IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:26-CV-00445

UNITED STATES OF AMERICA, Plaintiff, vs. OYETAYE ABDUL SAKA a/k/a Tae Bashir Saka, Defendant.	)))))))))	**COMPLAINT TO REVOKE NATURALIZATION**

Plaintiff, the United States of American, by and through the United States Attorney for the Eastern District of North Carolina, complaining against the Defendant, Oyetaye Abdul Saka a/k/a Tae Bashir Saka, alleges as follows:

PARTIES, JURISDICTION, AND VENUE

1. This is an action filed under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Defendant to U.S. citizenship, and to cancel Certificate of Naturalization No. [redacted] issued on August 18, 2011, a copy of which is attached hereto as Exhibit A (filed under seal).

2. Plaintiff is the United States of America.

3. Defendant is a Nigerian-born, naturalized U.S. citizen whose last known address of residence is in Raleigh, North Carolina, within the Eastern District of North Carolina. Upon information and belief, Oyetaye Abdul Saka and Tae Bashir Saka are one and the same person.

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 Eastern District of North Carolina pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because Defendant's last known residence is in this District.

6. The affidavit of an Adjudications Officer with U.S. Citizenship and Immigration Services ("USCIS"), an agency within the U.S. Department of Homeland Security, showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached hereto as Exhibit B (filed under seal).

FACTUAL BACKGROUND

A. Immigration History as Tae Bashir Saka

7. On or about July 10, 1990, a Nigerian national identified by a Nigerian passport No. [redacted] as Tae Bashir Saka entered the United States at or near New York, New York, under a B-2 visitor visa.

8. The B-2 visitor visa authorized the individual known as Tae Bashir Saka to remain in the United States for a period not to exceed January 9, 1991.

9. On or about February 18, 1994, Defendant submitted a first application for an immigration benefit to the Immigration and Naturalization Service (INS) using the name Tae Bashir Saka.

10. INS initially assigned Defendant alien registration number A[redacted] 861 in connection with this application.

11. The first application included a fingerprint card indicating that the Defendant, using the name Tae Bashir Saka, had been fingerprinted on December 29, 1993, in Newark, New Jersey.

12. On the first application, signed under penalty of perjury, and accompanying Form G-325A (Biographic Information), Defendant represented, *inter alia*, that:

a. His name was Tae Bashir Saka;

b. His date of birth was [redacted] 1965;

c. He had used no other names;

d. He was born in Ado-Ekiti, Nigeria;

e. He entered the United States in New York on July 10, 1990, under a B-2 visitor visa.

13. On or about September 6, 1994, INS issued a Form I-797 (Rejection Notice) to Defendant, indicating that his application was rejected and that he should resubmit his application when he had complied with all the instructions.

14. On or about March 15, 1995, Defendant submitted a second application for an immigration benefit to the Immigration and Naturalization Service (INS) using the name Tae Bashir Saka.

15. INS assigned Defendant alien registration number A[redacted]936 in connection with this second application. USCIS subsequently consolidated File A[redacted]861 into File A[redacted]936.

16. The second application included a fingerprint card indicating that the Defendant, using the name Tae Bashir Saka, had been fingerprinted on March 1, 1995, in New York, New York.

17. On the second application, signed under penalty of perjury, and accompanying Form G-325A (Biographic Information), Defendant represented, *inter alia*, that:

a. His name was Tae Bashir Saka;

b. His date of birth was [redacted] 1965;

c. He had used no other names;

d. He was born in Ado-Ekiti, Nigeria;

e. He entered the United States in New York on July 10, 1990, under a B-2 visitor visa.

18. On April 20, 1995, Defendant appeared for an interview at the INS Office in Rosedale, New York, and gave testimony pertaining to his application. In support of his application, Defendant submitted a copy of a Nigerian passport issued in the name of Tai Bashir Saka, Passport No. [redacted], which contained a single U.S.-issued nonimmigrant (B-2) visa No. [redacted], along with an I-94 (Departure Record) No. [redacted] for an entry into the United States on July 10, 1990.

