

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Action No.

OLUFUNKE OLUDELE,
also known as Oludel Otokuffor,
Axxx-xxx-146, also known as Funke
Ige, Axxx-xxx-753,

Defendant.

COMPLAINT TO REVOKE NATURALIZATION

Plaintiff, the United States of America, brings this civil action against Defendant, Olufunke Oludele, also known as "Oludel Otokuffor", Axxx-xxx-146, and also known as "Funke Ige", Axxx-xxx-753, to revoke her naturalized United States citizenship under 8 U.S.C. § 1451(a). The United States alleges that Defendant illegally procured her naturalization and that she willfully misrepresented and concealed material facts in applying to naturalize.

PRELIMINARY STATEMENT OF THE CASE

Before Defendant naturalized as a United States citizen in 2005, she had previously applied for asylum in the United States, under the name "Funke Ige". Proceeding under the "Funke Ige" identity, Defendant unsuccessfully sought immigration benefits and, on April 30, 1996, the United States Immigration and Naturalization Service (INS)¹ served Defendant with an

¹ On March 1, 2003, INS ceased to exist as an independent agency within the Department of Justice, and most of its functions were transferred to the newly formed Department of Homeland Security. *See* Homeland Security Act of 2002, Pub. L. No. 107-296, §§ 441, 451, 471, 116 Stat. 2135 (Nov. 25, 2002). The United States will reference the INS throughout where factually appropriate.

order to show cause why she should not be deported from the United States. Defendant appeared at an immigration court hearing on July 31, 1996, during which she conceded her deportability from the United States. An immigration judge entered a final order of deportation against Defendant on November 18, 1997, but when INS served Defendant with a notice to surrender for the purposes of executing her deportation, Defendant failed to surrender.

On July 29, 1997, nearly a year after Defendant had appeared in immigration court in connection with the proceedings described above regarding the identity "Funke Ige", Defendant submitted a separate application to register as a permanent resident. In that application, Defendant represented under penalty of perjury that her name was "Olufunke Oludele", that she was not in exclusion or deportation proceedings at the time, and that she had never sought to procure entry into the United States or any other immigration benefit by fraud or willful misrepresentation of a material fact. Based on Defendant's representations in her application, and her other supporting materials, INS eventually approved Defendant's application for permanent resident status on June 3, 1999.

Then, on February 25, 2005, Defendant filed an application for naturalization in which she represented under penalty of perjury that her name was "Olufunke Susan Oludele"; that she had never given any false or misleading information to any United States government official while applying for any immigration benefit, or to prevent deportation, exclusion, or removal; that she had never lied to any United States government official to gain entry or admission into the United States; that she had never been ordered removed, excluded, or deported from the United States; and that she had never applied for any kind of relief from removal, exclusion, or deportation. Based on Defendant's representations and testimony under oath, her application for naturalization was approved, Defendant was admitted as a citizen of the United States on

November 14, 2005, and United States Citizenship and Immigration Services (USCIS) issued her Certificate of Naturalization Number 

Defendant's actions and conduct statutorily barred her from becoming a United States citizen and render her naturalization unlawfully procured. Additionally, Defendant's actions and conduct demonstrate that she procured her naturalization by concealment and willful misrepresentation. With the attached affidavit of good cause, therefore, the United States of America brings this civil action on the grounds that Defendant illegally procured her naturalization and willfully misrepresented and concealed material facts during the naturalization process. Under 8 U.S.C. § 1451(a), the United States requests that the Court revoke and set aside the order admitting Defendant to United States citizenship and cancel her certificate of naturalization.

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 United States citizenship and to cancel Defendant's Certificate of Naturalization Number 29255292, issued November 14, 2005.
2. The Court has subject-matter jurisdiction under 28 U.S.C. §§ 1331 and 1345 for this cause of action authorized by 8 U.S.C. § 1451(a).
3. Venue is proper in this District under 8 U.S.C. § 1451(a) because Defendant currently resides in Milwaukee, Wisconsin, within this federal judicial district.

