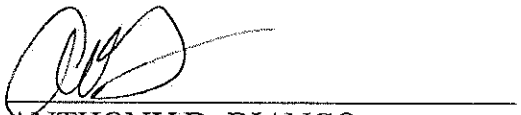
Counsel for Defendant

FOR the United States of America:

CHAD A. READLER
Acting Assistant Attorney General

WILLIAM C. PEACHEY
Director, District Court Section
Office of Immigration Litigation

TIMOTHY M. BELSAN
Deputy Chief
National Security and Affirmative Litigation Unit, District Court Section
Office of Immigration Litigation



ANTHONY D. BIANCO
Trial Attorney
National Security and Affirmative Litigation Unit, District Court Section
Office of Immigration Litigation
Civil Division, U.S. Department of Justice
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
Telephone: (202) 305-8014
E-mail: anthony.d.bianco@usdoj.gov

Dated: March __, 2018

KATHRYNE M. GRAY
Trial Attorney
District Court Section
Office of Immigration Litigation
Civil Division, U.S. Department of Justice
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
Telephone: (202) 305-7386
E-mail: kathryne.m.gray@usdoj.gov

Dated: March 16, 2018

Counsel for the United States