



that Defendant departed the United States pursuant to the Warrant of Removal/Deportation issued on May 9, 2001.

While his application for immigration benefits was pending under the identity of Liban M. Degel, Defendant sought a second attempt for relief. This time Defendant used the identity of Abdikadir Ali Kadiye to gain admission to the United States. Specifically, on or about March 4, 1998, Defendant filed a second application for immigration benefits. While his second application was pending, Defendant appealed the denial of his first application under the identity of Liban M. Degel. On December 9, 1999, Immigration and Naturalization Service (“INS”) approved Defendant’s second application for immigration benefits. Based on that approval, INS issued him A# xxx-xxx-501.

On March 4, 1998, Defendant, using the Kadiye identity, filed a Form I-485, Application to Register Permanent Residence or Adjust Status (“adjustment application”), asking USCIS to adjust his immigration status to permanent resident status. On his Form I-485, Defendant attested under penalty of perjury that he had never been in deportation proceedings and had not previously applied to the United States government for immigration benefits. On January 2, 2007, USCIS approved Defendant’s Form I-485 and afforded him permanent resident status.

On April 2, 2012, Defendant filed Form N-400, Application for Naturalization, and, on July 30, 2012, he interviewed with USCIS on his application. At the conclusion of his interview, USCIS approved Defendant’s naturalization application, and on September 6, 2012, Defendant took the Oath of Allegiance and was naturalized as a citizen of the United States. The Department of Homeland Security (“DHS”) issued Defendant a Certificate of Naturalization No. 35139619.

In his applications under the Kadiye identity, Defendant made numerous misrepresentations or concealments of facts, each of which hid his prior identity and his prior

immigration proceedings under that identity. In fact, Kadiye admitted to a U.S. Customs and Border Protection (“CBP”) Agent on January 16, 2014, at Chicago O’Hare International Airport that he had unsuccessfully used the identity of Liban M. Degel unsuccessfully to attempt to enter the United States. CBP, however, subsequently closed the deferred inspection since he was a U.S. citizen. In fact,

Defendant’s actions and conduct to conceal his actions statutorily barred him from becoming a U.S. citizen. On this basis, Defendant illegally procured his naturalization. Additionally, because Defendant failed to disclose his criminal conduct throughout his naturalization application process, he procured his naturalization by concealment of a material fact or by willful misrepresentation, a separate ground on which Plaintiff seeks Defendant’s naturalization revocation under 8 U.S.C. § 1451(a).

With the attached affidavit showing good cause, Plaintiff brings this civil action on the grounds that Defendant illegally procured his naturalization and concealed and willfully misrepresented material facts about his criminal activity during the naturalization process.

## **II. JURISDICTION AND VENUE**

1. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Defendant to U.S. citizenship and to cancel Certificate of Naturalization No. 35139619, issued September 6, 2012.

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1345 for a cause of action under 8 U.S.C. § 1451(a).

3. Venue is proper in the district pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391, because Defendant resides in Plymouth, Minnesota, within the jurisdiction and venue of this Court.

### III. PARTIES

4. Plaintiff is the United States of America.

5. Defendant is a naturalized U.S. citizen and purports to be a native of Somalia.

Abdikadir Ali Kadiye and Liban M. Degel are one and the same person.

### IV. FACTUAL ALLEGATIONS

6. A true and complete affidavit of Anthony J. Sinatra, Special Agent, U.S. Immigration & Customs Enforcement, an agency within the Department of Homeland Security, showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached as EXHIBIT A.

#### A. Defendant's Immigration Proceedings under the Identity Liban M. Degel

7. On April 21, 1997, Defendant initially sought admission to the United States under the identity of Liban M. Degel, Axxx-xxx-728.

8. In his admission request, Defendant represented that his name was Liban M. Degel, born on June xx, 1970, in Somalia.

9. Defendant advised that he was married with no children.

10. Defendant advised that he entered the United States on or about April 5, 1997, from San Ysidro, California.

11. Defendant advised that he fled Somalia in 1991.

12. In December of 1992, Kadiye and his family traveled to Nairobi, Kenya.

13. In 1997, Kadiye and his family traveled to Mexico before entering the United States.

14. On or about April 21, 1997, Defendant submitted fingerprint impressions as part of his application for immigration benefits.