19. On May 4, 1995, Defendant appeared at the INS Office in Rosedale, New York, and INS personally served Defendant with a Referral Notice indicating his application was not granted and that his case was referred to an Immigration Judge. INS concurrently served a Form I-221 (Order to Show Cause and Notice of Hearing)

on Defendant, charging him with deportability pursuant to INA § 241(a)(1)(B) for having remained in the United States for longer than permitted and ordering him to appear for a hearing before an Immigration Judge on June 2, 1995, at 26 Federal Plaza, New York, New York, to show cause as to why he should not be deported from the United States.

20. Also at some time and place on or about May 4, 1995, INS obtained a set of fingerprint impressions from the Defendant, using the name Tae Bashir Saka.

21. Defendant appeared for numerous hearings before the Immigration Court, including on June 2, 1995; July 7, 1995; August 11, 1995; and October 13, 1995.

22. On October 13, 1995, the Immigration Judge ordered that deportation proceedings against Defendant be terminated due to errors on the first Form I-221.

23. On or about February 28, 1996, INS reissued by certified mail a second Form I-221 charging Defendant with deportability pursuant to INA § 241(a)(1)(B) for having remained in the United States for longer than permitted and ordering him to appear for a hearing before an Immigration Judge on May 16, 1996, at 26 Federal Plaza, New York, New York, to show cause as to why he should not be deported from the United States.

24. Defendant failed to appear for his hearing on May 16, 1996, and the Immigration Judge administratively closed the case, although the matter remained pending. *See Matter of Amico*, 19 I. & N. Dec. 652, 654 n.1 (BIA 1988) ("The administrative closing of a case does not result in a final order. It is merely an

administrative convenience which allows the removal of cases from the calendar in appropriate situations.").

B. Immigration History as Oyetaye Abdul Saka

25. On December 15, 1995, Defendant, this time using the name Oyetaye Abdul Saka, submitted a first Form I-485 (Application to Register Permanent Residence or Adjust Status) to INS under the Diversity Immigrant Visa Program for 1996.

26. The first Form I-485 was accompanied by a fingerprint card indicating that the Defendant, using the name Oyetaye Abdul Saka, had been fingerprinted on November 10, 1995, in New York, New York.

27. On the first Form I-485, signed under penalty of perjury, and accompanying Form G-325A (Biographic Information), Defendant represented, *inter alia*, that:

a. His name was Oyetaye Abdul Saka;

b. His date of birth was [redacted] 1965;

c. He had used no other names;

d. He was born in Ikere, Nigeria;

e. He entered the United States in Texas without inspection on October 8, 1994;

f. He was not in exclusion or deportation proceedings;

g. He had never sought to procure, or procured, a visa, other documentation, entry into the United States, or any other immigration benefit by fraud and willful misrepresentation.

28. Additionally, on the first Form I-485, signed under penalty of perjury, Defendant represented, *inter alia*, that he did not already have an alien registration number. INS subsequently assigned Defendant new alien registration number A[redacted]300 in connection with his requests to adjust status.

29. On June 4, 1996, INS denied Defendant's Form I-485 because he did not provide sufficient evidence that the met the education eligibility requirement for the Diversity Visa Program for 1996 and was therefore inadmissible to the United States for permanent residence.

30. On or about July 17, 1996, Defendant, again using the second name Oyetaye Abdul Saka, submitted a second Form I-485 to INS under the Diversity Immigrant Visa Program for 1996.

31. The second Form I-485 included a fingerprint card indicating that the Defendant, using the name Oyetaye Abdul Saka, had been fingerprinted on June 25, 1996, in New York, New York.

32. On the second Form I-485, signed under penalty of perjury, and accompanying Form G-325A, Defendant represented, *inter alia*, that:

a. His name was Oyetaye Abdul Saka;

b. His date of birth was [redacted] 1965;

c. He had used no other names;

d. He was born in Ikere, Nigeria;

e. He entered the United States in Texas without inspection on October 8, 1994;

f. He was not in exclusion or deportation proceedings;

g. He had never sought to procure, or procured, a visa, other documentation, entry into the United States, or any other immigration benefit by fraud and willful misrepresentation;

33. In further support of the second Form I-485, Defendant submitted a copy of a Nigerian passport issued in the name of Oyetaye Abdul Saka, Passport No. [redacted].

