

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

June 30, 2025

UNITED STATES OF AMERICA,	)	
Complainant,	)	
	)	
	)	8 U.S.C. § 1324c Proceeding
v.	)	OCAHO Case No. 2025C00038
	)	
	)	
MUSTAFA FADHIL ABBAS AL BAYATTI,	)	
Respondent.	)	
	)	

Appearances: James A. Harmony, Esq., for Complainant  
Solomon Kanu, Esq., for Respondent<sup>1</sup>

ORDER TO SHOW CAUSE – ANSWER

This case arises under the document fraud provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324c. On April 10, 2025, Complainant, the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Mustafa Fadhil Abbas Al Bayatti. The Complaint alleges Mr. Bayatti filed an N-400, Application for Naturalization, with knowledge or reckless disregard of the fact that such application was falsely made, in violation of 8 U.S.C. § 1324c(a)(5).

On April 16, 2025, the Chief Administrative Hearing Officer mailed a Notice of Case Assignment for Complaint Alleging Document Fraud (NOCA) and a copy of the Complaint to Respondent (and counsel). The NOCA states the Respondent may file an answer, but must do so “within thirty (30) days after receipt of the attached complaint by either Respondent or its attorney (or representative) of record.” Notice Case Assign. 3 (citing 28 C.F.R. §§ 68.3(b), 68.9).<sup>2</sup> Additionally, the NOCA warned Respondent that if no answer is filed, “the Respondent may be

<sup>1</sup> Mr. Kanu is listed by Complainant as counsel for Respondent. While he filed a Notice of Entry of Appearance as Attorney or Accredited Representative (Form G-28) on behalf of Respondent, the Court has yet to receive his Notice of Appearance for these proceedings. As a courtesy, the Court has left Mr. Kanu on the Certificate of Service to alert him, and Respondent, that he must file the appropriate Notice of Appearance if he is to continue to represent Respondent in these proceedings. *See* 28 C.F.R. § 68.33(f).

<sup>2</sup> OCAHO’s Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024).

deemed to have waived its right to appear and contest the allegations of the complaint, and the Administrative Law Judge may enter a judgment by default along with any and all appropriate relief.” *Id.* at 4 (citing 28 C.F.R. § 68.9(b)).

According to USPS tracking information, the NOCA and Complaint were delivered to Respondent’s attorney and to Respondent’s Phoenix, Arizona address on April 21, 2025.

The Answer was due on May 22, 2025. To date, Respondent has not filed an answer.

A Respondent’s failure to file a timely answer “may be deemed to constitute a waiver of his or her right to appear and contest the allegations of the complaint.” 28 C.F.R. § 68.9(b). In such situations, “[t]he Administrative Law Judge may enter a judgment by default.” *Id.* Alternatively, “[a] complaint or a request for hearing may be dismissed upon its abandonment by the party or parties who filed it. A party shall be deemed to have abandoned a complaint or a request for hearing if... [a] party or his or her representative fails to respond to orders issued by the Administrative Law Judge.” 28 C.F.R. § 68.37(b)(1).

Prior to execution of a case-dispositive action, the Court now issues this Order to Show Cause to Respondent to provide him with an opportunity to demonstrate good cause as to why the Court should not either enter default judgment, or deem his hearing request abandoned. Such a submission must be accompanied by the Answer to the Complaint. *See generally United States v. Shine Auto Serv.*, 1 OCAHO no. 70, 444 (Vacation by the CAHO of the ALJ’s Order Den. Default J.) (1989).<sup>3</sup> Both filings are due **within twenty-one (21) days** from the date of this Order.

SO ORDERED.

Dated and entered on June 30, 2025.

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Honorable Andrea R. Carroll-Tipton  
Administrative Law Judge

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<sup>3</sup> Citations to OCAHO precedents in bound volumes one through eight include the volume and case number of the particular decision followed by the specific page in the bound volume where the decision begins; the pinpoint citations which follow are to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents after volume eight, where the decision has not yet been reprinted in a bound volume, are to pages within the original issuances; the beginning page number of an unbound case will always be 1 and is accordingly omitted from the citation. Published decisions may be accessed through the Westlaw database “FIM OCAHO,” the LexisNexis database “OCAHO,” and on the United States Department of Justice’s website: <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.