

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
No. 26-cv-3787**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	COMPLAINT TO REVOKE
v.)	NATURALIZATION
)	
BABOUCARR MBOOB ¹ ,)	
)	
Defendant.)	
)	

I. PRELIMINARY STATEMENT

The United States of America (Plaintiff) brings this civil action against Defendant Baboucarr Mboob (Mboob) to revoke his naturalized U.S. citizenship under 8 U.S.C. § 1451(a).

Before he became a citizen of the United States in 2011, and while serving as a member of the National Army in The Republic of The Gambia (The Gambia), Mboob assassinated six individuals whom the regime of President Yahya Jammeh had targeted as counter-coup plotters. Mboob’s extrajudicial killings, and his concealment of and misrepresentations about them, disqualified him from acquiring his immigration status in the United States, *i.e.*, his subsequent U.S. permanent residence and, ultimately, his U.S. citizenship.

Moreover, Mboob’s killings constituted crimes involving moral turpitude that prevented him from establishing the required good moral character for adjustment to lawful permanent resident status. Mboob’s criminal and persecutory conduct also adversely reflected on his moral

¹ Pursuant to the Privacy Act, 5 U.S.C. § 552a(b), Plaintiff will redact information throughout this document and it’s exhibits, including but not limited to social security numbers, dates of birth, places of birth, alien numbers, passport number, phone numbers, and tax information, which are precluded from disclosure.

character further precluding him from establishing the required good moral character necessary to naturalize. Notably, while under oath during his naturalization interview, Mboob testified that he had never committed any crime or offense for which he was not arrested and that he had never been arrested, cited or detained for any reason. That false testimony represents yet another separate ground requiring this Court to denaturalize Mboob based on his lack of good moral character.

In addition to Mboob's inability to establish good moral character, Mboob also procured his naturalization through willful misrepresentation and concealment of material facts regarding his unlawful activities during the naturalization process, a separate and independent basis for his denaturalization under 8 U.S.C. § 1451(a).

Consistent with the statutory requirements in 8 U.S.C. § 1451(a), Plaintiff seeks to revoke and set aside the order granting Mboob citizenship and to cancel his certificate of naturalization.

II. PARTIES, JURISDICTION, AND VENUE

1. This is an action filed under 8 U.S.C. § 1451(a) to revoke and set aside the order granting Mboob citizenship and to cancel his Certificate of Naturalization, No. 34304181.
2. Plaintiff is the United States of America.
3. Mboob is a naturalized U.S. citizen who resides in The Bronx, a borough of New York City, New York.
4. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1345 for this cause of action under 8 U.S.C. § 1451(a).
5. Venue is proper in the Southern District of New York under 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because Mboob lives within that jurisdiction.

III. FACTUAL BACKGROUND

6. The affidavit of Sean Hughes, with Immigration and Customs Enforcement (ICE) of the U.S. Department of Homeland Security (DHS), showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached as Exhibit 1.

A. Mboob's Immigration History

7. Mboob entered the United States in October 2004. Exhibit 2, Form I-485, Application to Register Residence or Adjust Status.

8. On January 14, 2005, Mboob filed an application for an immigration benefit with the United States Citizenship and Immigration Services (USCIS).

9. In his application, Mboob claimed that he had been an officer in The Gambia National Army from January 1991 to October 2004.

10. On March 1, 2005, a USCIS officer interviewed Mboob in relation to his application for immigration benefits.

11. During the interview, Mboob asserted that he had never fired his weapon except at the firing range.

12. On March 21, 2005, USCIS issued a Notice of Intent to Deny (NOID) his application for immigration benefits, indicating that it intended to deny Mboob's request because he failed to establish eligibility.

13. On March 25, 2005, Mboob submitted a letter responding to the NOID (NOID Response Letter).

14. Thereafter, on July 19, 2005, USCIS granted Mboob's application for immigration benefits.

15. On August 8, 2006, Mboob filed a Form I-485, Application to Register Permanent Residence or Adjust Status (Application for Adjustment) with USCIS seeking to adjust his status to lawful permanent resident of the United States.

16. A true and complete copy of the Application for Adjustment, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit 2.

17. Part 3, section C of the Application for Adjustment, required that Mboob list his “present and past membership in or affiliation with every organization, association, fund, foundation, party club, society, or similar group in the United States or in other places since [his] 16th birthday[,]” and “include any foreign military service in this part.” *Id.*

18. In response to Part 3, section C of the Application for Adjustment, Mboob answered “NONE.” *Id.*

19. Part 3, section C, question 1 of the Application for Adjustment required that Mboob disclose whether he “ever, in or outside the United States: knowingly committed any crime of moral turpitude . . . for which you have not been arrested.” *Id.*

20. In response to Part 3, section C, question 1 of the Application for Adjustment, Mboob answered: “No.” *Id.*

21. Part 3, section C, question 8 of the Application for Adjustment required that Mboob disclose whether he had “ever engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of race religion, ethnic origin or political opinion.” *Id.*

26. In response to Part 3, section C, question 8 of the Application for Adjustment, Mboob answered: “No.” *Id.*

27. Based, in part, on the answers Mboob had provided in his Application for Adjustment, USCIS approved it and granted him permanent resident status on February 16, 2007. *Id.*

28. On February 18, 2011, Mboob filed with USCIS his Form N-400, Application for Naturalization (Application for Naturalization) seeking to naturalize as a U.S. citizen.