34. On or about September 6, 1996, INS approved Defendant's second Form I-485, thereby purportedly granting him the status of permanent resident.

35. On or about November 2, 2006, Defendant, using the name Oyetaye Abdul Saka, submitted a first Form N-400 (Application for Naturalization) with USCIS under 8 U.S.C. § 1427, based upon having been a permanent resident of the United States for at least five years.

36. On the first Form N-400, signed under penalty of perjury, Defendant represented, *inter alia*, that:

a. His name was Oyetaye Abdul Saka;

b. His date of birth was [redacted] 1965;

c. He had used no other names;

d. He had never given false or misleading information to any government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal; and

e. Removal, exclusion, rescission, or deportation proceedings were not currently pending against him.

f. He had never applied for any kind of relief from removal, exclusion, or deportation.

37. On or about November 21, 2006, Defendant, using the name Oyetaye Abdul Saka, was fingerprinted at the Application Support Center in Brooklyn, New York, in connection with a Form I-90 (Application to Replace Permanent Resident Card).

38. On or about November 22, 2006, Defendant, using the name Oyetaye Abdul Saka, was fingerprinted at the Application Support Center in Brooklyn, New York, in connection with the first Form N-400.

39. On or about February 15, 2007, Defendant, using the name Oyetaye Abdul Saka, was interviewed at the USCIS Office in Garden City, New Jersey. During the interview, an Immigration Services Officer (ISO) placed Defendant under oath and asked him, *inter alia,* to verify the following information:

a. Current legal name?

b. Have you ever used other names?

c. Date of birth?

d. 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?

e. Are removal, exclusion, rescission, or deportation proceedings pending against you?

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

40. In response, Defendant testified that his name was "Oyetaye Abdul Saka" and his date of birth was "[redacted] 1965." In response to all other queries listed above, Defendant verbally answered "No."

41. On or about September 15, 2007, Defendant's first Form N-400 was ultimately denied for lack of prosecution because he failed to provide adequate evidence of tax returns, financial aid, and a sworn statement as to financial support.

42. On or about January 12, 2010, Defendant, using the name Oyetaye Abdul Saka, was fingerprinted at John F. Kennedy International Airport in New York during a primary inspection after arriving from Nigeria.

43. On or about December 27, 2010, Defendant, using the name Oyetaye Abdul Saka, submitted a second Form N-400 with USCIS under 8 U.S.C. § 1427, based upon having been a permanent resident of the United States for at least five years.

44. On the second Form N-400, signed under penalty of perjury, Defendant represented, *inter alia*, that:

a. His name was Oyetaye Abdul Saka;

b. His date of birth was [redacted] 1965;

c. He had used no other names;

d. He had never given false or misleading information to any government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal; and

e. Removal, exclusion, rescission, or deportation proceedings were not currently pending against him.

f. He had never applied for any kind of relief from removal, exclusion, or deportation.

45. On or about January 28, 2011, Defendant, using the name Oyetaye Abdul Saka, was fingerprinted at the Application Support Center in Brooklyn, New York, in connection with the second Form N-400.

46. On or about June 26, 2011, Defendant, using the name Oyetaye Abdul Saka, was interviewed at the USCIS Office in Garden City, New Jersey. During the interview, an ISO placed Defendant under oath and asked him, *inter alia*, to verify the following information:

a. Current legal name?

b. Have you ever used other names?

c. Date of birth?

d. 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?

e. Are removal, exclusion, rescission, or deportation proceedings pending against you?

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

47. In response, Defendant testified that his name was "Oyetaye Abdul Saka" and his date of birth was "[redacted] 1965." In response to all other queries listed above, Defendant verbally answered "No."

48. USCIS approved Defendant's Form N-400 on or about July 19, 2011.

49. On August 18, 2011, Defendant took the oath of allegiance, was admitted as a citizen of the United States, and was issued Certificate of Naturalization No. [redacted].

