

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	Civil Action No. 1:18-cv-04598
Plaintiff,	)	
	)	
v.	)	<b>COMPLAINT TO REVOKE</b>
	)	<b>NATURALIZATION</b>
KHALEEL AHMED,	)	
	)	
Defendant.	)	
	)	

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**I. PRELIMINARY STATEMENT**

The United States of America brings this civil action against Khaleel Ahmed (“Defendant”) to revoke his U.S. citizenship. This action under 8 U.S.C. § 1451(a) is based on Defendant’s criminal conduct prior to naturalizing, for which he was charged and convicted after naturalizing. Specifically, before he became a citizen of the United States, Defendant provided material support to terrorists, in violation of 18 U.S.C. § 2339A. After naturalizing, Defendant pled guilty to this crime. *See United States v. Ahmed, et al.*, No. 1:07-cr-647 (N.D. Ohio Jan. 15, 2009).

Defendant’s conviction and the conduct on which it was based require revocation of his naturalization on several independent grounds. First, Defendant illegally procured his naturalization because he advocated the assault or killing of officers of the United States government, which barred Defendant from naturalizing under statute and regulation. Additionally, Defendant illegally procured his naturalization because he lacked the requisite good moral character to naturalize because, during the period requiring good moral character, he (a) committed a crime involving moral turpitude; (b) committed unlawful acts that adversely reflected upon his moral character; and (c) provided false testimony for the purpose of obtaining

an immigration benefit. Finally, Defendant procured his naturalization by concealing and willfully mispresenting several facts that were material to determining his naturalization eligibility.

Based on Defendant's actions described further below and in the attached affidavit showing good cause, the United States brings this civil action under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Defendant to citizenship and to cancel his Certificate of Naturalization.

## **II. JURISDICTION AND VENUE**

1. This is an action filed under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Defendant to United States citizenship and to cancel Defendant's Certificate of Naturalization No. 28046590.

2. This Court has subject-matter jurisdiction under 8 U.S.C. § 1451(a) and 28 U.S.C. §§ 1331 and 1345.

3. Venue is proper in this district under 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because Defendant resides in Chicago, Illinois, within this federal judicial district.

## **III. PARTIES**

4. Plaintiff is the United States of America.

5. Defendant is a naturalized United States citizen and is a native and former citizen of India.

## **IV. FACTUAL BACKGROUND**

6. The affidavit of James M. Lewis, a Special Agent with U.S. Immigration and Customs Enforcement, an agency within the Department of Homeland Security ("DHS"), showing good cause for this action as required by 8 U.S.C. § 1451(a), is attached as Exhibit A.

## IMMIGRATION HISTORY

7. In August 1998, Defendant was admitted to the United States as a permanent resident based on his relationship as the nephew of a United States citizen.

## NATURALIZATION PROCEEDINGS

### Naturalization Application

8. On or about June 16, 2003, Defendant filed a Form N-400, Application for Naturalization (“naturalization application”), with U.S. Citizenship and Immigration Services (“USCIS”), seeking citizenship based on his status as a permanent resident for at least five years. *See* Form N-400, Application for Naturalization (attached as Exhibit B).

9. Part 10, Section B, Question 9(c) of the naturalization application asks, “Have you **EVER** been a member of or in any way associated (*either directly or indirectly*) with . . . A terrorist organization?” (emphasis in original). In response, Defendant checked the box marked “No.”

10. Part 10, Section D, Question 15 of the naturalization application asks, “Have you **EVER** committed a crime or offense for which you were NOT arrested?” (emphasis in original). In response, Defendant checked the box marked “No.”

11. Part 10, Section H, Question 34 of the naturalization application asks, “Do you support the Constitution and form of government of the United States?” In response, Defendant checked the box marked “Yes.”

12. On or about June 8, 2003, Defendant signed his naturalization application in Part 11 under penalty of perjury, certifying that his responses to the questions on the application were true and correct.

### **Naturalization Interview**

13. On March 4, 2004, a USCIS examiner orally interviewed Defendant regarding his naturalization application to determine his eligibility for naturalization.

14. At the beginning of the interview, the USCIS examiner placed Defendant under oath.

15. During the course of the interview and consistent with his written response to Part 10, Section B, Question 9(c) in his naturalization application, Defendant testified that he had never been a member of or in any way associated, either directly or indirectly, with a terrorist organization.

16. During the course of the interview and consistent with his written response to Part 10, Section D, Question 15 in his naturalization application, Defendant testified that he had never committed a crime or offense for which he had not been arrested.