29. A true and complete copy of the Application for Naturalization, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit 3.

30. Part 10, section B, question 8(a) of the Application for Naturalization asked: “Have you ever been a member of or associated with any organization, association, fund foundation, party club, society or similar group in the United States or in any other place?” *Id.* at 7.

31. Part 10, section B, question 8(b) of Mboob’s Application for Naturalization required that if he answered yes to Part 10, section B, question 8(a), Mboob “list the name of each group below” within a table provided on the Application for Naturalization. *Id.*

32. In response to Part 10, section B, question 8(a) of the Application for Naturalization, Mboob answered: “No.” *Id.*

33. In response to Part 10, section B, question 8(b) of the Application for Naturalization, Mboob left the table associated with that question blank. *Id.*

34. Part 10, section B, question 11 of Mboob’s Application for Naturalization asked: “Have you **ever** persecuted (*either directly or indirectly*) any person because of race, religion, national origin, membership in a particular social group or political opinion?” *Id.*

35. In response to Part 10, section B, question 11 of the Application for Naturalization, Mboob answered: “No.” *Id.*

36. Part 10, section D, question 15 of Mboob’s Application for Naturalization asked “Have you **ever** committed a crime or offense for which you were not arrested?” *Id.* at 8.

37. In response to Part 10, section D, question 15 of the Application for Naturalization, Mboob answered: “No.” *Id.*

38. Part 10, section D, question 16 of Mboob’s Application for Naturalization asked “Have you **ever** been arrested, cited, or detained by any law enforcement officer (including USCIS or former INS and military officers) for any reason?” *Id.*

39. In response to Part 10, section D, question 16 of the Application for Naturalization, Mboob answered: “No.” *Id.*

40. Part 10, section D of Mboob’s Application for Naturalization directed Mboob to complete a provided table by listing, among other things, all his crimes, offenses, arrests, citations or detentions. *Id.*

41. In response to Part 10, section D of the Application for Naturalization, Mboob left the table associated with that portion of the Application for Naturalization blank. *Id.*

42. Part 10, section D, question 23 of Mboob’s Application for Naturalization asked “Have you **ever** given false or misleading information to any U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal?” *Id.*

43. In response to Part 10, section D, question 23 of the Application for Naturalization, Mboob answered: “No.” *Id.*

44. Part 10, section B, question 24 of Mboob's application for naturalization asked "Have you **ever** lied to any U.S. Government official to gain entry or admission into the United States?" *Id.*

45. Mboob answered: "No." *Id.*

46. Prior to filing his Application for Naturalization, Mboob signed it, swearing under penalty of perjury that the contents of his application were "true and correct to the best of [his] knowledge and belief." *Id.* at 10.

47. On June 2, 2011, a USCIS officer interviewed Mboob in relation to his application for naturalization (Naturalization Interview).

48. At the beginning of the Naturalization Interview, the USCIS officer placed Mboob under oath.

49. As evidenced by the red marks and handwritten notations on Mboob's Application for Naturalization, during the Naturalization Interview, the USCIS officer asked Mboob if he had ever been a member of or associated with any organization, association, fund foundation, party club, society or similar group in the United States or in any other place. *Id.* at 7.

50. In response to that question, Mboob said no, orally confirming his prior written "no" answer to Part 10, section B, question 8(a) of the Application for Naturalization. *Id.*

51. As evidenced by the red marks and handwritten notations on Mboob's Application for Naturalization, during the Naturalization Interview, the USCIS officer asked Mboob if he had ever persecuted (either directly or indirectly) any person because of race, religion, nation origin, member in a particular social group or political opinion. *Id.*

52. In response to that question, Mboob said no, orally confirming his prior written “no” answer to Part 10, section B, question 11 of the Application for Naturalization. *Id.*

53. As evidenced by the red marks and handwritten notations on Mboob’s Application for Naturalization, during the Naturalization Interview, the USCIS officer asked Mboob if he had ever committed a crime or offense for which he was not arrested. *Id.* at 8.