C. The Investigation of Defendant's Fraud

50. On or about January 18, 2019, a Fingerprint Specialist at Homeland Security Investigation's Forensic Laboratory concluded that the three fingerprint impressions submitted by Defendant under the identity of Tae Bashir Saka as described above in Paragraphs 11, 16, 20, and the six fingerprint impressions submitted by Defendant under the identity of Oyetaye Abdul Saka, as described above in Paragraphs 26, 31, 37, 38, 42 and 45, were made by one and the same

individual. A copy of the Laboratory Report is attached hereto as Exhibit C (filed under seal).

51. Numerous representations that Defendant made on the two Forms I-485 applying to adjust status to permanent residence and two Forms N-400 applying for naturalization, submitted using the second name Oyetaye Abdul Saka, were false and made knowingly and willfully and with intent to defraud. The facts and circumstances demonstrating with particularity Defendant's knowledge and fraudulent intent include, but are not limited to, the fact that he created an entirely new identity for the individual known as Oyetaye Abdul Saka that included materially different biographical details. This fraud produced a false impression that Oyetaye Abdul Saka was not the same person as Tae Bashir Saka. Further, Defendant made his alternate identities appear legitimate by producing official documents (such as passports and a birth certificate) in support of each identity.

52. On the other hand, other biographic details remain unchanged between the two identities, include the same father's name and a common U.S. residential address, which further demonstrates that Oyetaye Abdul Saka is the same person as Tae Bashir Saka.

53. A table summarizing the biographic details of each identity follows:

BIOGRAPHIC DETAIL	FIRST IDENTITY	SECOND IDENTITY
Name:	Tae Bashir Saka	Oyetaye Abdul Saka
Birthdate:	[redacted] 1965	[redacted] 1965
U.S. Address:	543 Ocean Ave. Apt. 5E Brooklyn, NY 11226 (1st application for benefits) 141 Beach 56 Pl. #904, Arverne, NY 11692 (2d application for benefits)	141 Beach 56 Pl. #904, Arverne, NY 11692 (1st Form I-485) 41 Rose Ave., Hempstead, NY 11550 (2d Form I-485)
Birthplace:	Ado-Ekiti, Nigeria	Ikere, Nigeria
Passport(s):	[redacted] (Nigeria)	[redacted] (Nigeria) [redacted] (Nigeria)
Point of Entry into US:	New York, B-2 Visitor Visa Admission	Texas, Without Inspection
Father's Name:	Saliu Saka	Saliu Saka
Mother's Name:	Jinat Cole	Zenab Lawanson
Spouse's Name:	None	Olufunke Olukoya (1st) Oluwafunmilayo Susan Akinola (2nd)
Birth Certificate:	N/A	[redacted] (Ondo State, Nigeria)

54. On or about May 21, 2026, a Fraud Detection and National Security (FDNS) Immigration Officer employed by USCIS conducted an address verification for Oyetaye Abdul Saka a/k/a Tae Bashir Saka and determined that Defendant

possesses a current North Carolina driver license issued on December 28, 2023, with a last known address in Raleigh, North Carolina.

GOVERNING LAW

A. Statutory Prerequisites to the Acquisition of Citizenship through Naturalization

55. 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).

56. The Supreme Court has underscored that "[t]here must be strict compliance with all the congressionally imposed prerequisites to the acquisition of citizenship." *Fedorenko v. United States*, 449 U.S. 490, 506 (1981) ("An alien who seeks political rights as a member of this Nation can rightfully obtain them only upon the terms and conditions specified by Congress.") (quoting *Ginsberg*, 243 U.S. at 474).

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

58. Congress 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." 8 U.S.C. § 1101(a)(20).

59. Thus, for an alien to be "lawfully admitted," his adjustment of status must be "in compliance with the substantive requirements of the law." *Savoury v. U.S. Att'y Gen.*, 449 F.3d 1307, 1317 (11th Cir. 2006). Compliance with substantive

legal requirements is not met by mere procedural regularity. *See Monet v. INS*, 791 F.2d 752, 753 (9th Cir. 1978).

60. An alien may adjust to permanent resident if the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence, and an immigrant visa is immediately available to the alien when he files a petition seeking permanent resident status. 8 U.S.C. § 1255(a).