17. During the course of the interview and consistent with his written response to Part 10, Section H, Question 34 in his naturalization application, Defendant testified that he supported the Constitution and form of government of the United States.

18. At the conclusion of his naturalization interview, Defendant signed his naturalization application in Part 13, thereby certifying a second time under penalty of perjury under the laws of the United States that the contents of his application, including four numbered corrections, were true and correct to the best of his knowledge and belief.

19. On March 4, 2004, based on Defendant's representations in his naturalization application and sworn testimony during his naturalization interview, USCIS approved Defendant's naturalization application.

### **Oath of Allegiance**

20. On March 31, 2004, based on Defendant's approved naturalization application and the responses he provided that same day on Form N-445, Notice of Naturalization Oath Ceremony, Defendant was administered the oath of allegiance, admitted to United States citizenship, and issued Certificate of Naturalization No. 28046590.

### **FEDERAL CRIMINAL CHARGE AND CONVICTION**

21. On or about February 21, 2007, after Defendant was indicted on February 7, 2007, in the U.S. District Court for the Northern District of Ohio for violating 18 U.S.C. § 956(a)(1), Defendant was arrested. *See* ECF No. 202, *United States v. Amawi, et al.*, No. 3:06-cr-719 (N.D. Ohio March 2, 2007).

22. On December 13, 2007, Defendant was again indicted in the U.S. District Court for the Northern District of Ohio for providing material support to terrorists, in violation of 18 U.S.C. § 2339A. *See* ECF No. 1, *United States v. Ahmed, et al.*, No. 1:07-cr-647 (N.D. Ohio Dec. 13, 2007). On December 27, 2007, the court dismissed Defendant's initial indictment. *See* ECF No. 525, *United States v. Amawi, et al.*, No. 3:06-cr-719 (N.D. Ohio Dec. 27, 2007).

23. On January 15, 2009, the United States filed in the U.S. District Court for the Northern District of Ohio a superseding information charging Defendant with providing material support to terrorists, in violation of 18 U.S.C. § 2339A. *See* Superseding Information, ECF No. 129, *United States v. Ahmed, et al.*, No. 1:07-cr-647 (N.D. Ohio Jan. 15, 2009) (attached as Exhibit C).

24. On January 15, 2009, Defendant entered – and the court approved and accepted – a plea of guilty to the sole count in the superseding information, providing material support to terrorists, in violation of 18 U.S.C. § 2339A. *See* Transcript of Arraignment and Change of Plea

Hearing, ECF No. 135 at 16:11-23; 55:11-17; 58:5-10, *United States v. Ahmed, et al.*, No. 1:07-cr-647 (N.D. Ohio Feb. 4, 2009) (attached as Exhibit D).

25. In support of his guilty plea, Defendant agreed that he had engaged in the following conduct:

- a. Defendant conspired with others, including his cousin Zubair Ahmed, to provide material support and resources, including but not limited to himself (as personnel), knowing and intending the material support and resources were to be used in preparation for and in carrying out a violation of 18 U.S.C. § 956 (conspiracy to kill and maim individuals outside the United States, including members of the United States military serving in Iraq and Afghanistan). *Id.* at 48:10-22, 49:2-14.
- b. From a date unknown, but no later than January 1, 2004, Defendant and others communicated using codewords and spoke in a foreign language in order to disguise their preparations and plans to engage in acts outside the United States that would result in the murder or maiming of United States military forces in Iraq and Afghanistan. *Id.* at 50:9-16.
- c. As overt acts in furtherance of this conspiracy at a date unknown, but no later than April 1, 2004, Defendant and others made preparations to travel overseas in order to engage in acts that would result in the murder or maiming of United States military forces in either Iraq or Afghanistan. Defendant later traveled to Cairo, Egypt, with the intent of engaging in acts that would result in the murder or maiming of United States military forces in Iraq or Afghanistan. *Id.* at 49:15-25; 50:1.

- d. Defendant later discussed, sought, and received instruction on the topics of firearms, counter-surveillance techniques, and sniper rifles; researched the purchase of firearms, methods of obtaining firearms instruction (including at least one visit to a firing range), and methods of obtaining instruction in gunsmithing; and acquired and collected materials, including videos of attacks on United States military forces in Iraq and Afghanistan, manuals on military tactics, and military manuals on weaponry. *Id.* at 50:2-8, 17-25; 51:1-3.