54. In response to that question, Mboob said no, orally confirming his prior written “no” answer to Part 10, section B, question 15 of the Application for Naturalization. *Id.*

55. As evidenced by the red marks and handwritten notations on Mboob’s Application for Naturalization, during the Naturalization Interview, the USCIS officer asked Mboob if he had ever been arrested, cited, or detained by any law enforcement officer for any reason. *Id.*

56. In response to that question, Mboob said no, orally confirming his prior written “no” answer to Part 10, section B, question 16 of the Application for Naturalization. *Id.*

57. As evidenced by the red marks and handwritten notations on Mboob’s Application for Naturalization, during the Naturalization Interview, the USCIS officer asked Mboob if he had ever given false or misleading information to any U.S. Government official while applying for any immigration benefit. *Id.*

58. In response to that question, Mboob said no, orally confirming his prior written “no” answer to Part 10, section B, question 23 of the Application for Naturalization. *Id.*

59. As evidenced by the red marks and handwritten notations on Mboob’s application for naturalization, the USCIS officer asked Mboob if he had “ever lied to any U.S. Government official to gain entry or admission into the United States?” *Id.*

60. In response to that question, Mboob said no, orally confirming his prior written “no” answer to Part 10, section B, question 24 of the Application for Naturalization. *Id.*

61. At the conclusion of the Naturalization Interview, Mboob signed the Application for Naturalization a second time, once again swearing under penalty of perjury that the contents of his application were “true and correct to the best of [his] knowledge and belief.” *Id.* at 10.

62. Based upon the sworn-to information in Mboob’s written Application for Naturalization, and upon the sworn testimony he gave during his Naturalization Interview, USCIS approved his request to become a naturalized U.S. citizen on June 02, 2011. *Id.* at 1.

63. On, June 3, 2011, Mboob took the Oath of Allegiance, was admitted as a citizen of the United States, and was issued Certificate of Naturalization No. 34304181 (Naturalization Certificate).

64. A true and complete copy of the Naturalization Certificate, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit 4.

B. Mboob’s Military and Criminal History

65. On April 9, 2019, Mboob testified under oath before The Gambian Truth, Rehabilitation, and Reconciliation Commission (TRRC) regarding his participation in the persecution and extrajudicial killing of six prisoners in The Gambia on November 11, 1994.

66. A true and complete copy of the transcript of Mboob’s sworn testimony before the TRRC is attached hereto as Exhibit 5.

67. During his sworn testimony before the TRRC, Mboob said that in November 1994, Mboob had been a member of the military police, detached to the Army headquarters in Banjul, The Gambia’s capital city. *Id.* at 4:40, 5:52, 6:62, 18:221.

68. During the evening of November 10, 1994, Mboob visited his friend Fafa Nyang (Nyang) at Nyang's home. *Id.* at 5:58.

69. While there, Nyang explained that he and others were planning a coup d'état against the Jammeh regime the next morning. *Id.*

70. Once Mboob returned to the military base that evening, he did not disclose the names of the coup leaders or that a coup was planned despite his obligation to do so. *Id.* at 7:72, 17:206.

71. Mboob, however, ordered his wife to spend the night at his aunts' house in Serekunda. *Id.* 10:109.

72. Once his wife left, Mboob prayed and went to bed in full uniform with his rifle in hand. *Id.*

73. When asked by the prosecutor at the TRRC for which side he was preparing to fight, Mboob vaguely responded that he was "just preparing himself as a soldier." *Id.* at 10:111, 11:121.

74. When asked again why he had not left the camp to report the coup threat, as was his duty, Mboob explained that he was not thinking straight and was only preparing to defend himself. *Id.* at 12:135-37.

75. Mboob testified at the TRRC that as of November 10, 1994, he knew that President Jammeh's military junta, known as the Armed Forces Provisional Ruling Council (Council), was aware that there were officers who were planning to stage a coup. *Id.* at 7:74.

76. Mboob testified at the TRRC that because Council members knew military officers were planning a counter-coup, Council members stationed themselves at the barracks in Banjul where Mboob was stationed in November 1994. *Id.*

77. The next day, November 11, 1994, gunshots woke up Mboob before 7:00 am. *Id.* at 12:140, 13:153.

78. Mboob ran to the barracks where he saw Council member Edward Singhateh (Singhateh) standing in front of the Officer's Mess alongside other soldiers. *Id.* at 13:157.

79. There, Mboob heard Singhateh order soldiers to apprehend Nyang and execute him. *Id.* at 17:202.

80. Mboob testified at the TRRC that he saw soldiers chase and then hit and beat Nyang, who was dressed only in "little underwear." *Id.* at 19:236.

81. Mboob testified at the TRRC that he saw soldiers force Nyang to crawl and that as Nyang neared Singhateh, Singhateh ordered the soldiers to execute Nyang. *Id.* 19:236-38, 20-244.

82. Mboob testified at the TRRC that soldiers then forced Nyang to run to a cook house and that where soldiers shot Nyang. *Id.* 20:244-46.

83. Mboob testified at the TRRC that as the soldiers then grabbed Nyang's hands and legs in an effort to bring him to Singhateh, they realized that Nyang was still alive and that a soldier then shot Nyang, finally killing him. *Id.* at 21:248.

84. Mboob testified at the TRRC that later in the afternoon of November 11, 1994, he and two others were ordered to place a counter-coup plotter, Lieutenant Gibril Saye in detention in the barracks, which they did. *Id.* at 26:309.