15. A true and accurate copy of the fingerprint impressions submitted under the identity of Liban M. Degel on or about April 21, 1997, is attached as EXHIBIT B.

16. On or about July 28, 1999, the IJ denied his application for immigration benefits and ordered Defendant removed to Somalia.

17. On or about August 25, 1999, Defendant appealed the IJ's decision. Subsequently, the BIA dismissed his appeal on March 2, 2001.

18. A true and accurate copy of the BIA order dismissing Defendant's appeal is attached as EXHIBIT C.

**B. Defendant's Immigration Proceedings Under the Identity Abdikadir Ali Kadiye**

19. Rather than leaving the country following the BIA decision, Defendant filed another application for admission to the United States on March 4, 1998, under the identity of Abdikadir Ali Kadiye.

20. On the application for admission Defendant filed on March 4, 1998, Defendant advised that he entered the United States on April 5, 1997, via the Mexican border, with the help of a smuggler.

21. Defendant advised that he and his family left Somalia in 1992 and traveled to Nairobi, Kenya.

22. The story Defendant provided on his second application for immigration benefits differs greatly from the narrative he provided under the identity of Liban M. Degel, *supra*, above

23. As part of his application for an immigration benefit, Defendant submitted his fingerprint impressions.

24. A true and accurate copy of Defendant's fingerprint impressions is attached as EXHIBIT D.

**C. Defendant's Adjustment Application Under the Identity Abdikadir Ali Kadiye**

25. On January 25, 2006, Defendant filed Form I-485 to Adjust his Status to that of a permanent resident.

26. A true and accurate copy of Defendant's Form I-485 is attached as EXHIBIT E.

27. In the adjustment application dated January 25, 2006, Defendant stated/represented as follows:

- a. His name was Abdikadir Ali Kadiye;
- b. He was born on January x, 1972, in Somalia;
- c. He last arrived in the United States on February 25, 1998, without inspection;
- d. He had never been ordered deported or removed from the U.S. at government expense, excluded within the past year, nor was he then in exclusion or deportation proceedings; and
- e. He had never sought to procure, or procured, a visa, or other documentation, entry into the United States, or any immigration benefit by fraud or willful misrepresentation of a material fact.

28. On January 25, 2006, Defendant signed his adjustment application, thereby certifying under penalty of perjury that its contents were true and correct.

29. Along with his adjustment application, Defendant, using the identity of Abdikadir Ali Kadiye, submitted Biographical Information Form G-325A on January 26, 2006.

30. A true and accurate copy of the G-325 Defendant submitted on January 26, 2006, is attached as EXHIBIT F.

31. On the G-325 Defendant submitted on January 26, 2006, he represented, under severe penalties for knowingly and willfully falsifying or concealing a material fact, that:

- a. His name was Abdikadir Ali Kadiye;
- b. He was born in Somalia;
- c. He had never used any names other than Abdikadir Ali Kadiye;
- d. He had never been ordered removed.

32. On January 2, 2007, USCIS approved Defendant's Form I-485 and adjusted his status to that of permanent resident as of January 2, 2007.

**D. Defendant's Naturalization Application Under the Identity Abdikadir Ali Kadiye**

33. On April 2, 2012, Defendant filed Form N-400, Application for Naturalization.

34. A true and accurate copy of Defendant's Form N-400 is attached as EXHIBIT G.

35. In his naturalization application, in response to Question A in Part 1, Defendant represented that his name was Abdikadir Ali Kadiye.

36. In his naturalization application, in response to Part 1, he listed the A-number (Axxx-xxx-501) that had been assigned to him using the identity Abdikadir Ali Kadiye.

37. In his naturalization application, in response to Question C in Part 1, Defendant left the word "none" undisturbed and already appearing on form when asked about other names used.

38. In his naturalization application, in response to Question B in Part 3, Defendant represented that his date of birth was January x, 1972.

39. In his naturalization application, Defendant answered "no" to Question 8 in Part 10, which 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?" (emphasis in original).