26. On July 13, 2010, the U.S. District Court for the Northern District of Ohio sentenced Defendant to 100 months' imprisonment and three years' supervised release. *See* Judgment, ECF No. 195, *United States v. Ahmed, et al.*, No. 1:07-cr-647 (N.D. Ohio July 13, 2010) (attached as Exhibit E).

#### **Membership or Association with a Terrorist Organization**

27. Since at least January 1, 2004, Defendant engaged in acts that he knew constituted preparations and plans to engage in acts outside the United States that would result in the murder or maiming of United States military forces in Iraq and Afghanistan.

28. Defendant engaged in the acts referenced in paragraph 25 with at least one other person, Zubair Ahmed, knowing that his actions afforded material support for the commission of terrorist activity.

29. Defendant was a member of or was associated with a terrorist organization as that term is defined at 8 U.S.C. § 1182(a)(3)(B)(vi)(III).

30. Accordingly, Defendant's representation in his naturalization application in response to Part 10, Section B, Question 9(c) that he had never been a member of or affiliated in

any way with a terrorist organization, as well as his sworn testimony regarding the same question at his March 4, 2004 naturalization interview, was false.

31. Defendant knew that his representation and testimony concerning Part 10, Section B, Question 9(c) were false, and he provided these with the intent to deceive and to obtain an immigration benefit.

#### **Commission of a Crime for which Not Arrested**

32. Since at least January 1, 2004, Defendant committed a crime for which he had not been arrested at that time, to wit: providing material support to terrorists, in violation of 18 U.S.C. § 2339A.

33. Accordingly, Defendant's representation in his naturalization application in response to Part 10, Section D, Question 15 that he had never committed a crime or offense for which he was not arrested, as well as his sworn testimony regarding the same question at his March 4, 2004 naturalization interview, was false.

34. Defendant knew that his representation and testimony concerning Part 10, Section D, Question 15 was false, and he provided these with the intent to deceive and to obtain an immigration benefit.

#### **Support for the Constitution and Form of Government of the United States**

35. Since at least January 1, 2004, Defendant provided material support to terrorists, knowing and intending that such support was to be used in preparation for and carrying out a conspiracy to kill and maim individuals outside the United States, including members of the United States military serving in Iraq and Afghanistan.

36. Accordingly, Defendant's representation in his naturalization application in response to Part 10, Section H, Question 34 that he supports the Constitution and form of

government of the United States, as well as his sworn testimony regarding the same question at his March 4, 2004 naturalization interview, was false.

37. Defendant knew that his representation and testimony concerning Part 10, Section H, Question 34 was false, and he provided these with the intent to deceive and to obtain an immigration benefit.

## V. GOVERNING LAW

### A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

38. No alien has a right to naturalization “unless all statutory requirements are complied with.” *United States v. Ginsberg*, 243 U.S. 472, 474-75 (1917). Indeed, the Supreme Court has underscored that “[t]here must be strict compliance with all the congressionally imposed prerequisites to the acquisition of citizenship.” *Fedorenko v. United States*, 449 U.S. 490, 506 (1981) (“An alien who seeks political rights as a member of this Nation can rightfully obtain them only upon the terms and conditions specified by Congress.”) (quoting *Ginsberg*, 243 U.S. at 474).

39. Congress has expressly provided that an individual may not naturalize if, within the ten years immediately preceding the filing of the application for naturalization or at any time prior to taking the oath of allegiance, the applicant advocates or teaches, or is a member of or affiliated with any organization that advocates or teaches, *inter alia*, the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the government of the United States or of any other organized government because of his or their official character. 8 U.S.C. § 1424(a)(4)(B), (c); 8 C.F.R. §§ 313.1, 313.2.

40. Congress also has mandated that an individual may not naturalize unless that person “during all periods referred to in this subsection has been and still is a person of good moral character . . . .” *See* 8 U.S.C. § 1427(a)(3). The required “statutory period” for good moral character begins five years before the date the applicant files the application for naturalization, and it continues until the applicant takes the oath of allegiance and becomes a United States citizen. *Id.*; 8 C.F.R. § 316.10(a)(1).

41. As a matter of law, an applicant necessarily lacks good moral character if he commits a crime involving moral turpitude (“CIMT”) during the statutory period and later either is convicted of the crime or admits his commission of the criminal activity. 8 U.S.C. § 1101(f)(3) (cross-referencing 8 U.S.C. § 1182(a)(2)(A)); 8 C.F.R. § 316.10(b)(2)(i) (providing that an applicant “shall be found to lack good moral character” if, for example, he committed and was convicted of one or more crimes involving moral turpitude).