85. Mboob testified at the TRRC that he remembered seeing two Council members, Singhateh and Sadibou Hydara (Hydara), taking soldiers out of the guardroom and loading them into a military jeep. *Id.* at 27:325, 28:334.

86. Mboob testified at the TRRC that later in the afternoon of November 11, 1994, around 3:00 or 4:00 pm, six detained counter-coup plotters, including Lieutenant Saye, were loaded into the military jeep. *Id.* at 29:348.

87. Mboob testified at the TRRC that he and several others joined the jeep in a convoy that drove two miles into the nearby forest. *Id.* at 29:350.

88. Mboob testified at the TRRC that once the convoy stopped, he saw several Council members disembark from the convoy, including Sanna Sabally (Sabally), Yankuba Touray, Hy dara, and Singhateh. *Id.* at 30:358.

89. Mboob testified at the TRRC that he saw Council member Sabally order the detained counter-coup plotters to exit the vehicle and kneel on the ground, then ordered MBOOB and the other armed soldiers to form a firing line behind the kneeling men. *Id.* at 31:365.

90. Mboob testified at the TRRC that he saw two armed soldiers disobeying Council member Sabally's orders to form a firing line and instead standing apart from the firing line and not raising their weapons. *Id.* at 31:365-69.

91. Mboob testified at the TRRC that Council member Sabally then ordered him and the other armed soldiers to shoot and that about two seconds later, Mboob opened fire, thus executing all the detained counter-coup plotters. *Id.* at 31:369, 32:371.

92. Council member Sabally then ordered Mboob and the other armed soldiers to load the bodies of the counter-coup plotters into the jeep and drive back to the barracks. *Id.* at 33:386.

93. Following his participation in the execution of the counter-coup plotters on November 11, 1994, Mboob served as a bodyguard to President Jammeh and his family from 1996 to 2001. *Id.* at 4:42-44.

94. From 2001 to 2004, Mboob served as a personal aide to President Jammeh, then moved to Bajau Barracks to join a command unit in 2004. *Id.* at 5:48.

95. In 2004, Mboob traveled to Senegal and then relocated to the United States. *Id.* at 5:48-50.

IV. GOVERNING LAW

A. Congressionally imposed prerequisites to the acquisition of citizenship

96. No individual has a right to naturalization “unless all statutory requirements are complied with.” *United States v. Ginsberg*, 243 U.S. 472, 474-75 (1917). In other words, “[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).

97. Two statutory requirements for naturalization are: (1) lawful admission to permanent residence, as required by 8 U.S.C. §§ 1427(a)(1) and 1429 (2006); and (2) good moral character, as required by 8 U.S.C. § 1427(a)(3) (2006).

98. Congress has mandated that to become a citizen, an applicant must have been “lawfully” admitted to the United States for permanent residence. 8 U.S.C. §§ 1427(a)(1), 1429 (2006); 8 U.S.C. § 1101(a)(20) (2006).

99. A non-citizen has not been “lawfully admitted for permanent residence” where he or she “obtained [such] permanent resident status by fraud, or had otherwise not been entitled to it.” *See Shin v. Holder*, 607 F.3d 1213, 1217 (9th Cir. 2010) (citing *In re Koloamatangi*, 23 I. & N. Dec. 548, 550 (BIA 2003); *see also De La Rosa v. U.S. Dep’t of Homeland Sec.*, 489 F.3d 551, 554-55 (2d Cir. 2007) (concluding that those who obtained permanent resident status by mistake were never lawfully admitted because they failed demonstrate that they had complied with the relevant substantive legal requirements for admission); *United States v. Dailide*, 316

F.3d 611, 618 (6th Cir. 2003) (“if the court finds that the alien was not legally entitled to a visa . . . then the alien was never ‘lawfully admitted’”).

100. Congress has also mandated that an individual may not naturalize unless that person “during all period referred to in this subsection has been and still is a person of good moral character” *See* 8 U.S.C. § 1427(a)(3) (2006); *see also* 8 C.F.R. § 316.10(a) (2006) (the applicant bears the burden of demonstrating the requisite good moral character).

101. As a general matter, the required statutory period for good moral character, prescribed in 8 U.S.C. § 1427(a)(3), begins five years before the date the applicant files the application for naturalization and continues until the applicant takes the oath of allegiance and becomes a U.S. citizen. 8 U.S.C. § 1427(a)(3) (2006).

102. However, when evaluating an applicant’s moral character, the decision maker “shall not be limited to the petitioner’s conduct during the five years preceding the filing of the petition but, may take into consideration as a basis for such determination the petitioner’s conduct and acts at any time prior to” the statutory period. 8 U.S.C. § 1427(e) (2006).

103. Congress has provided that an applicant necessarily lacks good moral character if he or she has given false testimony within the statutory period for the purpose of obtaining any immigration benefits. 8 U.S.C. § 1101(f)(6) (2006).

104. Congress also 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) (2006) (flush language).

B. The denaturalization statute

105. Recognizing that there are circumstances in which an individual has naturalized despite failing to comply with all congressionally imposed requirements to obtain citizenship, including an unlawfully obtained permanent resident status or a lack of good moral character, or by concealing or misrepresenting facts that are material to the decision to grant naturalization, Congress enacted 8 U.S.C. § 1451.

106. Under 8 U.S.C. § 1451(a), this Court must revoke an order of naturalization and cancel the individual’s certificate of naturalization if his or her naturalization was either:

(a) illegally procured; or (b) procured by concealment of a material fact or by willful misrepresentation.

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

108. Naturalization is 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. *See Kungys v. United States*, 485 U.S. 759, 767 (1988).

109. Where the government establishes that citizenship was procured illegally or by willful misrepresentation or concealment of material facts, “district courts lack equitable discretion to refrain from entering a judgment of denaturalization.” *Fedorenko*, 449 U.S. at 517. And the district court must order “such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization . . . effective as of the original date of the order.” 8 U.S.C. § 1451(a).

V. CAUSES OF ACTION

COUNT I

ILLEGAL PROCUREMENT OF NATURALIZATION
NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENT STATUS
(Ineligible for Status Due to Persecution of Others,
8 U.S.C. § 1158(b)(2)(A)(i) (2006))

110. The United States re-alleges and incorporates by reference the factual and legal allegations contained in Sections II through IV of this complaint.

111. To become a citizen, an applicant must have been “lawfully” admitted to the United States for permanent residence. 8 U.S.C. §§ 1427(a)(1), 1429 (2006). The term “lawfully admitted for permanent residence” means “the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws.” 8 U.S.C. § 1101(a)(20) (2006).

112. An individual may lawfully adjust his immigration status to that of a permanent resident if he is eligible to receive an immigrant visa and is admissible to the United States for permanent residence. 8 U.S.C. § 1255(a)(2) (2006).

113. The fact that an applicant may have been granted permanent resident status is not dispositive of this requirement; rather, that permanent resident status must have been “lawfully accorded.” 8 U.S.C. § 1101(a)(20) (2006).

114. At the time USCIS granted Mboob’s 2005 request for immigration benefits, an individual was statutorily barred from receiving such benefit if, among other factors, he or she had ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

115. An applicant, moreover, is inadmissible if, “outside the United States, [he or she] has committed, ordered, incited, assisted, or otherwise participated in the commission of[,] under color of law of any foreign nation, any extrajudicial killing, as defined in section 3(a) of the Torture Victim Protection Act of 1991.” 8 U.S.C. § 1182(a)(3)(E)(iii)(II).

116. An applicant has committed, ordered, incited, assisted, or otherwise participated in extrajudicial killing where he or she engaged in the “deliberated killing not authorized by a previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.” Torture Victim Protection Act of 1991 § 3(a), Pub. L. No. 102-256, § 3, 106 Stat. 73, 73 (1992), codified at 28 U.S.C. § 1350 (note).

117. Mboob was ineligible to adjust status to that of permanent resident because he was statutorily ineligible from receiving any prior immigration status for having ordered, incited, assisted, or otherwise participated in the persecution of six individuals on account of their anti-Jammeh political opinion in 1994.

118. Mboob was further ineligible to adjust status to that of permanent because he was statutorily inadmissible under 8 U.S.C. § 1182(a)(3)(E)(iii)(II) due to his commission, assistance, or otherwise participation in the extrajudicial killing of six anti-Jammeh regime soldiers in 1994.

119. Because Mboob did not lawfully obtain permanent resident status, he was ineligible for naturalization. *See* 8 U.S.C. §§ 1427(a)(1) and 1429.

120. Because he was ineligible to naturalize, Mboob illegally procured his naturalization, and this Court must revoke his naturalization. 8 U.S.C. § 1451(a).

COUNT II

ILLEGAL PROCUREMENT OF NATURALIZATION
NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENT STATUS
(Inadmissible Based on Fraud and Misrepresentations on
Application for Adjustment of Status)

121. The United States re-alleges and incorporates by reference the factual and legal allegations contained in Sections II through IV of this complaint.

122. As set forth in paragraphs 111-113, to become a citizen, an applicant must have been “lawfully” admitted to the United States for permanent residence, but the fact that an applicant may have been granted permanent resident status is not dispositive of this requirement; rather, that permanent resident status must have been “lawfully accorded.” *See* 8 U.S.C. §§ 1255(a)(2) (2006) and 1427(a)(1) (2006).

123. At the time USCIS granted Mboob’s Application for Adjustment, an applicant was “ineligible to be admitted to the United States” if he or she, “by fraud or willfully misrepresenting a material fact, s[ought] to procure . . . admission into the United States or other benefit provided under this chapter.” 8 U.S.C. § 1182(a)(6)(C)(i) (2006).

124. Mboob was ineligible to adjust status to that of permanent resident because he was inadmissible as an applicant who procured his adjustment through fraud or willful misrepresentation of a material fact on his Application for Adjustment. *See* 8 U.S.C. § 1182(a)(6)(C)(i) (2002).