40. In his naturalization application, Defendant answered “no” to Question 16 in Part 10, which asked: “Have you **ever** been arrested, cited, or detained by any law enforcement officer (including INS and military officers) for any reason?” (emphasis in original).

41. In his naturalization application, Defendant answered “no” to Question 23 in Part 10, which 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?” (emphasis in original).

42. In his naturalization application, Defendant answered “no” to Question 24 in Part 10, which asked: “Have you **ever** lied to any U.S. Government official to gain entry or admission into the United States?” (emphasis in original).

43. In his naturalization application, Defendant answered “no” to Question 27 in Part 10, which asked: “Have you **ever** been ordered to be removed, excluded, or deported from the United States?” (emphasis in original).

44. In his naturalization application, Defendant answered “no” to Question 28 in Part 10, which asked: “Have you **ever** applied for any kind of relief from removal, exclusion, or deportation?” (emphasis in original).

45. On December 1, 2009, Defendant signed his naturalization application under penalty of perjury pursuant to the laws of the United States, thereby certifying that the application and the evidence submitted with it were all true and correct.

**E. Defendant’s Naturalization Interview Under the Identity Abdikadir Ali Kadiye**

46. On July 30, 2012, Immigration Officer John T. Smith interviewed Defendant on his Form N-400.

47. At the start of the interview, the immigration officer placed Defendant under oath.

48. During the interview, Defendant testified orally and under oath to the contents of his Form N-400, consistent with his written answers that:

- a. His legal name was Abdikadir Ali Kadiye;
- b. His date of birth was January xx, 1972;
- c. He was born in Somalia;
- d. He had never used any other names;
- e. He had never applied for immigration benefits;
- f. He had never been ordered removed from the United States; and
- g. He had never committed a crime or offense for which he was not arrested

49. At the conclusion of the interview, Defendant signed his naturalization application in the presence of the immigration officer, thereby attesting that the information it contained was true and correct.

50. On July 30, 2012, based upon the information Defendant supplied in his naturalization application and on the sworn testimony he gave during his naturalization interview, USCIS granted the application.

51. On September 6, 2012, Defendant took the Oath of Allegiance, was admitted as a citizen of the United States, and was issued Certificate of Naturalization No. 35139619

52. A true and accurate copy of the Certificate of Naturalization attached as EXHIBIT H.

**E. Fingerprint Analysis Confirms Abdikadir Ali Kadiye and Liban M. Degel are the Same Person**

53. On February 2, 2026, USCIS Senior Fingerprint Specialist Kevin Fitzgerald examined the fingerprint impression card for Abdikadir Ali Kadiye made on March 4, 1998 and the fingerprint impression card for Liban M. Degel made on April 10, 1997.

54. The Fingerprint Specialist concluded that the impressions examined were made by the same individual.

55. A true and accurate copy of Senior Fingerprint Specialist Kevin Fitzgerald's analysis report is attached as EXHIBIT I.

## V. GOVERNING LAW

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

56. 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 “there 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); *see also id.* (holding that “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)).

57. Congress has mandated that an individual may not naturalize unless that person “during all periods referred to in their subsection has been and still is a person of good moral character . . . .” 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 U.S. citizen. *Id.*

58. Congress has defined the term “lawfully admitted for permanent residence” to mean “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.” *See* 8 U.S.C. § 1101(a)(20).

59. The term “lawfully” requires compliance with substantive legal requirements for

admission, and not mere procedural regularity. *See* 8 U.S.C. § 1101(a)(20); see also *Arellano-Garcia v. Gonzales*, 429 F.3d 1183, 1186-1187 (8th Cir. 2005) (citing *Monet v. INS*, 791 F.2d 752, 753 (9th Cir. 1978)).

60. An individual who, by fraud or by willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided for in the Immigration and Nationality Act (“INA”) is inadmissible. *See* 8 U.S.C. § 1182(a)(6)(C)(i).

#### **B. The Denaturalization Statute**

61. Recognizing that there are situations where 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 a naturalization application, Congress enacted 8 U.S.C. § 1451.

62. Under 8 U.S.C. § 1451(a), this Court must revoke a U.S. citizen’s naturalization and cancel his Certificate of Naturalization if naturalization was either:

- a) illegally procured, or
- b) procured by concealment of a material fact or by willful misrepresentation.

63. 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.

64. Naturalization was procured by concealment of a material fact or by willful misrepresentation, where: (i) the naturalized citizen misrepresented or concealed some fact during the naturalization process; (ii) the misrepresentation or concealment was willful; (iii) the fact was material; and (iv) the naturalized citizen procured citizenship because of the misrepresentation or concealment. *Kungys v. United States*, 485 U.S. 759, 767 (1988).

65. Where the government establishes that a Defendant's citizenship was procured illegally or by concealment of a material fact or by willful misrepresentation, "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** **ALIEN SUBJECT TO REMOVAL ORDER**

66. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this complaint.

67. No person shall be naturalized against whom there is outstanding a final finding of deportability pursuant to a warrant of arrest issued under the provisions of this chapter or any other Act. 8 U.S.C. § 1429.

68. No application for naturalization shall be considered if there is pending against the applicant a removal proceeding pursuant to a warrant of arrest issued under the provisions of this chapter or any other Act. 8 U.S.C. § 1429.

69. Defendant is the subject of a final removal order, above, because an IJ ordered him removed on May 9, 2001.

70. Because Defendant failed to appear for his deportation as scheduled, there is a pending removal proceeding against him.

71. Because Defendant is the subject of a final removal order and faces a pending removal proceeding, he was and remains ineligible for naturalization under 8 U.S.C. § 1429.

72. Because he was ineligible to naturalize, Defendant illegally procured his citizenship.

73. Because Defendant illegally procured his citizenship, this Court must revoke his citizenship as provided for in 8 U.S.C. § 1451(a).

**COUNT TWO**  
**ILLEGAL PROCUREMENT OF NATURALIZATION NOT LAWFULLY ADMITTED  
FOR PERMANENT RESIDENCE (Illegal Entrants and Immigration Violators–  
Misrepresentation - 8 U.S.C. § 1182(a)(6)(C)(i))**

74. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this complaint.

75. To qualify for naturalization, an applicant must have been “lawfully admitted” to the United States for permanent residence. *See* 8 U.S.C. §§ 1427(a)(1), 1429.

76. The term “lawfully” denotes compliance with substantive legal requirements, not mere procedural regularity. *See* 8 U.S.C. § 1101(a)(20); *Arellano-Garcia v. Gonzales*, 429 F.3d 1183, 1186-1187 (8th Cir. 2005) (citing *Monet v. INS*, 791 F.2d 752, 753 (9th Cir. 1978)).

77. Among the applicable provisions in the INA at the time of Defendant’s adjustment of status to permanent resident was the requirement that he be admissible to the United States. *See* 8 U.S.C. §§ 1159(b)(5), 1255(a).

78. Under the law in effect at the time that Defendant adjusted his status, an individual who by fraud or by willfully misrepresenting a material fact was seeking to procure (or had sought to procure or had procured) a visa, other documentation, admission into the United States, or other benefit provided under the INA, was inadmissible. *See* 8 U.S.C. § 1182(a)(6)(C)(i).

79. Defendant was never lawfully admitted to the United States as a permanent resident and cannot satisfy the requirements of 8 U.S.C. §§ 1427(a)(1) and 1429, because he was inadmissible at the time of his adjustment to permanent resident status.

80. Defendant sought to procure admission into the United States and other benefits provided for in the INA by fraud or willfully misrepresenting a material fact.

81. Specifically, at the time Defendant adjusted his status to permanent resident using the name Abdikadir Ali Kadiye, he had previously sought to procure and had been denied an immigration benefit under the identity of Liban M. Degel.

82. Defendant's false statements regarding his identity and immigration history are material to determining his eligibility for the immigration benefits for which he applied.

83. Defendant's false statements had the natural tendency to influence a decision by the immigration officer(s) to approve his application(s). Defendant thus sought to procure an immigration benefit by fraud or willfully misrepresenting a material fact. 8 U.S.C. § 1182(a)(6)(C)(i).

84. Because Defendant was inadmissible at the time he adjusted to permanent resident status, he was never lawfully admitted for permanent residence in accordance with the substantive legal requirements to obtain that status.