42. Congress also has explicitly precluded individuals who give false testimony for the purpose of obtaining immigration benefits from establishing the good moral character necessary to naturalize. 8 U.S.C. § 1101(f)(6).

43. Further, Congress created a “catch-all” provision, which states, “[t]he fact that any person is not within any of the foregoing classes shall not preclude a finding that for other reasons such person is or was not of good moral character.” 8 U.S.C. § 1101(f).

44. Thus, an individual who commits an unlawful act adversely reflecting upon his or her moral character cannot meet the good moral character requirement unless he or she proves that extenuating circumstances existed. *See* 8 C.F.R. § 316.10(b)(3)(iii); 8 U.S.C. § 1101(f).

45. “[A] conviction during the statutory period is not necessary for a finding that an applicant lacks good moral character. It is enough that the offense was ‘committed’ during that time.” *United States v. Suarez*, 664 F.3d 655, 661 (7th Cir. 2011) (discussing 8 U.S.C. § 1101(f)(3) and 8 C.F.R. § 316.10(b)(3)(iii)). But where an individual has been convicted, he is collaterally estopped from contesting all issues necessarily decided in the criminal matter. *See id.* at 663 (stating that a defendant “may not . . . re-litigate issues decided in his criminal case” in a subsequent civil denaturalization action) (citing *United States v. Jean-Baptiste*, 395 F.3d 1190, 1192 (11th Cir. 2005), *cert. denied*, 546 U.S. 852 (2005)).

B. The Denaturalization Statute

46. Recognizing that there are situations in which an individual has naturalized despite failing to comply with all congressionally imposed prerequisites to the acquisition of citizenship or by concealing or misrepresenting facts that are material to the decision on whether to grant his or her naturalization application, Congress enacted 8 U.S.C. § 1451.

47. Under 8 U.S.C. § 1451(a), a court must revoke an order of naturalization and cancel the individual’s Certificate of Naturalization if his or her naturalization was either:

- (i) illegally procured, or
- (ii) procured by concealment of a material fact or by willful misrepresentation.

48. Failure to comply with any of the congressionally imposed prerequisites to the acquisition of citizenship renders the citizenship “illegally procured.” *Fedorenko*, 449 U.S. at 506.

49. Naturalization was procured by concealment of a material fact or by willful misrepresentation, where: (1) the naturalized citizen misrepresented or concealed some fact during the naturalization process; (2) the misrepresentation or concealment was willful; (3) the

fact was material; and (4) the naturalized citizen procured citizenship as a result of the misrepresentation or concealment. *Kungys v. United States*, 485 U.S. 759, 767 (1988).

50. Where the government establishes that the defendant's citizenship was procured illegally or by willful misrepresentation or concealment of a material fact, "district courts lack equitable discretion to refrain from entering a judgment of denaturalization." *Fedorenko*, 449 U.S. at 517.

## **VI. CAUSES OF ACTION**

### **COUNT ONE**

#### **ILLEGAL PROCUREMENT OF NATURALIZATION NATURALIZATION BARRED BY STATUTE AND REGULATION (Advocated the Assault or Killing of Officers of the United States Government)**

51. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs of this complaint.

52. As noted above, Congress has expressly provided that an individual may not naturalize if, within the ten years immediately preceding the filing of the application for naturalization or at any time prior to taking the oath of allegiance (the "statutory terrorism period"), the applicant advocates or teaches, or is a member of or affiliated with any organization that advocates or teaches, *inter alia*, the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the government of the United States or of any other organized government because of his or their official character. 8 U.S.C. § 1424(a)(4)(B), (c); 8 C.F.R. §§ 313.1, 313.2.

53. Defendant pled guilty to and was convicted of providing material support to terrorists, in violation of 18 U.S.C. § 2339A, based *inter alia* on his admission that not later than January 1, 2004, Defendant and others communicated using codewords and spoke in a foreign

language in order to disguise their preparations and plans to engage in acts outside the United States that would result in the murder or maiming of United States military forces in Iraq and Afghanistan.

54. Accordingly, Defendant was statutorily ineligible for naturalization under 8 U.S.C. § 1424(a)(4) because, during the statutory terrorism period, he advocated the propriety of unlawfully assaulting or killing officers of the government of the United States, specifically members of the United States military forces in Iraq and Afghanistan because of their official character.

55. Because Defendant was ineligible to naturalize, he illegally procured his citizenship, and this Court must revoke Defendant's naturalization as provided under 8 U.S.C. § 1451(a).

## **COUNT TWO**

### **ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (Crime Involving Moral Turpitude)**

56. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs of this complaint.

57. As discussed above, to be eligible for naturalization an applicant must show that he has been a person of good moral character for the five-year statutory period before he files his naturalization application and until the time he becomes a naturalized United States citizen. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1). Thus, Defendant was required to establish that he was a person of good moral character from June 16, 1998, until March 31, 2004 (the "statutory period").

58. Defendant was statutorily barred from showing that he was a person of good moral character because he committed a CIMT during the statutory period. 8 U.S.C. § 1101(f)(3); 8 C.F.R. § 316.10(b)(2)(i).

59. As outlined above, Defendant pled guilty to providing material support to terrorists, in violation of 18 U.S.C. § 2339A.

60. Based on his admissions at his plea hearing, Defendant violated 18 U.S.C. § 2339A on or before January 1, 2004, which is within the statutory period.

61. Defendant's crime of providing material support to terrorists, in violation of 18 U.S.C. § 2339A, is a CIMT. *Cf. Mei v. Ashcroft*, 393 F.3d 737, 740 (7th Cir. 2004) (noting the lack of a statutory definition for "crimes involving moral turpitude" and describing them as "serious crimes, in terms either of the magnitude of the loss that they cause or the indignation that they arouse in the law-abiding public . . . that are [] deliberate, because a person who *deliberately* commits a *serious* crime is regarded as behaving immorally and not merely illegally.") (emphasis in original).

62. Because Defendant committed a CIMT during the statutory period, which he later admitted and for which he later was convicted, he was barred under 8 U.S.C. § 1101(f)(3) from showing that he had the good moral character necessary to become a naturalized United States citizen.

63. Because Defendant was not a person of good moral character, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

64. Because Defendant was ineligible to naturalize, he illegally procured his citizenship, and this Court must revoke his naturalization as provided under 8 U.S.C. § 1451(a).

**COUNT THREE**

**ILLEGAL PROCUREMENT OF NATURALIZATION  
LACK OF GOOD MORAL CHARACTER  
(Unlawful Acts)**

65. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs of this complaint.

66. As discussed above, to be eligible for naturalization Defendant was required to establish that he was a person of good moral character from June 16, 1998, until the date he became a United States citizen on March 31, 2004. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

67. Defendant could not establish the requisite good moral character for naturalization because he committed an unlawful act during the statutory period that reflected adversely upon his moral character and there were no extenuating circumstances that would lessen his guilt. *See* 8 C.F.R. § 316.10(b)(3)(iii); 8 U.S.C. § 1101(f) (catch-all provision).

68. Specifically, as set forth above, Defendant provided material support to terrorists, in violation of 18 U.S.C. § 2339A.

69. Based on his admissions at his plea hearing, Defendant violated 18 U.S.C. § 2339A on or before January 1, 2004, which is within the statutory period.

70. Defendant cannot establish extenuating circumstances with regard to his unlawful activity that render his conduct less reprehensible than it otherwise would be or tend to palliate or lessen his guilt. He therefore cannot avoid the regulatory bar on establishing good moral character found at 8 C.F.R. § 316.10(b)(3)(iii).

71. The catch-all provision for unlawful acts at 8 U.S.C. § 1101(f) and 8 C.F.R. § 316.10(b)(3)(iii) applies to Defendant regardless of whether the statutory CIMT bar (set forth in Count Two) also applies to him.

72. Because Defendant committed unlawful activity that adversely reflected on his moral character during the statutory period and he cannot demonstrate extenuating circumstances, he was barred under 8 U.S.C. § 1101(f) and 8 C.F.R. § 316.10(b)(3)(iii) from showing that he had the good moral character necessary to become a naturalized United States citizen.

73. Because Defendant was not a person of good moral character, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

74. Because Defendant was ineligible to naturalize, he illegally procured his citizenship, and this Court therefore must revoke his naturalization as provided under 8 U.S.C. § 1451(a).

#### **COUNT FOUR**

#### **ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (False Testimony)**

75. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs of this complaint.

76. As discussed above, to be eligible for naturalization Defendant was required to establish that he was a person of good moral character from June 16, 1998, until the date he became a United States citizen on March 31, 2004. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

77. Defendant was statutorily barred from showing that he was a person of good moral character because he gave false testimony, under oath during the statutory period, for the purpose of obtaining an immigration benefit, specifically naturalization. 8 U.S.C. § 1101(f)(6); 8 C.F.R. § 316.10(b)(2)(vi).

78. As set forth above, during the statutory period, Defendant provided false testimony for the purpose of obtaining an immigration benefit when he testified, under oath, during his March 4, 2004 naturalization interview, that: (a) he had never been a member of or in any way associated, either directly or indirectly, with a terrorist organization; (b) he had never committed a crime or offense for which he had not been arrested; and (c) he supported the Constitution and form of government of the United States.

79. Because Defendant provided false testimony under oath for the purpose of obtaining his naturalization, he was barred under 8 U.S.C. § 1101(f)(6) from showing that he had the good moral character necessary to become a naturalized United States citizen.

80. Because Defendant was not a person of good moral character, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

81. Because Defendant was ineligible to naturalize, he illegally procured his citizenship, and this Court must revoke his naturalization as provided under 8 U.S.C. § 1451(a).

#### **COUNT FIVE**

#### **PROCUREMENT OF UNITED STATES CITIZENSHIP BY CONCEALMENT OF A MATERIAL FACT OR WILLFUL MISREPRESENTATION**

82. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs of this complaint.

83. Under 8 U.S.C. § 1451(a), this Court must revoke Defendant's citizenship and cancel his Certificate of Naturalization because he procured his citizenship by concealment of a material fact and by willful misrepresentation.

84. As set forth above, during the naturalization process, Defendant willfully misrepresented and concealed that he was then associated with and provided material support to terrorists, in violation of 18 U.S.C. § 2339A.

85. Specifically, Defendant voluntarily and deliberately represented during his March 4, 2004 naturalization interview that (a) he had never been a member of or in any way associated, either directly or indirectly, with a terrorist organization; (b) he had never committed a crime or offense for which he had not been arrested; and (c) he supported the Constitution and form of government of the United States, despite knowing that such representations were false and misleading. Accordingly, Defendant made these representations willfully.

86. Defendant's foregoing misrepresentations and concealment were material to determining his naturalization eligibility because the true facts had the natural tendency to influence USCIS's decision whether to approve his naturalization application. Indeed, had Defendant disclosed the truth about these matters, his statutory ineligibility for naturalization would have been disclosed, and USCIS would not have approved his application or administered the oath of allegiance.

87. Defendant thus procured his citizenship by concealment of a material fact and willful misrepresentation, and this Court must revoke his naturalization as provided under 8 U.S.C. § 1451(a).

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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests the following:

- (1) A declaration that Defendant illegally procured his citizenship;
- (2) A declaration that Defendant procured his citizenship by concealment of a material fact and by willful misrepresentation;
- (3) Judgment revoking and setting aside the order admitting Defendant to citizenship and canceling Certificate of Naturalization No. 28046590, effective as of the original date of the order and certificate, March 31, 2004;
- (4) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages related to United States citizenship that he obtained as a result of his March 31, 2004 naturalization;
- (5) Judgment requiring Defendant, within ten days of the entry of judgment against him, to surrender and deliver his naturalization certificate and any copies thereof in his possession or control – and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession or control of others – to the Attorney General, or his representative, including undersigned counsel;
- (6) Judgment requiring Defendant, within ten days of the entry of judgment against him, to surrender and deliver any other indicia of United States citizenship (including, but not limited to, United States passports and passport cards, voter registration cards, and other relevant documents, whether current or expired) and any copies thereof in his possession or control – and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession or control of others – to the Attorney General, or his representative, including undersigned counsel; and

(7) Judgment granting the United States such other relief as may be lawful and proper in this case.

Dated: July 3, 2018

JOHN R. LAUSCH, JR.  
United States Attorney  
Northern District of Illinois

CRAIG A. OSWALD  
Assistant United States Attorney  
U.S. Attorney's Office  
Northern District of Illinois  
219 S. Dearborn Street  
Chicago, Illinois 60604  
Tel.: (312) 886-9080  
craig.oswald@usdoj.gov

Respectfully submitted,

CHAD A. READLER  
Acting Assistant Attorney General  
Civil Division

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

TIMOTHY M. BELSAN  
Deputy Chief  
National Security & Affirmative Litigation Unit

By: /s/ Christopher W. Hollis  
CHRISTOPHER W. HOLLIS  
Trial Attorney  
U.S. Department of Justice  
Office of Immigration Litigation  
District Court Section  
P.O. Box 868, Ben Franklin Station  
Washington, DC 20044  
Tel.: (202) 305-0899; Fax: 616-8962  
christopher.hollis@usdoj.gov

*Counsel for Plaintiff*