125. Specifically, Part 3, section C, of Mboob’s Application for Adjustment required that Mboob list his “present and past membership in of affiliation with every organization, association, fund, foundation, party club, society, or similar group in the United States or in other places since [his] 16th birthday[,]” and “include any foreign military service in this part.” Exhibit 2 at 2.

126. In response to Part 3, section C, of his Application for Adjustment, Mboob answered: “NONE.” *Id.*

127. Mboob knew this statement to be false at the time he made it on his application for an immigration benefit because in it concealed his 13-year career in The Gambia National Army that he had already disclosed just the year before.

128. Mboob’s concealment in Part 3, section C, of his Application for Adjustment of his former membership in The Gambian National Army was material because the disclosure of his military service, during which he was ordered to commit, and participated in, persecution and extrajudicial killings, would have had a natural tendency to influence USCIS’s decision whether to approve Defendant’s Application for Adjustment and foreclosed USCIS from pursuing a line of inquiry into the existence of such disqualifying factors.

129. Part 3, section C, question 1 of Mboob’s Application for Adjustment required that Mboob disclose whether he “ever, in or outside the United States: knowingly committed any crime of moral turpitude . . . for which you have not been arrested.” *Id.*

130. In response to Part 3, section C, question 1 of Mboob’s Application for Adjustment Mboob answered: “No.” *Id.*

131. Mboob knew this statement to be false when he made it because it concealed his participation in November 1994 in the extrajudicial killing of six individuals on account of their anti-Jammeh political opinion.

132. Mboob’s response to Part 3, section C, question 1, of his Application for Adjustment was also false because his extrajudicial killing is a crime involving moral turpitude. *See United States v. Theodorovich*, 102 F.R.D. 587, 591 (D.D.C. 1984) (finding a civil denaturalization defendant who served in a Nazi-supported police force had committed a crime

involving moral turpitude by rounding up and murdering unarmed Jewish civilians); *In Re Sanudo*, 23 I. & N. Dec. at 971 (“Likewise, assault and battery offenses that necessarily involved the *intentional* infliction of *serious* bodily injury on another have been held to involve moral turpitude because such intentionally injurious conduct reflects a level of immorality that is greater than that associated with a simple offensive touching.”) (emphasis in original).

133. Mboob’s misrepresentation in his Application for Adjustment in which he concealed knowingly committing a crime of moral turpitude for which he had not been arrested was material because the disclosure of his extrajudicial killing would have had a natural tendency to influence USCIS’s decision whether to approve Defendant’s Application for Adjustment; indeed, it related to statutory eligibility criteria for such benefit.

134. Part 3, section C, question 8 of his Application for Adjustment required that Mboob disclose whether he had “ever engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of race religion, ethnic origin or political opinion.” *Id.*

135. In response to Part 3, section C, question 8 of his Application for Adjustment, Mboob answered: “No.” *Id.*

136. Mboob knew this statement to be false when he made it because in answering “No,” in response to Part 3, section C, question 8 of his Application for Adjustment, Mboob concealed his participation in November 1994 in the extrajudicial killing of six individuals on account of their anti-Jammeh political opinion.

137. Mboob’s July 26, 2006, certification on his Application for Adjustment was false because, prior to that date, Mboob had already committed the extrajudicial killing of six individuals on account of their anti-Jammeh regime political opinion.

138. Mboob's misrepresentation in his Application for Adjustment in which he concealed assisting or participating in the killing of persons because of their political opinion was material because the disclosure of his extrajudicial killing would have had a natural tendency to influence USCIS's decision whether to approve Defendant's Application for Adjustment; indeed, it related to statutory eligibility criteria for such benefit.

139. By willfully providing materially false statements in his Application for Adjustment about his participation in the political persecution and extrajudicial killing of six anti-Jammeh soldiers in 1994, Mboob rendered himself inadmissible under 8 U.S.C. § 1182(a)(6)(C)(i) (2006). He was, therefore, ineligible for lawful permanent resident status.

140. Because Mboob did not lawfully obtain permanent resident status, he was ineligible for naturalization. *See* 8 U.S.C. §§ 1427(a)(1) and 1429.

141. Because he was ineligible to naturalize, Mboob illegally procured his naturalization, and this Court must revoke his naturalization. 8 U.S.C. § 1451(a).

COUNT III

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

142. Plaintiff re-alleges and incorporates by reference the factual and legal allegations contained in Sections II through IV of this Complaint.

143. As explained above, to be eligible for naturalization, Mboob was required to establish that he was a person of good moral character. 8 U.S.C. § 1427(a)(3) (2006).

144. Mboob cannot establish that he was a person of good moral character for naturalization because he had committed unlawful acts that reflected adversely on his moral character. *See* 8 U.S.C. § 1101(f) (2006) (flush language).

145. Additionally, when evaluating an applicant's moral character, the decision maker "shall not be limited to the petitioner's conduct during the five years preceding the filing of the petition but may take into consideration as a basis for such determination the petitioner's conduct and acts at any time prior to" the statutory period. 8 U.S.C. § 1427(e) (2006).

146. Mboob's assistance and participation in the extrajudicial killing in 1994 of six fellow soldiers on account of their anti-Jammeh political opinion constitutes an unlawful act.

147. Despite occurring prior to the start of Mboob's good moral character statutory period, his assistance and participation in the extrajudicial killing in 1994 of six fellow soldiers on account of their anti-Jammeh political opinion constitute an unlawful act so repugnant that they preclude him from establishing the good moral character necessary to become a United States Citizen. 8 U.S.C. § 1427(e) (2006).

148. Mboob's assistance and participation in the extrajudicial killing in 1994 of six fellow soldiers on account of their anti-Jammeh political opinion constitute an unlawful act that reflected adversely on his moral character. *See* 8 U.S.C. § 1427(e) (2006).

149. Mboob cannot establish extenuating circumstances regarding his assistance and participation in the extrajudicial killing in 1994 of six fellow soldiers on account of their anti-Jammeh political opinion that would render his conduct less reprehensible than it otherwise would be or that tend to palliate or mitigate his guilt for such unlawful acts.

150. Defendant's unlawful conduct in assisting and participating in the extrajudicial killing in 1994 of six fellow soldiers on account of their anti-Jammeh political opinion precluded him under 8 U.S.C. § 1101(f) (flush language), 8 U.S.C. § 1427(e), and 8 C.F.R. § 316.10(b)(3)(iii) from establishing the good moral character necessary to become a naturalized U.S. citizen.

151. Because Mboob could not establish the requisite good moral character, he was ineligible to naturalize. *See* 8 U.S.C. § 1427(a)(3) (2006); *Fedorenko*, 449 U.S. at 506.

152. Because he was ineligible to naturalize, Mboob illegally procured his naturalization, and this Court must revoke his naturalization. 8 U.S.C. § 1451(a) (2006).

COUNT IV

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

153. Plaintiff re-alleges and incorporates by reference the factual and legal allegations contained in Sections II through IV of this Complaint.

154. As explained above, to be eligible for naturalization, Mboob was required to establish that he was a person of good moral character during the statutory period beginning on February 18, 2006, five years before USCIS received his application for naturalization, and through June 2, 2011, the date he naturalized. *See* 8 U.S.C. § 1427(a) (2006).

155. Mboob was statutorily barred from showing that he was a person of good moral character during the statutory period because he gave false testimony, under oath, during the statutory period for the purpose of obtaining an immigration benefit. *See* 8 U.S.C. § 1101(f)(6) (2006).

156. Specifically, as set forth above at paragraphs 28 through 62, during his Naturalization Interview on June 2, 2011, Mboob orally testified under oath that he had never ordered, incited, assisted, or otherwise participated in the persecution of any person due to their race, religion, national origin, or political opinion. Exhibit 3 at 3.

157. This testimony was false because, as set forth above at paragraphs 65 through 92, on November 11, 1994, Mboob had participated in the extrajudicial killing of six fellow soldiers on account of their anti-Jammeh political opinion. Exhibit 5 at 31:369, 32:371.

158. Mboob further orally testified under oath at his Naturalization Interview that he had never knowingly committed any crime for which he had not been arrested. *Id.*

159. This testimony was false because, as set forth above at paragraphs 65 through 92, on November 11, 1994, Mboob had participated in the extrajudicial killing of six fellow soldiers on account of their anti-Jammeh political opinion. Exhibit 5 at 31:369, 32:371.

160. Mboob knew that he had participated in these extrajudicial killings when he testified, under oath, at his Naturalization Interview.

161. Mboob further orally testified under oath at his Naturalization Interview that he that he had never given false or misleading information to any U.S. government official while applying for any immigration benefit. *Id.*

162. This testimony was false because at his Naturalization Interview, Mboob knew that he had given false or misleading information to U.S. government officials in his Application for Adjustment, which he had filed to obtain the immigration benefit of permanent residency. Exhibit 2.

163. Mboob had given false or misleading information to U.S. government officials in his Application for Adjustment when failed to disclose his former membership in The Gambia National Army, when he claimed he had never knowingly committed any crime of moral turpitude, and when he claimed he never assisted or participated in the killing of any person because of political opinion

164. Mboob further orally testified under oath at his Naturalization Interview that he had never been a member of any organization in the United States or on any other place. Exhibit 3 at 7.

165. This testimony was false because at his Naturalization Interview, Mboob knew that he had been a member of The Gambia National Army from 1991 to 2004. Exhibit 5 at 4:40, 5:52, 6:62, 18:221.

166. Mboob further orally testified under oath at his Naturalization Interview that he had not ever been arrested, cited, or detained by any law enforcement officer . . . for any reason. Exhibit 3 at 8.

167. This testimony was false because Mboob knew that he had been detained by officers from The Gambia for at least three days in October 2004, as he claimed in in an immigration document that he had filed in 2005.