85. Because Defendant was never lawfully admitted for permanent residence, he was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

86. Because he was ineligible to naturalize, Defendant illegally procured his citizenship.

87. Because Defendant illegally procured his citizenship, this Court must revoke his citizenship as provided for in 8 U.S.C. § 1451(a).

**COUNT THREE**  
**ILLEGAL PROCUREMENT OF NATURALIZATION**  
**LACK OF GOOD MORAL CHARACTER**  
**(Unlawful Acts Adversely Reflecting Moral Character With No Extenuating Circumstances)**

88. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this Complaint.

89. As outlined above, to be eligible for naturalization, Congress has mandated that an applicant must show that he or she has been a person of good moral character for the five-year

statutory period before filing a naturalization application until the time the applicant becomes a naturalized U.S. citizen. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(i).

90. On April 2, 2012, Defendant filed his Form N-400, Application for Naturalization; and he naturalized on September 6, 2012. Thus, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during his “statutory period” of April 2, 2007 (five years prior to April 2, 2012), and September 6, 2012.

91. Defendant failed to show he was a person of good moral character during the statutory period, because he committed unlawful acts during that period that adversely reflected on his good moral character with no extenuating circumstances that would ameliorate or palliate his guilt.

92. During the statutory period, Defendant violated 18 U.S.C. § 1001(a)(1)-(3) by knowingly and willfully concealing in his naturalization application—a matter within the jurisdiction of the executive branch of the Government of the United States—that he had previously used a different identity to gain admission to the United States.

93. Specifically, Defendant violated 18 U.S.C. § 1001(a)(1)-(3) during the statutory period when he completed and filed his naturalization application by stating that he had never used any other names to be admitted to the United States and that he had never been involved in removal proceedings.

94. Defendant also violated 18 U.S.C. § 1546(a) and (b)(3) by knowingly and willfully presenting a fraudulent application and attesting to misrepresentations made under oath.

95. Specifically, Defendant violated 18 U.S.C. § 1546(a) and (b)(3) during the statutory period when he completed and filed his naturalization application by stating that he had never used

any other names to be admitted to the United States and that he had never been involved in removal proceedings.

96. No extenuating circumstances exist that would palliate Defendant’s guilt for violating 18 U.S.C. § 1001(a)(1)-(3). *See Ghanim v. Napolitano*, No. 4:12-CV-1818, 2013 WL 4401837, at \*7 (E.D. Mo. Aug. 14, 2013) (“Extenuating circumstances ‘render a crime less reprehensible than it otherwise would be, or tend to palliate or lessen’ its guilt’.” (quoting *United States v. Suarez*, 664 F.3d 655, 662 (7th Cir.2011)); *see also United States v. Teng Jiao Zhou*, 815 F.3d 639, 644-645 (9th Cir. 2016).

97. Because Defendant committed unlawful acts during the statutory period during which he was required to maintain good moral character, he was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

98. Because he was ineligible to naturalize, Defendant illegally procured his citizenship.

99. Because Defendant illegally procured his citizenship, this Court must revoke his citizenship as provided for in 8 U.S.C. § 1451(a).

**COUNT FOUR**  
**ILLEGAL PROCUREMENT OF NATURALIZATION**  
**LACK OF GOOD MORAL CHARACTER**  
**(Procured by False Testimony - 8 U.S.C. § 1101(f)(6))**

100. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this complaint.

101. As outlined above, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during his “statutory period” of April 2, 2007 (five years prior to April 2, 2012) and September 6, 2012.

102. At his naturalization interview, in response to Question A in Part 1, Defendant stated orally and under oath that his name was Abdikadir Ali Kadiye.

103. At his naturalization interview, in response to Part 1, he stated orally and under oath that A-number (Axxx-xxx-034) had been assigned to him using the identity Abdikadir Ali Kadiye.

104. At his naturalization interview, in response to Question C in Part 1, Defendant stated orally and under oath that he had never used any other names (“none” entered of form), when he had, in fact, used at least one other name.

105. At his naturalization interview, in response to Question B in Part 3, Defendant stated orally and under oath that his date of birth was June xx, 1972, when, in fact, his date of birth was June xx, 1970.