61. Under the law in effect at the time Defendant adjusted his status in 1996, an alien was excluded from admission (i.e. excludable), and thus not qualified for adjustment to permanent resident status, if he sought to procure or procured admission into the United States or other immigration benefits by fraud or willfully misrepresenting material facts. 8 U.S.C § 1182(a)(6)(C)(i) (version in effect prior to Illegal Immigration Reform and Immigrant Responsibility Act of 1996 amendments, hereinafter "pre-IIRIRA").

62. Except under limited circumstances not applicable here, the immigration judge presiding over an alien's removal proceedings has exclusive jurisdiction over any petition that the alien files seeking adjustment to permanent resident status. 8 C.F.R. § 1245(a)(1); 8 C.F.R. § 245.2(a)(1) (pre-IIRIRA).

63. Congress also mandated that an individual may not naturalize unless he or she, "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).

64. 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. 8 U.S.C. §§ 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

65. Although Congress has not specifically defined what constitutes good moral character for naturalization purposes, the Immigration and Nationality Act lists certain classes of applicants who cannot be found to have the requisite good moral character. 8 U.S.C. § 1101(f).

66. An individual who commits an unlawful act adversely reflecting upon his or her moral character cannot meet the good moral character requirement unless he or she proves that extenuating circumstances existed that lessen his or her culpability for the crime. 8 C.F.R. § 316.10(b)(3)(iii). "[A] conviction during the statutory period is not necessary for a finding that an applicant lacks good moral character. It is enough that the offense was 'committed' during that time." *United States v. Suarez*, 664 F.3d 655, 661 (7th Cir. 2011) (discussing 8 U.S.C. § 1101(f)(3) and 8 C.F.R. § 316.10(b)(3)(iii)).

67. Additionally, Congress 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. 8 U.S.C. § 1101(f)(6).

B. The Denaturalization Statute

68. Recognizing that situations exist 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 granting the naturalization application, Congress enacted 8 U.S.C. § 1451.

69. 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.

70. 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 (quoting 8 U.S.C. § 1451(a)).

71. 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).

72. Where the government establishes that the defendant's 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.

FIRST CAUSE OF ACTION

Illegal Procurement of Naturalization: Not Lawfully Admitted for Permanent Residence (Inadmissible Based on Fraud or Misrepresentation)

73. Plaintiff re-alleges and incorporates by reference the paragraphs above as if set forth fully herein.

74. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. 8 U.S.C. § 1429 ("[N]o person shall be naturalized unless he has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of this chapter.").

75. Among the statutory provisions applicable at the time of Defendant's adjustment of status to permanent resident in 1996 was the requirement that he be "admissible to the United States." 8 U.S.C. § 1255(a)(2).

76. A person who by fraud or willful misrepresentation seeks to procure a visa, other documentation, admission to the United States, or other immigration benefit is excludable. 8 U.S.C. § 1182(a)(6)(C)(i) ("Any 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 under this chapter is excludable.") (pre-IIRIRA).

77. Defendant willfully misrepresented material facts pertaining to his identity and immigration history when seeking to adjust status to permanent

resident in 1996 using the second identity Oyetaye Abdul Saka. Specifically, Defendant:

a. Misrepresented that he had used no other names, when in fact he had previously applied for an immigration benefit using the name and alternate identity of Tae Bashir Saka in 1994 and 1995;

b. Misrepresented that he was not in exclusion or deportation proceedings, when in fact he had been charged with deportability under the identity Tae Bashir Saka on May 4, 1995 and February 28, 1996 pursuant to INA § 241(a)(1)(B) for having remained in the United States for longer than permitted and ordered to appear for numerous hearings before an Immigration Judge at 26 Federal Plaza, New York, New York, to show cause as to why he should not be deported from the United States; and although the matter was administratively closed, deportation proceedings remained pending against him; and

c. Misrepresented that he had not ever sought to procure, or procured, a visa, other documentation, entry into the United States, or any other immigration benefit by fraud and willful misrepresentation, when in fact he was then seeking to procure an adjustment of status by fraud and willful misrepresentation of material facts pertaining to his identity and immigration history.

78. Because Defendant misrepresented material facts, he was excludable from admission to the United States at the time of his adjustment of status and was never lawfully admitted for permanent residence.

79. Because Defendant was not lawfully admitted for permanent residence, he was ineligible to naturalize. 8 U.S.C. §§ 1427(a)(1), 1429.

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

SECOND CAUSE OF ACTION

Illegal Procurement of Naturalization: Not Lawfully Admitted for Permanent Residence (In Immigration Court Proceedings at Time of Adjustment)

81. Plaintiff re-alleges and incorporates by reference the paragraphs above as if set forth fully herein.

82. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the Immigration and Nationality Act. 8 U.S.C. § 1429 ("[N]o person shall be naturalized unless he has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of this chapter.").

83. Under the law in effect at the time of Defendant's adjustment of status to permanent resident in 1996, the immigration judge presiding over an alien's deportation proceedings had exclusive jurisdiction over any petition that the alien

files seeking adjustment to permanent resident status. 8 C.F.R. § 245.2(a)(1) (pre-IIRIRA).

84. Prior to the time that Defendant filed applications for adjustment of status using the identity of Oyetaye Abdul Saka, he had been charged with deportability under the alternate identity Tae Bashir Saka pursuant to INA § 241(a)(1)(B) for having remained in the United States for longer than permitted, and those same deportation proceedings were pending against him when he filed the two Forms I-485 on December 15, 1995 and July 17, 1996.

85. Because the New York Immigration Court possessed exclusive jurisdiction to adjudicate and approve Defendant's adjustment application, INS lacked the authority to grant him permanent resident status. Therefore, Defendant was never lawfully admitted for permanent residence.

86. Because Defendant was not lawfully admitted for permanent residence, he was ineligible to naturalize. 8 U.S.C. §§ 1427(a)(1), 1429.

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

THIRD CAUSE OF ACTION

Illegal Procurement of Naturalization
Lack of Good Moral Character
(Unlawful Acts)

88. Plaintiff re-alleges and incorporates by reference the paragraphs above as if set forth fully herein.

89. To be eligible for naturalization, Defendant was required to show that he was a person of good moral character for the five-year statutory period before he filed a naturalization application, and until the time he became a naturalized U.S. citizen. 8 U.S.C. § 1430(a); 8 C.F.R. § 316.10(a)(1).

90. Defendant filed his Form N-400 on December 27, 2010. Thus, Defendant was required to establish that he was a person of good moral character from December 27, 2005, five years before he filed his naturalization application, until the date he naturalized as a U.S. citizen on August 18, 2011 (the "statutory period").

91. Defendant could not establish the requisite good moral character for naturalization because he committed an unlawful act during the statutory period that reflected adversely upon his moral character, and there were no extenuating circumstances that would lessen his guilt. 8 C.F.R. § 316.10(b)(3)(iii).

92. Specifically, as set forth above, in a matter within the jurisdiction of the executive branch of the Government of the United States, Defendant knowingly and willfully made or used a false writing or document knowing the same to contain a materially false, fictitious, or fraudulent statement or entry, in violation of 18 U.S.C. § 1001(a)(3). Specifically, Defendant made the following material misrepresentations

on the two Forms N-400 that he, using the identity of Oyetaye Abdul Saka, submitted to USCIS on November 2, 2006 and December 27, 2010, within the statutory period:

a. Misrepresented that he had used no other names, when in fact he had previously applied for an immigration benefit using the name and alternate identity of Tae Bashir Saka in 1994 and 1995;

b. Misrepresented that he had not 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, when in fact he provided false and misleading information pertaining to his identity and immigration history on the two Forms I-485 and accompanying Form G-325A that he submitted to INS on December 15, 1995 and July 17, 1996, in support of his application to adjust status;

c. Misrepresented that no removal, exclusion, rescission, or deportation proceedings were pending against him, when in fact he had been charged under the identity Tae Bashir Saka on May 4, 1995 and February 28, 1996 with deportability pursuant to INA § 241(a)(1)(B) for having remained in the United States for longer than permitted and ordered to appear for numerous hearings before an Immigration Judge at 26 Federal Plaza, New York, New York, to show cause as to why he should not be deported from the United States; and

d. Misrepresented that he had not ever applied for any kind of relief from removal, exclusion, or deportation, when in fact he had previously applied for an immigration benefit using the identity of Tae Bashir Saka on February 18, 1994 and March 15, 1995.

