

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil Action No. 17-5024

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CONSENT JUDGMENT
)	REVOKING NATURALIZATION
AHMED MOHAMED WARSAME,)	
a/k/a JAMA SOLOB KAYRE,)	
)	
Defendant.)	

The Court, having considered the Complaint filed by the United States of America (“United States” or “Plaintiff”) against Ahmed Mohamed Warsame, a/k/a Jama Solob Kayre (“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 Counts I and II 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, September 13, 2006;

(5) Certificate of Naturalization No. 30130967 is CANCELLED, effective as of the original date of the order, September 13, 2006;

(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 September 13, 2006 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 in Courtroom 7B of the Warren E. Burger Federal Building and United States Courthouse in St. Paul, Minnesota on Wednesday, March 28, 2018, at 11:00 a.m. central time.** At this hearing, Defendant must demonstrate that he has complied with this Judgment, unless Plaintiff provides notice that Defendant has fully complied and this Judgment is satisfied.

IT IS SO ORDERED:

DATED at St. Paul, Minnesota, this 27th day of February, 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. 17-5024

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	JOINT MOTION FOR CONSENT
)	JUDGMENT
)	
AHMED MOHAMED WARSAME,)	
a/k/a JAMA SOLOB KAYRE,)	
)	
Defendant.)	

The United States of America (“United States” or “Plaintiff”) and Ahmed Mohamed Warsame, a/k/a Jama Solob Kayre (“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 Counts I and II 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, the spouse of a diversity visa lottery immigrant may obtain an immigrant visa and be admitted to the United States under the “DV2” immigrant visa category if accompanying or following to join the spouse. *See* 8 U.S.C. § 1153(d); 22 C.F.R. §§ 42.11, 42.33. An individual who is not the spouse of a diversity visa lottery immigrant is not entitled to a DV2 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 DV2 immigrant visa because he was not in fact the spouse 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 requirement of 8 U.S.C. §§ 1427(a)(1) and 1429. *See* Compl. ¶¶ 151-162 (Count I).

An alien who, by fraud or willfully misrepresenting a material fact, seeks to procure or has procured a visa, other documentation, or admission into the United States or other benefit provided for in the Immigration and Nationality Act (“INA”) is also inadmissible. *See* 8 U.S.C. § 1182(a)(6)(C)(i). Defendant admits that he sought to procure and procured a DV2 immigrant visa by willfully mispresenting on his visa application his identity, his use of other names, his marriage and the identity of his spouse, and the identity of his children. Defendant further admits that his conduct in seeking to procure and procuring an immigrant visa by fraud and willful misrepresentation of material facts 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 requirement of 8 U.S.C. §§ 1427(a) and 1429. *See* Compl. ¶¶ 163-176 (Count II) (incorporating by reference ¶¶ 21-63).

On or around 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, Defendant, under the name “Jama Solob 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. Defendant stated on his Form OF-230 that he had not used and was not known by other names. Defendant listed Adan as his spouse and stated she would accompany him to the United States. In support of his Form OF-230, Defendant submitted a marriage certificate issued by the Somali Democratic Republic indicating that he and Adan were married on September 26, 1983. Defendant stated on his Form OF-230 that, including his present marriage, he had been married one time. On each of their Forms OF-230, Defendant and Adan 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). Defendant and Adan stated on each of their Forms OF-230 that their children would follow them to the United States at a later date. On or around January 10, 2001, the U.S. Consulate in Sana'a, Yemen, issued Defendant, under the name "Jama Solob Kayre," a DV2 immigrant visa as the spouse of a diversity visa immigrant.

Defendant knew that his statements on his Form OF-230 regarding his identity, his use of other names, his marriage and the identity of his spouse, and the identity of his children were false and misleading. Defendant admits that "Jama Solob Kayre" is not his true identity and that he falsely assumed that identity for the purpose of applying for an immigrant visa as the spouse of a diversity visa lottery immigrant. Defendant admits that he had been known by a name other than Jama Solob Kayre at the time he filed his Form OF-230, and that he failed to disclose his true identity in applying for an immigrant visa. Defendant further admits that he is not and never was married to Adan, and that he

obtained, caused to be created, and submitted to the U.S. Department of State the marriage certificate falsely stating that he was married to Adan and that his marriage took place in September 1983. Defendant admits that at the time he filed his Form OF-230, Defendant was married to a different individual, who he did not marry in September 1983, and that he failed to disclose his true marriage on his Form OF-230. Defendant also admits that he is not and never was the legal or biological parent of Mohamed Jama Solob, Mobarak Jama Solob, or Mostapha Jama Solob, and that he failed to disclose on his Form OF-230 the biological children he had at the time of filing his Form OF-230.

Defendant admits that prior to his admission to the United States and from at least on or around June 25, 2000, he had sought to procure immigration benefits by fraudulently or willfully misrepresenting material facts. Defendant further admits his false statements regarding his identity, his use of other names, his marriage and the identity of his spouse, and the identity of his children were material to determining his eligibility for an immigrant visa. Defendant admits that at the time he was admitted as a permanent resident, he was inadmissible pursuant to 8 U.S.C. § 1182(a)(6)(C)(i) for seeking an immigrant visa by fraud or willfully misrepresenting material facts.

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 either illegally procured, or procured by concealment of a material fact or willful misrepresentation. Defendant admits that his naturalization was illegally procured because he was never lawfully admitted for permanent residence as alleged in Counts I and II of the Complaint. *See* Compl. ¶¶ 151-176.

In light of the facts alleged in Count I and Count II 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 the 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 that the Court 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.

Dated: February 22, 2018

Respectfully submitted,

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