168. Mboob further orally testified under oath at his Naturalization Interview that he had not ever given false or misleading information to any U.S. Government official while applying for an immigration benefit. Exhibit 3 at 8.

169. This testimony was false because Mboob knew that he lied at a prior interview related to his 2005 application for immigration benefits wherein he said that he had never fired his weapon except at the firing range.

170. That statement was a lie because when Mboob made it, he knew that on November 11, 1994, he fired his weapon in the forest outside the barracks in Banjul where he participated in the extrajudicial killing of six fellow soldiers on account of their anti-Jammeh political opinion. Exhibit 5 at 31:369, 32:371.

171. Because Mboob provided false testimony under oath for the purpose of obtaining his naturalization, he was barred under 8 U.S.C. § 1101(f)(6) (2006) from showing that he had the good moral character necessary to become a naturalized U.S. citizen.

172. Because Mboob could not establish the requisite good moral character, he was ineligible to naturalize. *See* 8 U.S.C. § 1427(a)(3) (2006); *Fedorenko*, 449 U.S. at 506.

173. Because he was ineligible to naturalize, Mboob illegally procured his naturalization, and this Court must revoke his naturalization. 8 U.S.C. § 1451(a).

COUNT V

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

174. Plaintiff re-alleges and incorporates by reference the factual and legal allegations contained in Sections II through IV of this Complaint.

175. Under 8 U.S.C. § 1451(a), the Court must revoke Mboob’s naturalization because he procured it “by concealment of a material fact or by willful misrepresentation.” 8 U.S.C. § 1451(a).

176. As set forth above, during his naturalization process, Mboob concealed material facts and made willful misrepresentations in his Application for Naturalization when he:

- a. denied ever ordering, inciting, assisted, or otherwise participating in the persecution of any person because of race, religion, national origin, or political opinion;
 - b. denied ever giving false testimony for the purpose of obtaining any immigration benefit;
 - c. denied ever knowingly committing a crime for which he was not arrested;
- and

- d. denied ever being a member of any organization, association, party, or group, while simultaneously concealing his prior membership in The Gambia National Army.

177. Mboob knew those responses in his Naturalization Application were false.

178. As set forth above, during his naturalization process, Mboob concealed material facts and made willful misrepresentations during his Naturalization Application when he:

- a. denied ever ordering, inciting, assisted, or otherwise participating in the persecution of any person because of race, religion, national origin, or political opinion;
- b. denied ever giving false testimony for the purpose of obtaining any immigration benefit;
- c. denied ever knowingly committing a crime for which he was not arrested; and
- d. denied ever being a member of any organization, association, party, or group, while simultaneously concealing his prior membership in the Gambia National Army.

179. Mboob knew that testimony at his Naturalization Interview was false.

180. Mboob's misrepresentations and concealment of his persecutory and criminal conduct in his Application for Naturalization and at his Naturalization Interview were material to his naturalization because these acts had a natural tendency to influence the government's decision whether to approve Mboob's naturalization application; indeed, his conduct was irreconcilable with the statutory requirement for good moral character. *See* 8 U.S.C. §§ 1427(a)(3), 1101(f) (2006).

181. Mboob procured his citizenship because of these misrepresentations. Had Mboob revealed his persecutory and criminal conduct, USCIS would not have approved his naturalization application due to issues regarding his statutory eligibility to naturalize.

182. Accordingly, Mboob procured his naturalization by concealment of material facts or by willful misrepresentations, and his naturalization must be revoked. *See* 8 U.S.C. § 1451(a).

PRAYER FOR RELIEF

WHEREFORE, the United States of America respectfully requests:

- (1) A declaration that Mboob illegally procured his citizenship;
- (2) A declaration that Mboob procured his citizenship by concealment of material facts and by willful misrepresentation;
- (3) Judgment revoking and setting aside the order admitting Mboob to citizenship and canceling Certificate of Naturalization No. 34304181, effective as of the original date of the order and certificate – June 3, 2011;
- (4) Judgment forever restraining and enjoining Mboob from claiming any rights, privileges, benefits, or advantages related to U.S. citizenship that he obtained as a result of his June 3, 2011, naturalization;
- (5) Judgment requiring Mboob to surrender and deliver, within ten days of the entry of judgment against him, his Certificate of Naturalization No. 34304181 and any copies thereof in his possession – and to make good faith efforts to recover and immediately surrender any copies thereof that he knows are in the possession of other – to the Attorney General, or his designated representative, including undersigned counsel;

(6) Judgment requiring Mboob to surrender and deliver, within ten days of the entry of judgment against him, any other indicia of U.S. citizenship, including, but not limited to, U.S. passports (whether valid or expired), U.S. passport cards (whether valid or expired), and Enhanced Driver's Licenses (whether valid or expired), and other relevant documents, whether current or expired, and any copies thereof in his possession—and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession of others—to the Attorney General, or to his designated representative, including undersigned counsel; and

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

Dated: May 7, 2026

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Respectfully submitted,

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