106. At his naturalization interview, Defendant orally and under oath answered “no” to Question 23 in Part 10, which 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?” (emphasis in original), when, in fact, he had given false or misleading information to a U.S. Government official while applying for any immigration benefit.

107. At his naturalization interview, Defendant orally and under oath answered “no” to Question 24 in Part 10, which asked: “Have you **ever** lied to any U.S. Government official to gain entry or admission into the United States?” (emphasis in original), when, in fact, he had lied U.S. Government official to gain entry or admission into the United States.

108. At his naturalization interview, Defendant orally and under oath answered “no” to Question 27 in Part 10, which asked: “Have you **ever** been ordered to be removed, excluded, or deported from the United States?” (emphasis in original), when, in fact, he had been ordered removed, excluded, or deported from the United States.

109. At his naturalization interview, Defendant orally and under oath answered “no” to Question 28 in Part 10, which asked: “Have you **ever** applied for any kind of relief from removal, exclusion, or deportation?” (emphasis in original), when, in fact, he had applied for relief from removal, exclusion, or deportation.

110. At his naturalization interview, Defendant orally and under oath answered “no” to Question 15 in Part 10, which asked: “Have you **ever** committed a crime or offense for which you were **not** arrested?” (emphasis in original), when, in fact, he had committed a crime or offense for which he was not arrested.

111. Defendant provided false testimony during his naturalization interview.

112. Providing false testimony to gain immigration benefits is an *enumerated act for failing to show good moral character*. 8 U.S.C. § 1101(f)(6).

113. Accordingly, Defendant was ineligible to naturalize.

114. Because he was ineligible to naturalize, Defendant illegally procured his citizenship.

115. Because Defendant illegally procured his citizenship, and this Court must revoke his citizenship as provided for in 8 U.S.C. § 1451(a).

**COUNT FIVE**  
**ILLEGAL PROCUREMENT OF NATURALIZATION/NOT LAWFULLY  
ADMITTED FOR PERMANENT RESIDENCE**  
**(USCIS Lacked Statutory Authority to Adjust Status - 8 U.S.C. § 1255(a))**

116. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this complaint.

117. To qualify for naturalization, an applicant must have been “lawfully admitted” to the United States for permanent residence. *See* 8 U.S.C. §§ 1427(a)(1), 1429.

118. As noted above, the term “lawfully” denotes compliance with substantive legal requirements, not mere procedural regularity. *See* 8 U.S.C. § 1101(a)(20); *see also Al-Saadoon v. Lynch*, 816 F.3d 1012, 1015 (8th Cir. 2016); *see also Monet v. INS*, 791 F.2d 752, 753 (9th Cir. 1986).

119. USCIS may adjust the status of an alien who was inspected and admitted or paroled into the United States in its discretion if i) the alien makes an application for such adjustment; ii) the alien is eligible to receive an immigrant visa and is admissible to the United States; and iii) an immigrant visa is immediately available for the alien. 8 U.S.C. § 1255(a).

120. Even though adjustment is discretionary and vested in USCIS, the applicant must first satisfy the statutory criteria to be eligible to naturalize. *See Elkins v. Moreno*, 435 U.S. 647, 664-65 (1978).

121. Because Defendant falsified his applications and presented two identities, he was not lawfully admitted to the U.S.

122. Because Defendant was not lawfully admitted to the U.S, he failed to meet the statutory eligibility requirements to adjust his status to that of permanent resident. 8 U.S.C. § 1255(a)

123. Because Defendant did not lawfully adjust his status to that of permanent resident, he was and is ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

124. Because he was ineligible to naturalize, Defendant illegally procured his citizenship.

125. Because Defendant illegally procured his citizenship, this Court must revoke his citizenship as provided for in 8 U.S.C. § 1451(a).

**COUNT SIX**  
**ILLEGAL PROCUREMENT OF NATURALIZATION/NOT LAWFULLY  
ADMITTED FOR PERMANENT RESIDENCE**  
**(USCIS Lacked Jurisdiction to Adjust Status - 8 U.S.C. § 1229a(a)(1))**

126. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this complaint.

127. Congress has afforded authority to IJs to conduct removal proceedings under 8 U.S.C. § 1229a(a)(1). *Onyinkwa v. Ashcroft*, 376 F.3d 797, 799 (8th Cir. 2004).

128. Importantly, the power conferred upon an IJ is statutory, not delegated. *Id.*

129. Here, Defendant was still in removal proceedings under the Degel identity when he applied for immigration benefits under the identity of Abdikadir Ali Kadiye.

130. Moreover, the IJ ordered him removed under the identity of Liban M. Degel, prior to his falsified application under the identity of Abdikadir Ali Kadiye. 8 U.S.C. § 1231(a)(2).

131. Because Defendant was in removal proceedings when he applied to adjust status to that of permanent resident, USCIS lacked jurisdiction to adjust his status. 8 U.S.C. § 1229a(a)(1).

132. Because Defendant did not lawfully adjust his status to that of permanent resident, he was and is ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

133. Because he was ineligible to naturalize, Defendant illegally procured his citizenship.

134. Because Defendant illegally procured his citizenship, this Court must revoke his citizenship as provided for in 8 U.S.C. § 1451(a).

**COUNT SEVEN**  
**PROCUREMENT OF NATURALIZATION BY CONCEALMENT OF A  
MATERIAL FACT OR WILLFUL MISREPRESENTATION**

135. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this Complaint.

136. Naturalization was procured by concealment of a material fact or by willful misrepresentation, where: (i) the naturalized citizen misrepresented or concealed some fact during the naturalization process; (ii) the misrepresentation or concealment was willful; (iii) the fact was material; and (iv) the naturalized citizen procured citizenship because of the misrepresentation or concealment. *Kungys*, 485 U.S. at 767.

137. As set forth herein, throughout the naturalization process, Defendant willfully misrepresented and concealed, among other things: (i) his use of another identity, (ii) his prior order of removal; (iii) his prior application for an immigration benefit; (iv) that he had given false or misleading information to a U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal; (v) that he had lied to a U.S. Government official to gain entry or admission into the United States; (vi) that he had been ordered to be removed, excluded, or deported from the United States; (vii) and that he had previously applied for relief from removal, exclusion, or deportation.

138. Defendant knew each of these statements to be false.

139. Defendant made such misrepresentations voluntarily and deliberately, despite knowing that such representations were false and misleading. Accordingly, Defendant made these misrepresentations willfully.

140. Defendant's misrepresentations and omissions were material to his naturalization because the disclosure of his multiple identities, prior application for immigration benefits, prior

order of exclusion and deportation, and prior representations to U.S. Government officials while applying for an immigration benefit would have had a natural tendency to influence USCIS's decision whether to approve Defendant's application for naturalization. Indeed, had USCIS been aware of this misinformation, USCIS would have likely denied his naturalization application.

141. Defendant thus procured his naturalization by willful misrepresentation and concealment of material facts, and this Court must revoke his citizenship pursuant to 8 U.S.C. § 1451(a).

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, the United States of America, respectfully requests:

- (1) A declaration that Defendant illegally procured his citizenship;
- (2) A declaration that Defendant procured his citizenship by concealment of material fact and by willful misrepresentation;
- (3) Judgment revoking and setting aside the order admitting Defendant to citizenship and canceling Certificate of Naturalization No. 35139619, effective as of the original date of the certificate, September 6, 2012;
- (4) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages under any document which evidences United States citizenship obtained as a result of his September 6, 2012 naturalization;
- (5) Judgment requiring the Defendant, within ten (10) days of the entry of judgment against his, to surrender and deliver his Certificate of Naturalization No. 35139619 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 Acting Attorney General, or to his designated representative, including undersigned counsel;

(6) Judgment requiring the Defendant, within ten (10) days of the entry of judgment, to surrender and deliver any other indicia of U.S. citizenship (including, but not limited to, United States passports and passport cards, Enhanced Driver's License, 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 Acting Attorney General, or to his representative, including undersigned counsel; and

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

Dated: 03 June 2026.

DANIEL N. ROSEN  
United States Attorney

Respectfully submitted,

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Assistant Attorney General  
Civil Division

JENNIFER J. KEENEY  
Associate Director  
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