

Exhibit A

Affidavit of Good Cause

UNITED STATES OF AMERICA)
)
CHICAGO, ILLINOIS)
)
In the Matter of the Revocation)
of the Naturalization of)
)
KHALEEL AHMED)
A046 328 688)

AFFIDAVIT OF GOOD CAUSE

I, James M. Lewis, declare under penalty of perjury as follows:

- I. I am a Special Agent for the United States Department of Homeland Security (DHS), United States Immigration and Customs Enforcement (ICE). In this capacity, I have access to the official records maintained by DHS/ICE, including the immigration file of Khaleel Ahmed, A046 328 688 (Mr. Ahmed).
- II. I have examined the records relating to Mr. Ahmed's case. Based upon my review of these records, I state, on information and belief, that the information set forth in this Affidavit of Good Cause is true and correct.
- III. Mr. Ahmed was born in India on or about [REDACTED] 1980. On or about August 16, 1998, Mr. Ahmed was admitted to the United States as a lawful permanent resident (as a child of a brother or sister of a United States citizen).
- IV. On or about June 16, 2003, Mr. Ahmed filed an Application for Naturalization, Form N-400, with the Lincoln, Nebraska, Service Center of United States Citizenship and Immigration Services (USCIS). The application was forwarded to USCIS Chicago Office and, on or about March 4, 2004, USCIS Officer Elisa Wynnimko interviewed Mr. Ahmed, under oath, concerning the information he provided on his Application for Naturalization. Based on his written application and interview, Mr. Ahmed's application was approved on March 4, 2004. Mr. Ahmed took the oath of allegiance on March 31, 2004, and on that

date was admitted as a citizen of the United States. He was issued Certificate of Naturalization number 28046590.

V. Mr. Ahmed illegally procured his naturalization because he could not have established that he was a person of good moral character.

A. Mr. Ahmed could not have established that he was a person of good moral character during the statutory period because he committed unlawful acts that adversely reflect upon his moral character.

1. As an applicant for naturalization pursuant to section 316(a) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1427(a), Mr. Ahmed was required to prove that he was a person of good moral character from on or about June 16, 1998, five years before he filed his application, up to the time he was admitted to United States citizenship on March 31, 2004 (the statutory period).
2. Unless there are extenuating circumstances, an applicant for naturalization is precluded from establishing good moral character if, during the statutory period, he commits unlawful acts that adversely reflected upon his moral character. *See* 8 C.F.R. § 316.10(b)(3)(iii).
3. During the statutory period, Mr. Ahmed conspired with others to provide material support to terrorists.
4. On or about February 7, 2007, after Mr. Ahmed had naturalized, he was indicted in the United States District Court for the Northern District of Ohio

for violating 18 U.S.C. § 956(a)(1).¹ On February 21, 2007, Mr. Ahmed was arrested on this charge.

5. On December 13, 2007, Mr. Ahmed again was indicted in the United States District Court for the Northern District of Ohio for violating 18 U.S.C. § 2339A, and on December 27, 2007, the court dismissed Mr. Ahmed's initial indictment.²
6. On January 15, 2009, a superseding information was filed against Mr. Ahmed in the United States District Court for the Northern District of Ohio. The superseding information charged that from a date unknown, but no later than April 1, 2004, and continuing until February 21, 2007, Mr. Ahmed unlawfully and knowingly did combine, conspire, confederate and agree with other persons, known and unknown, to provide material support and resources, including but not limited to the defendants (including Mr. Ahmed) themselves as personnel, knowing and intending that they 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 member of the U.S. military serving in Iraq and Afghanistan), in violation of 18 U.S.C. § 2339A.
7. On January 15, 2009, Mr. Ahmed pleaded guilty to the charge of conspiracy to provide material support to terrorists contained in the superseding information. In both the written plea agreement and the verbal plea colloquy, Mr. Ahmed admitted that, as an overt act in furtherance of the

¹ United States District Court for the Northern District of Ohio case number 3:06-cr-00719.

² United States District Court for the Northern District of Ohio case number 1:07-cr-00647.

conspiracy, from a date unknown, but no later than January 1, 2004, Mr. Ahmed and others communicated using code words and spoke in a foreign language in order to disguise their preparations and plans to engage in acts outside the United States which would result in the murder or maiming of U.S. military forces in Iraq and Afghanistan.