PARTIES

4. Plaintiff is the United States of America.

5. Defendant is Olufunke Oludele, also known as “Oludel Otokuffor”, Axxx-xxx-146, and also known as “Funke Ige”, Axxx-xxx-753, who was purportedly born in Nigeria and is a naturalized United States citizen.

6. “Olufunke Oludele”, “Oludel Otokuffor”, and “Funke Ige” are all one and the same person, *i.e.*, Defendant.

FACTUAL ALLEGATIONS

7. The affidavit of Jonathan Tse, an Immigration Services Officer with USCIS, an agency within the United States Department of Homeland Security (DHS), showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached hereto as **EXHIBIT A**.

I. Defendant’s Immigration History Using the “Funke Ige” Identity

8. Defendant, using the name “Funke Ige,” filed a Form I-589, Request for Asylum in the United States, with INS on or about September 7, 1993.

9. At that time, INS assigned Defendant Alien Registration Number (A-Number) Axxx-xxx-753.

10. On her Form I-589, Defendant represented under penalty of perjury that:

- a. Her name was Funke Ige;
- b. She had used no other names;
- c. She was born on [REDACTED] in Kaduna, Nigeria;
- d. She last arrived in the United States at Newark, New Jersey on February 17, 1990;
- e. She was single; and
- f. She had four children: (1) Bukola Iga, born [REDACTED] 1979, in Nigeria; (2) Yinka Ige, born [REDACTED] 1980, in Nigeria; (3) Kayode Ige, born [REDACTED] 1982, in Nigeria; and (4) Shino Ige, born [REDACTED] 1984, in Nigeria.

11. To support her Form I-589 application, Defendant filed with INS a Form G-325A, Biographic Information, on which she represented under penalty of perjury that:

- a. Her name was Funke Ige;
- b. She had used no other names;
- c. She was born on  in Kaduna, Nigeria; and
- d. She was not and had never been married.

12. Defendant appeared for an asylum interview at the INS Asylum Office in Lyndhurst, New Jersey, on April 16, 1996, at which she testified under penalty of perjury that:

- a. She had previously used the name “Olufunke Oludele Ige”;
- b. She was born in Ibadan, Nigeria; and
- c. She last entered the United States on September 16, 1990 at John F. Kennedy International Airport in New York, New York, using a passport belonging to another individual who resembled Defendant.

13. At Defendant’s asylum interview, the immigration officer noted the changes to Defendant’s Form I-589 reflected by her testimony and, at the conclusion of the interview, both Defendant and the immigration officer signed the attestation on the Form I-589, in which Defendant swore and affirmed that the contents of her asylum application and all corrections were true and correct. Defendant signed the Form I-589 as “Funke Ige”.

14. On April 18, 1996, INS informed Defendant that her asylum application had been referred to the immigration court.

15. On April 30, 1996, INS personally served Defendant with a Form I-221, Order to Show Cause and Notice of Hearing under section 241(a)(1)(A) of the Immigration and Nationality Act (INA), as an alien not in possession of a valid entry document at the time of entry or adjustment of status. The Form I-221 ordered Defendant to appear before an immigration judge on July 31, 1996.

16. On July 31, 1996, Defendant appeared for a hearing before an immigration judge, at which she conceded her deportability from the United States and another hearing was scheduled for November 18, 1997.

17. On November 18, 1997, Defendant failed to appear for her hearing in immigration court, and the immigration judge ordered her deported from the United States to Nigeria in absentia.

18. On January 4, 1999, INS served Defendant, via certified mail, with a Form I-166, Notice to Deportable Alien to Surrender, instructing Defendant to appear at 26 Federal Plaza, 12th Floor, New York, New York 10278, at 9:00am on February 9, 1999, for her deportation from the United States to Nigeria.

19. On February 9, 1999, Defendant failed to appear for her deportation from the United States, as she had been instructed in the Form I-166 served upon her.

20. USCIS has no record that Defendant ever departed from the United States pursuant to the final order of deportation issued on November 18, 1997.

II. Defendant's Immigration History Using the "Olufunke Oludele" Identity

21. After Defendant had conceded her deportability from the United States at the July 31, 1996 immigration court hearing, she purportedly married United States citizen Darryl Knight on March 3, 1997.

22. On or about March 21, 1997, Mr. Knight filed with INS a Form I-130, Petition for Alien Relative, on behalf of Defendant, naming Defendant under the identity "Olufunke Susan Oludele" and indicating that she had previously used the name "Oludele Olufunke Otokuefor".

23. On the Form I-130, Mr. Knight represented that Defendant had never been involved in immigration proceedings.

24. On May 8, 1997, INS approved Mr. Knight's Form I-130 on Defendant's behalf.

25. On or about July 29, 1997, Defendant filed with INS a Form I-485, Application to Register Permanent Residence or Adjust Status, based on her marriage to Mr. Knight.

26. At that time, INS assigned Defendant A-Number Axxx-xxx-146.

27. On the Form I-485 that Defendant filed with INS, she represented under penalty of perjury that:

- a. Her name was "Olufunke S. Oludele";
- b. She was born on [REDACTED], in Nigeria;
- c. She had no Alien Registration Number;
- d. She last entered the United States as a visitor at New York, New York, on September 12, 1990, using her name from her first marriage, "Oludel Otukuffor", with authorization to remain in the United States until October 11, 1990;
- e. She married Darryl Knight in the United States;
- f. She had four children: (1) Oluwabukola Oludele, born [REDACTED] 1980, in Nigeria; (2) Olayinka Oludele, born [REDACTED] 1981, in Nigeria; (3) Oluwakayode Oludele, born [REDACTED] 1982, in Nigeria; and (4) Oluwashina Oludele, born [REDACTED] 1985, in Nigeria;
- g. She was not in exclusion or deportation proceedings; and
- h. She had never sought to procure, or procured, a visa, other documentation, entry into the United States or any other immigration benefit by fraud or willful misrepresentation of a material fact.

28. In support of her Form I-485, Defendant submitted to INS a copy of a Form I-94 Departure Record, which indicated that "Uludei Otokuffor" had been admitted to the United States on September 12, 1990, as a nonimmigrant visitor with authorization to remain in the United States until October 11, 1990.

29. In further support of her Form I-485, Defendant filed with INS a Form G-325A, in which she represented that:

- a. Her name was “Olufunke Oludele”;
- b. She had also used the name “Oludele Olufunke Otokueffor”;
- c. She was born on  in Nigeria;
- d. She married Darryl Knight on March 3, 1997, in Bronx, New York;
- e. She was previously married to “Dele Otokuefor”, from February 24, 1988, until January 9, 1994.

30. On June 3, 1999, INS approved Oludele’s Form I-485 and she was accorded conditional permanent resident status in the United States as of the same date.

31. On July 20, 2001, Defendant and Darryl Knight jointly filed with INS a Form I-751, Petition to Remove the Conditions on Residence.

32. On May 14, 2002, INS terminated the Form I-751 submitted by Defendant and Mr. Knight, and issued Defendant a notice indicating that Defendant had been erroneously adjusted as a conditional permanent resident when, because Defendant had been married to a United States citizen for over two years at the time of her adjustment of status, Defendant should have been adjusted to a permanent resident without conditions.

33. On or about February 25, 2005, Defendant filed with USCIS a Form N-400, Application for Naturalization, based upon her having been a lawful permanent resident for at least five years, in which she represented under penalty of perjury that:

- a. Her name was “Olufunke Susan Oludele”;
- b. She had also used the name “Olufunke Oludele Otokuefor”;
- c. She was born on , in Nigeria;
- d. She had never committed a crime or offense for which she was not arrested;
- e. She had never given any false or misleading information to any United States government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal;

- f. She had never lied to any United States government official to gain entry or admission into the United States;
- g. She had never been ordered to be removed, excluded, or deported from the United States; and
- h. She had never applied for any kind of relief from removal, exclusion, or deportation.

34. On November 4, 2005, Defendant appeared for an interview at the USCIS Field Office in New York, New York, to determine her eligibility for naturalization. During the course of her interview, Immigration Services Officer Arrie Jenkins placed Defendant under oath and asked her the following questions, to which Defendant responded with the answers indicated below:

- a. What is your current legal name?

RESPONSE: Olufunke Susan Oludele

- b. Have you ever used any other names?

RESPONSE: Olufunke Oludele Otokuefor

- c. What is your date of birth?

RESPONSE: 

- d. Have you ever committed a crime or offense for which you were not arrested?

RESPONSE: No

- e. Have you ever given false or misleading information to any United States government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal?

RESPONSE: No

- f. Have you ever lied to any United States government official to gain entry or admission into the United States?

RESPONSE: No

- g. Have you ever been ordered to be removed, excluded, or deported from the United States?

RESPONSE: No

- h. Have you ever applied for any kind of relief from removal, exclusion, or deportation?

RESPONSE: No

35. During the course of her naturalization interview, Defendant made one correction to the written answers that she had initially provided on her Form N-400. That correction, however, did not address any of the representations listed above. At the conclusion of her naturalization interview, Defendant swore that the contents of her N-400, including her corrections, were true and correct.

36. On the basis of Defendant's Form N-400, including her corrections, and the testimony that Defendant had provided at her naturalization interview, USCIS approved Defendant's Form N-400 application on November 4, 2005.

37. On November 14, 2005, Defendant completed and signed a Form N-445, Notice of Naturalization Oath Ceremony, stating that since her interview she had not knowingly committed any crime or offense for which she had not been arrested.

38. On November 14, 2005, Defendant took the Oath of Allegiance and was admitted as a citizen of the United States, and USCIS issued Defendant Certificate of Naturalization Number 

III. Fingerprint Analysis

39. "Funke Ige" and "Olufunke Oludele" are one and the same person, *i.e.*, Defendant.

40. Fingerprint evidence demonstrates by clear, convincing, and unequivocal evidence that the same individual submitted fingerprints under both the “Funke Ige” identity and the “Olufunke Oludele” identity.

GOVERNING LAW

I. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

41. 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).

42. The Supreme Court has underscored that “[t]here must be strict compliance with all the congressionally imposed prerequisites to the acquisition of citizenship.” *Fedorenko v. United States*, 449 U.S. 490, 506 (1981); *see also id.* (“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)).

43. Under the first ground for denaturalization, illegal procurement, citizenship is “illegally procured” if the applicant failed to comply with any of the congressionally imposed prerequisites to the acquisition of citizenship. *Fedorenko*, 449 U.S. at 506.

44. Among other requirements for naturalization, Congress mandated that an applicant for naturalization must demonstrate that he or she has been lawfully admitted to the United States for permanent residence. *See* 8 U.S.C. § 1427(a)(1); *see also* 8 U.S.C. § 1429.

45. 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). Thus, for an alien to be “lawfully admitted,” his adjustment of status must be in “compliance with substantive legal requirements, not mere procedural regularity.” *In re Koloamatangi*, 23 I. & N. Dec. 548, 550

(B.I.A. 2003); *see also Estrada-Ramos v. Holder*, 611 F.3d 318, 321 (7th Cir. 2010) (“We agree that to be ‘lawfully admitted’ the adjustment of status must be in compliance with substantive legal requirements, not mere procedural regularity.”); *Saliba v. Att’y Gen. of the U.S.*, 828 F.3d 182, 192 (3d Cir. 2016) (“We have explained that ‘the term “lawfully” denotes compliance with substantive legal requirements, not mere procedural regularity.’”) (quoting *Gallimore v. Att’y Gen.*, 619 F.3d 216, 223 & n.6 (3d Cir. 2010)); *Savoury v. U.S. Att’y Gen.*, 449 F.3d 1307, 1313 (11th Cir. 2006) (“The adverb ‘lawfully’ requires more than the absence of fraud. It requires consistency with all applicable law.”); *Arellano-Garcia v. Gonzales*, 429 F.3d 1183, 1187 (8th Cir. 2005) (holding that an alien is not “lawfully” adjusted to permanent resident status where she receives the adjustment “by a negligent mistake of the agency”).

46. Congress mandated that “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.

47. Congress also mandated that an individual may not naturalize unless that person “during all periods referred to in [8 U.S.C. § 1427(a)] has been and still is a person of good moral character.” 8 U.S.C. § 1427(a).

48. The required statutory period for good moral character begins five years before the date an applicant files the application for naturalization and continues until the applicant takes the oath of allegiance and becomes a United States citizen. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(1); *but see* 8 U.S.C. § 1427(e) (indicating that the government, in evaluating the applicant’s moral character, is not “limited to the applicant’s conduct during the five years preceding the filing of the application, but may take into consideration as a basis for such determination the applicant’s conduct and acts at any time prior to that period”).

49. Congress has explicitly precluded individuals who give false testimony during the statutory period for the purpose of obtaining immigration benefits from being able to establish the good moral character necessary to naturalize. *See* 8 U.S.C. § 1101(f)(6).

50. Congress also created a “catch-all” provision, which states, “[t]he fact that any person is not within any of the [statutorily described] 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).

51. Thus, individuals who commit unlawful acts adversely reflecting upon their moral character cannot meet the good-moral-character requirement, unless they prove that extenuating circumstances exist. *See* 8 U.S.C. § 1101(f); 8 C.F.R. § 316.10(b)(3)(iii); *see also United States v. Suarez*, 664 F.3d 655, 658 (7th Cir. 2011).

II. The Denaturalization Statute

52. 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 him or her naturalization application, Congress enacted 8 U.S.C. § 1451. *See Suarez*, 664 F.3d at 658 (“The United States may sue to set aside the order admitting a person to citizenship and to cancel that person’s certificate of naturalization ‘on the ground that such order and certificate of naturalization were illegally procured or where procured by concealment of a material fact or by willful misrepresentation.’”) (quoting 8 U.S.C. § 1451(a)).

53. 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.

54. 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.

55. Naturalization was procured by concealment of a material fact or by willful misrepresentation where: (1) the naturalized citizen misrepresented or concealed some fact during the naturalization process; (2) the misrepresentation or concealment was willful; (3) the fact was material; and (4) the naturalized citizen procured citizenship as a result of the misrepresentation or concealment. *Kungys v. United States*, 485 U.S. 759, 767 (1988).

56. Where the government establishes that the 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; *see also United States v. Ciurinskas*, 148 F.3d 729, 732 (7th Cir. 1998) (“[U]nder 8 U.S.C. § 1451(a), a certificate of naturalization must be revoked if it was procured illegally, if it was procured by concealment of a material fact, or if it was procured by willful misrepresentation. If those conditions are found, the court has no discretion to refuse to revoke citizenship.”).

CAUSES OF ACTION

COUNT I

ILLEGAL PROCUREMENT OF NATURALIZATION Not Lawfully Naturalized under 8 U.S.C. § 1429 (Final Finding of Deportability at Grant of Naturalization)

57. The United States re-alleges and incorporates by reference the foregoing paragraphs.

58. Under the law in effect at the time of Defendant’s application for naturalization, as is the case today, no person shall be naturalized if they are subject to an outstanding final

finding of deportability pursuant to a warrant of arrest issued under the provisions of the INA or any other act. *See* 8 U.S.C. § 1429.

59. On April 30, 1996, INS issued a charging document pursuant to a warrant for arrest placing Defendant into deportation proceedings under the name “Funke Ige”.

60. On November 18, 1997, an immigration judge issued a final order of deportation against Defendant.

61. On February 25, 2005, Defendant filed an application for naturalization with USCIS. Because Defendant misrepresented certain facts in connection with her application, USCIS was not aware of her outstanding final order of deportation and approved her naturalization application on November 4, 2005.

62. Defendant was not eligible for naturalization because she was subject to a final order of deportation at the time she was granted naturalization.

63. Because Defendant was ineligible to naturalize, Defendant illegally procured her citizenship.

64. Because Defendant illegally procured her citizenship, the Court must revoke her citizenship under 8 U.S.C. § 1451(a).

COUNT II

ILLEGAL PROCUREMENT OF NATURALIZATION

Lack of Good Moral Character (False Testimony)

65. The United States re-alleges and incorporates by reference the foregoing paragraphs.

66. Defendant illegally procured her naturalization because she was statutorily precluded from establishing the good moral character necessary to naturalize on account of her providing false testimony for the purpose of obtaining an immigration benefit.

67. As discussed above, an applicant for naturalization must satisfy the statutory requirement of demonstrating that she is a person of good moral character for the five-year statutory period before she filed her naturalization application and until the time she becomes a naturalized United States citizen. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(1).

68. Defendant was required to establish that she was a person of good moral character from February 26, 2000, until the date she became a United States citizen, on November 14, 2005 (the statutory period).

69. Defendant was statutorily barred from establishing the good moral character necessary to naturalize because, during the statutory period, she provided false testimony, orally and under oath, for the purpose of obtaining an immigration benefit, including naturalization. *See* 8 U.S.C. § 1101(f)(6).

70. During the statutory period Defendant provided false testimony for the purpose of obtaining an immigration benefit when she swore, orally and under oath, during her November 4, 2005 naturalization interview, that she had never been ordered deported from the United States and that she had never applied for any relief from deportation.

71. Defendant's testimony was knowingly false and for the purpose of obtaining an immigration benefit, namely, naturalization.

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

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

74. Because she was ineligible to naturalize, Defendant procured her citizenship illegally.

75. Because she procured her citizenship illegally, the Court must revoke Defendant's citizenship, as provided for by 8 U.S.C. § 1451(a).

COUNT III

ILLEGAL PROCUREMENT OF NATURALIZATION Lack of Good Moral Character (Unlawful Acts)

76. The United States re-alleges and incorporates by reference the foregoing paragraphs.

77. As discussed above, an applicant for naturalization must satisfy the statutory requirement of demonstrating that she is a person of good moral character for the five-year statutory period before she filed her naturalization application and until the time she becomes a naturalized United States citizen. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(1).

78. Defendant was required to establish that she was a person of good moral character from February 26, 2000, until the date she became a United States citizen, on November 14, 2005 (the statutory period).

79. An individual cannot establish good moral character if, during the statutory period, she committed unlawful acts that adversely reflected on her moral character, unless she can establish extenuating circumstances. *See* 8 C.F.R. § 316.10(b)(3)(iii).

80. Based on the facts contained above, during the statutory period Defendant committed unlawful acts that adversely reflected on her moral character. Specifically, Defendant provided false information to INS officials, concealed material information from INS officials, and used false documentation containing materially false statements regarding her identity, immigration history, and whether she ever provided false or misleading information, or lied, to a

United States government official while applying for an immigration benefit or to prevent deportation, all in violation of 18 U.S.C. § 1001(a).

81. Defendant could not establish extenuating circumstances for her unlawful acts.

82. Because she committed unlawful acts that adversely reflected upon her moral character within the statutory period and without extenuating circumstances, Defendant was barred under 8 U.S.C. § 1427(a)(3) and 8 C.F.R. § 316.10(b)(3)(iii) from showing that she had the good moral character necessary to become a naturalized United States citizen.

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

84. Because she was ineligible to naturalize, Defendant procured her citizenship illegally.

85. Because she procured her citizenship illegally, the Court must revoke Defendant's citizenship, as provided for by 8 U.S.C. § 1451(a).

COUNT IV

ILLEGAL PROCUREMENT OF NATURALIZATION Not Lawfully Admitted for Permanent Residence (Fraud or Willful Misrepresentation of a Material Fact)

86. The United States re-alleges and incorporates by reference the foregoing paragraphs.

87. As discussed above, to qualify for naturalization, an applicant must have been lawfully admitted to the United States for permanent residence. *See* 8 U.S.C. § 1429.

88. As discussed above, the term "lawfully" requires compliance with substantive legal requirements for admission and not mere procedural regularity.

89. An alien who, by fraud or 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 INA, is inadmissible. 8 U.S.C.

§ 1182(a)(6)(C)(i); *see also Cordova-Soto v. Holder*, 732 F.3d 789, 794 (7th Cir. 2013)

(recognizing immigration fraud as a permanent bar to admissibility into the United States);

Alsaglati v. Gonzales, 450 F.3d 700, 701 (7th Cir. 2006) (“Fraud in obtaining a visa renders any alien inadmissible.”).

90. Defendant was inadmissible under 8 U.S.C. § 1182(a)(6)(C)(i) at the time of her adjustment to permanent resident status because she both sought to procure immigration benefits by fraud or by willfully misrepresenting material facts.

91. For example, and by way of illustration not exclusive delineation, on the Form I-485 application for permanent resident status that Defendant submitted to INS on July 29, 1997, Defendant represented under penalty of perjury that was not in exclusion or deportation proceedings when, in fact, she had appeared personally in immigration court on July 31, 1996, conceded her deportability from the United States, and been informed of a final hearing scheduled for November 18, 1997. Defendant’s representation that she was not in exclusion or deportation proceedings at the time she submitted her Form I-485 to INS was therefore willfully false and misleading.

92. Defendant’s false statements regarding her immigration history were material to determining her eligibility for the immigration benefits for which she applied.

93. Defendant’s false statements had the natural tendency to influence a decision by the INS to approve her Form I-485, through which she gained permanent resident status.

94. Defendant, thus, sought to procure an immigration benefit by fraud or willfully misrepresenting material facts, rendering her inadmissible at the time her status was adjusted to that of a permanent resident.

95. Because Defendant was inadmissible at the time her status was adjusted to that of a permanent resident, Defendant was not lawfully admitted for permanent residence.

96. Because Defendant was not lawfully admitted for permanent residence, she was and remains ineligible for naturalization under 8 U.S.C. § 1429.

97. Because Defendant was ineligible for naturalization, therefore, she illegally procured her naturalization.

98. Because Defendant illegally procured her naturalization, this Court must revoke that naturalization as provided in 8 U.S.C. § 1451(a).

COUNT V

ILLEGAL PROCUREMENT OF NATURALIZATION Not Lawfully Admitted for Permanent Residence (Final Order of Deportation Outstanding at Adjustment)

99. The United States re-alleges and incorporates by reference the foregoing paragraphs.

100. As discussed above, to qualify for naturalization, an applicant must have been lawfully admitted to the United States for permanent residence. *See* 8 U.S.C. § 1429.

101. Under the law in effect at the time of Defendant's adjustment of status to permanent resident, as is the case today, the immigration court generally holds exclusive jurisdiction over applications for adjustment of status filed by applicants (other than certain arriving aliens) who are in deportation or removal proceedings, including applicants subject to a final order of deportation or removal from the United States. 8 C.F.R. §§ 245.2(a)(1), 1245.2(a)(1) ("In the case of any alien who has been placed in deportation proceedings or in removal proceedings ..., the immigration judge hearing the proceeding has exclusive jurisdiction to adjudicate any application for adjustment of status the alien may file."); *see also Perez-Vargas v. Gonzales*, 478 F.3d 191, 194

(4th Cir. 2007); *Wellington v. I.N.S.*, 108 F.3d 631, 635 (5th Cir. 1997); *cf. Jabateh v. Lynch*, 845 F.3d 332, 337–38 (7th Cir. 2017) (noting that immigration judges have exclusive jurisdiction over petitions to adjust status under 8 U.S.C. § 1255).

102. Defendant was subject to a final order of deportation as of the date her status was adjusted to permanent resident status.

103. Because Defendant misrepresented certain facts in connection with her application for permanent resident status, INS was not aware of Defendant's outstanding final order of deportation at the time it approved Defendant's application for permanent resident status on June 3, 1999.

104. Because the immigration court held exclusive jurisdiction over Defendant's application for adjustment to permanent resident status at the time it was approved by INS, Defendant was not lawfully admitted for permanent residence.

105. Because Defendant was not lawfully admitted for permanent residence, she was and remains ineligible for naturalization under 8 U.S.C. § 1429.

106. Because Defendant was ineligible for naturalization, therefore, she illegally procured her naturalization.

107. Because Defendant illegally procured her naturalization, this Court must revoke that naturalization as provided in 8 U.S.C. § 1451(a).

COUNT VI

ILLEGAL PROCUREMENT OF NATURALIZATION

Not Lawfully Admitted for Permanent Residence

(Not Eligible to Receive an Immigrant Visa at the Time the Application to Adjust Status was Filed)

108. The United States re-alleges and incorporates by reference the foregoing paragraphs.

109. As discussed above, to qualify for naturalization, Defendant must have been “lawfully admitted” to the United States for permanent residence. 8 U.S.C. § 1429.

110. Defendant, under the identity “Funke Ige”, was subject to deportation proceedings initiated on or about April 30, 1996 by the filing of an Order to Show Cause and Notice of Hearing under section 241(a)(1)(A) of the INA. 8 C.F.R. § 1003.14.

111. Defendant, under the identity “Olufunke Susan Oludele”, married Darryl Leon Knight on March 3, 1997.

112. Mr. Knight filed a filed with INS a Form I-130, Petition for Alien Relative, on behalf of Defendant and indicated Defendant had never been involved in immigration proceedings.

113. Defendant, under the identity “Funke Ige”, was ordered deported from the United States on November 18, 1997, but she failed to surrender herself for her scheduled deportation in February 1999.

114. Under the law in effect at the time INS approved the Form I-130 filed by Mr. Knight on behalf of Defendant, a visa petition could not be approved to grant an alien immediate relative status or preference status by reason of a marriage that was entered into while deportation, exclusion, or removal proceedings were pending against the beneficiary, 8 U.S.C. § 1154(g), nor could the beneficiary adjust status to that of a lawful permanent resident, unless the beneficiary established by clear and convincing evidence that the marriage was entered into in good faith. 8 U.S.C. § 1255(e).

115. Because Defendant misrepresented her immigration history when she submitted her Form I-485 application for permanent resident status to INS on July 29, 1997, INS was unaware that Defendant’s I-130 visa petition was subject to the restrictions under 8 U.S.C.

§ 1154(g) and, therefore, erroneously approved it without evaluating whether Defendant satisfied the good-faith requirements established by 8 U.S.C. § 1255(e).

116. Nevertheless, Defendant continued to seek admission as a permanent resident until INS granted her Form I-485 application on June 3, 1999.

117. Because Defendant was not lawfully admitted for permanent residence, she was ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) & 1429.

118. Because Defendant was ineligible to naturalize, Defendant illegally procured her citizenship.

119. Because Defendant illegally procured her citizenship, the Court must revoke her citizenship under 8 U.S.C. § 1451(a).

PRAYER FOR RELIEF

WHEREFORE, the United States of America respectfully requests:

1. A declaration that Defendant illegally procured her citizenship;
2. A declaration that Defendant procured her citizenship by concealment of material facts and by willful misrepresentation;
3. Judgment revoking and setting aside the order admitting Defendant to United States citizenship and canceling Certificate of Naturalization Number  effective as of the original date of the order and certificate, November 14, 2005;
4. Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages related to United States citizenship that she obtained as a result of her November 14, 2005 naturalization;
5. Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment, her Certificate of Naturalization No.  and any copies thereof in her possession—and to make good faith efforts to recover and immediately surrender any copies

thereof that Defendant knows are in the possession of others—to the Attorney General, or his designated representative, including undersigned counsel;

6. Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment, any other indicia of United States citizenship, including, but not limited to, United States passports (whether valid or expired), United States passport cards (whether valid or expired), and Enhanced Driver's Licenses (whether valid or expired), and any other relevant documents (whether valid or expired), and any copies thereof in her possession—and to make good faith efforts to recover and then surrender any copies thereof that Defendant 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 this 18th day of June, 2026.

By: /s/ Aaron R. Wegrzyn

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