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

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

95. Because Defendant could not establish the requisite good moral character during his statutory period, he was ineligible for naturalization. 8 U.S.C. § 1427(a)(3).

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

FOURTH CAUSE OF ACTION

Illegal Procurement of Naturalization
Lack of Good Moral Character
(False Testimony)

97. Plaintiff re-alleges and incorporates by reference the paragraphs above as if set forth fully herein.

98. To be eligible for naturalization, Defendant was required to show that he was a person of good moral character for the five-year statutory period before he filed a naturalization application, and until the time he became a naturalized U.S. citizen. 8 U.S.C. § 1430(a); 8 C.F.R. § 316.10(a)(1).

99. Defendant filed his Form N-400 on December 27, 2010. Thus, Defendant was required to establish that he was a person of good moral character from December 27, 2005, five years before he filed his naturalization application, until the date he naturalized as a U.S. citizen on August 18, 2011 (the "statutory period").

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

101. Defendant testified falsely during the statutory period of his naturalization when, on February 15, 2007 and June 16, 2011, he appeared for his naturalization interview and verbally answered "No" when placed under oath and asked by an Immigration Services Officer to verify the following information:

a. Have you ever used other names?

b. 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?

c. Are removal, exclusion, rescission, or deportation proceedings pending against you?

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

102. Because Defendant gave false oral testimony under oath for the purpose of obtaining his naturalization, he was statutorily barred under 8 U.S.C. § 1101(f)(6) from showing that he had the good moral character necessary to be naturalized as a U.S. citizen.

103. Because Defendant could not establish the requisite good moral character during his statutory period, he was ineligible for naturalization. 8 U.S.C. § 1427(a)(3).

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

FIFTH CAUSE OF ACTION

Procurement of Naturalization By Willful Misrepresentation or Concealment of Material Facts

105. Plaintiff re-alleges and incorporates by reference the paragraphs above as if set forth fully herein.

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

107. As set forth above, throughout his naturalization process, including in his naturalization application and during his naturalization interview, Defendant concealed and willfully misrepresented material facts pertaining to his identity and immigration history, including that he had not used other names; deportation proceedings were not pending against him; and he had not previously applied for any kind of relief from removal, exclusion, or deportation.

108. Defendant knew these representations were false and misleading, and he therefore provided these misrepresentations willfully.

109. Defendant's misrepresentations were material to his naturalization because the disclosure of his alternate identity and his prior interactions with INS under that identity would have disclosed to USCIS that he was present in the United States because he had overstayed a B-2 visitor visa that expired in 1991, that his application for an immigration benefit had been denied, that he had been placed into deportation proceedings, that USCIS lacked jurisdiction to adjust his status to

permanent residence, and that he was therefore ineligible to naturalize because he was never lawfully admitted for permanent residence.

110. Finally, Defendant procured his naturalization because of his misrepresentations and concealment. Had Defendant disclosed the truth about his alternate identity and immigration history, his ineligibility for naturalization would have been disclosed, and USCIS would not have approved his application for naturalization or administered the oath of allegiance.

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that the Court enter judgment in favor of the United States and against Defendant Oyetaye Abdul Saka a/k/a Tae Bashir Saka as follows:

1. Judgment on the First through Fourth Causes of Action declaring that Defendant illegally procured his naturalization;

2. Judgment on the Fifth Cause of Action declaring that Defendant procured his naturalization by willful misrepresentation and concealment of material facts;

3. Judgment revoking and setting aside Defendant's naturalization and canceling Certificate of Naturalization No. [redacted], effective as of the original date of the order and certificate, August 18, 2011;

4. Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages in connection with his August 18, 2011 naturalization;

5. Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment against him, his Certificate of Naturalization 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 others – to the Attorney General, or his representative, including undersigned counsel;

6. Judgment requiring Defendant 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 and passport cards, whether valid 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 his representative, including undersigned counsel; and

7. Judgment granting the United States such other relief as may be lawful and proper.

Respectfully submitted, this 30th day of June, 2026.

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