8. On July 12, 2010, Mr. Ahmed was sentenced to 100 months' imprisonment.
9. Conspiracy to provide material support to terrorists is an unlawful act that adversely reflects upon an individual's moral character.
10. As evidenced by his post-naturalization conviction, there were no extenuating circumstances that could have mitigated the effect of Mr. Ahmed's actions on his ability to establish good moral character.
11. Because Mr. Ahmed committed unlawful acts that adversely reflect upon his moral character within the period of time in which he was required to establish good moral character, he was precluded from establishing good moral character, and was therefore ineligible for naturalization.

B. Mr. Ahmed could not have established that he was a person of good moral character because he was convicted of a crime of moral turpitude that was initiated during the statutory period.

1. An applicant for naturalization is precluded from establishing good moral character if he was convicted of a crime involving moral turpitude (other than a purely political offense) that was committed during the statutory period. *See* INA § 101(f)(3), 8 U.S.C. § 1101(f)(3); INA

§ 212(a)(2)(A)(i)(I), 8 U.S.C. § 1182(a)(2)(A)(i)(I); 8 C.F.R. § 316.10(b)(2)(i).

2. As stated above, during the statutory period, Mr. Ahmed conspired with others 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 member of the U.S. military serving in Iraq and Afghanistan), in violation of 18 U.S.C. § 2339A.
3. After naturalization, on January 15, 2009, Mr. Ahmed pleaded guilty to one charge of conspiracy to provide material support to terrorists. In both the written plea agreement and verbal plea colloquy, Mr. Ahmed admitted that, as an overt act in furtherance of the conspiracy, from a date unknown, but no later than January 1, 2004, he and others communicated using code words and spoke in a foreign language in order to disguise their preparations and plans to engage in acts outside the United States which would result in the murder or maiming of U.S. military forces in Iraq and Afghanistan.
4. For this crime, Mr. Ahmed was sentenced to 100 months' imprisonment.
5. Mr. Ahmed's conviction for conspiracy to provide material support to terrorists is a crime involving moral turpitude.
6. Because Mr. Ahmed was convicted of a crime involving moral turpitude that was committed during the period of time in which he was required to

establish good moral character, he was precluded from establishing good moral character, and was therefore ineligible for naturalization.

- C. Mr. Ahmed could not have established that he was a person of good moral character because, during his March 4, 2004 naturalization interview, he provided false testimony while under oath for the purpose of obtaining his naturalization.
1. An individual who, during the statutory period, provides false testimony while under oath with the intent of obtaining any benefit under the INA, including naturalization, is precluded from establishing good moral character. *See* INA § 101(f)(6), 8 U.S.C. § 1101(f)(6).
 2. On March 4, 2004, Elisa Wynimko, a USCIS employee, interviewed Mr. Ahmed regarding his application for naturalization.
 3. At the beginning of the naturalization interview, Mr. Ahmed took an oath or affirmed that he would answer all questions truthfully.
 4. During the course of the naturalization interview, in order to adjudge Mr. Ahmed's eligibility for naturalization, Officer Wynimko asked Mr. Ahmed, among other questions, if he had ever been a member or in any way associated with a terrorist organization; if he had ever knowingly committed any crime for which he had not been arrested; and if he supported the Constitution and form of government of the United States.
 5. In response to these questions, Mr. Ahmed falsely testified under oath that he had never been a member or in any way associated with a terrorist organization; had never knowingly committed any crime for which he had

not been arrested; and that he supported the Constitution and form of government of the United States.

6. As mentioned above, subsequent to naturalization, Mr. Ahmed was charged with conspiracy to provide material support to terrorists. In both the written plea agreement and verbal plea colloquy, Mr. Ahmed admitted that, as an overt act in furtherance of the conspiracy, from a date unknown, but no later than January 1, 2004, he and others communicated using code words and spoke in a foreign language in order to disguise their preparations and plans to engage in acts outside the United States which would result in the murder or maiming of U.S. military forces in Iraq and Afghanistan.
7. Because Mr. Ahmed provided false testimony during the statutory period for the purpose of obtaining naturalization, he could not have established that he was a person of good moral character. Therefore, he was ineligible to naturalize.

VI. Mr. Ahmed illegally procured his naturalization because, prior to naturalization, he advocated the murder and maiming of U.S military forces in Iraq and Afghanistan.

- A. Generally, no applicant for naturalization shall be naturalized as a citizen of the United States if, within ten years immediately preceding the filing of the Application for Naturalization, or after such filing but before taking the oath of citizenship, such applicant is or has been found to advocate or teaches or is a member of or affiliated with an organization that advocates or teaches (A) the overthrow by force or violence or other unconstitutional means of the Government of the United States or of all forms of law; or (B) 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; or (C) the unlawful damage, injury, or destruction of property; or (D) sabotage. *See* INA §§ 313(a)(4), (c); 8 U.S.C. §§ 1424(a)(4), (c); 8 C.F.R §§ 313.1, 313.2(d).

- B. Prior to naturalization, Mr. Ahmed began conspiring with others to travel overseas in order to engage in acts which would result in the murder or maiming of U.S. military forces. Beginning no later than January 1, 2004, he and others communicated using code words and spoke in a foreign language in order to disguise their preparations and plans to engage in acts outside the United States which would result in the murder or maiming of U.S. military forces in Iraq and Afghanistan.
- C. Because Mr. Ahmed advocated the assault or killing of U.S. Government officers before taking the oath of citizenship, he was not eligible to naturalize.

VII. Mr. Ahmed procured his naturalization by willful misrepresentation and concealment of a material fact.

- A. During the naturalization process, Mr. Ahmed willfully misrepresented and concealed his criminal activities and terrorist ideology.
 - 1. On his Application for Naturalization, Form N-400, in response to Part 10, Section B, question 9c, Mr. Ahmed indicated that he had never been a member of or in any way associated (either directly or indirectly) with a terrorist organization. In Part 10, Section D, question 15, Mr. Ahmed

represented that he had never knowingly committed any crime for which he had not been arrested. In response to Part 10, Section H, question 34, Mr. Ahmed represented that he supported the Constitution and form of government of the United States.

2. Mr. Ahmed signed and dated this Application for Naturalization on June 8, 2003, thereby certifying, under penalty of perjury, that the information in the application was true and correct. Mr. Ahmed filed the application with USCIS on or about June 16, 2003.
3. During his naturalization interview on March 4, 2004, Mr. Ahmed testified, under oath, that that he had never been a member of or in any way associated (either directly or indirectly) with a terrorist organization; he had never knowingly committed any crime for which he had not been arrested; and that he supported the Constitution and form of government of the United States. At the end of his naturalization interview, Mr. Ahmed again swore that the contents of his naturalization application were true and correct.
4. Contrary to these representations, Mr. Ahmed had already begun to conspire with others to travel overseas in order to kill U.S. military personnel. From a date no later than January 1, 2004, he and others communicated using code words and spoke in a foreign language in order to disguise their preparations and plans to engage in acts outside the United States which would result in the murder or maiming of U.S. military forces.
5. Mr. Ahmed misrepresented and concealed his criminal, terrorist, acts knowing his representations were false and misleading.

- B. Mr. Ahmed misrepresentations and concealment of his criminal acts were material to determining his eligibility for naturalization because they would have had the natural tendency to influence USCIS's decision whether to approve his naturalization application. USCIS would not have approved the application had it know about Ahmed's ongoing criminal, terrorist, activities.
- C. By concealing and misrepresenting material facts regarding his criminal history, Mr. Ahmed was able to procure his naturalization.
- VIII. Based on the facts outlined in the foregoing paragraphs, good cause exists to institute proceedings pursuant to INA § 340(a), 8 U.S.C. § 1451(a), to revoke Mr. Ahmed's citizenship and to cancel his certificate of naturalization.
- IX. Mr. Ahmed's last known residence is [REDACTED] Avenue, Apartment [REDACTED], Chicago, Illinois.

Declaration in Lieu of Jurat
(28 U.S.C. § 1746)

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 18, 2018.



James M. Lewis
Special Agent
U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement