UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. ABDOUL THIAMA, A[redacted] a.k.a. SOUMARE ABDOURHAMANE, A[redacted] Defendant.	)))))))))))	Civil Action No. 1:26-cv-00647 **COMPLAINT TO REVOKE NATURALIZATION**

I. PRELIMINARY STATEMENT OF THE CASE

The United States of America brings this civil action against Defendant Abdoul Thiama, a.k.a. Soumare Abdourhamane ("Defendant") to revoke his naturalized U.S. citizenship under 8 U.S.C. § 1451(a). The United States alleges that Defendant procured his naturalization unlawfully and that he willfully misrepresented and concealed material facts in applying to naturalize.

Before he naturalized as a U.S. citizen in September 2010 under the identity Abdoul Thiama, Defendant previously sought immigration benefits and was ordered deported from the United States under the identity Soumare Abdourhamane. Specifically, in November 1995 Defendant filed an application for benefits with Immigration and Naturalization Service ("INS")[1] using the name Soumare

[1] On March 1, 2003, the INS ceased to exist as an independent agency within the Department of Justice, and many 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 INS was divided into several separate agencies, including United States Citizenship and Immigration Services ("USCIS"), Customs and

Abdourahamane. INS referred Defendant to immigration court, and in March 1996, an immigration judge ordered Defendant deported.

In August 1996, after being ordered deported using the identity Soumare Abdourahamane, Defendant used an alternate identity, Abdoul Thiama, to file an application for an immigration benefit with the INS. In this application, Defendant changed, among other things, his name, date of birth, and basis for his claim. In October 1996, the INS granted Defendant's application. In March 2005, the INS approved Defendant's adjustment of status application under the identity Abdoul Thiama. And on September 17, 2010, Defendant naturalized under the identity and immigration history of Abdoul Thiama. Defendant did not disclose his prior immigration history under the identity of Soumare Abdourahamane in any of his immigration applications or proceedings under the identity Abdoul Thiama.

Defendant's actions and conduct statutorily barred him from becoming a U.S. citizen and render his naturalization unlawfully procured. Thus, with the Affidavit of Good Cause attached as Exhibit 1, the United States brings this civil action to revoke and set aside the order admitting Defendant to citizenship and to cancel his certificate of naturalization.

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. 33047871, issued September 17, 2010.

Border Protection, and Immigration and Customs Enforcement. USCIS assumed naturalization authority from the INS. This Complaint will refer to INS where appropriate.

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 this district pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391, because Defendant resides in Cincinnati, Ohio, 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 Rwanda. Abdoul Thiama and Soumare Abdourahamane are the same person.

IV. FACTUAL ALLEGATIONS

6. The affidavit of Warren Lee, Adjudication Officer, USCIS, 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 1.

A. Defendant's Immigration Proceedings Under the Identity Soumare Abdourahamane

7. On or about November 30, 1995, Defendant filed an application for benefits using the name Soumare Abdourhamane. In that application and under penalty of perjury, Defendant represented that:

a. his name was Soumare Abdourhamane;

b. he was born in 1968 in Kaedi, Mauritania;

c. he was a Mauritanian national;

d. he had not used any other names; and

e. he married Ramata Thiam in February of 1989 in Mauritania.

8. Defendant, in the process of seeking such benefits, provided fingerprints on or about December 1, 1994 and November 15, 1995.

9. On or about January 31, 1996, an INS office in New York interviewed Defendant in connection with his application. After that interview, on or about February 2, 1996, INS referred him to the immigration court.

10. On or about February 7, 1996, INS served Defendant with an Order to Show Cause and Notice of Hearing, charging him with being deportable under Section 241(a)(1)(B) because he entered the United States (at or near Miami, Florida) without inspection.

11. The Order to Show Cause ordered Defendant to appear for his initial immigration hearing on March 1, 1996 in New York, NY. Defendant, however, did not appear for his immigration hearing, and the immigration judge ordered him deported.

12. The government has no record that Defendant departed the United States pursuant to the deportation order.

B. Defendant's Application Under the Identity Abdoul Thiama

13. On or about August 12, 1996, Defendant, using the name Abdoul Thiama, filed an application for benefits with the INS.

14. In the second application, Defendant stated:

a. his name was Abdoul Thiama;

b. he was born in 1969 in Nyarugenge, Rwanda;

c. he last arrived in the United States on July 30, 1994 at Baltimore, Maryland, without inspection;

d. he had not used any other names; and

e. he was not in exclusion or deportation proceedings.

15. On or about September 17, 1996, Defendant was interviewed in connection with his application. At that time, Defendant signed the application, declaring the contents of the application and all accompanying documents were "true to the best of my knowledge."

16. On or about October 1, 1996, INS approved Defendant's application.

C. Defendant's Adjustment Application Under the Identity Abdoul Thiama

17. On or about June 10, 1998, Defendant filed a Form I-485 Application to Register Permanent Residence or Adjust Status based on INS's approval of his prior application. In the Form I-485, Defendant represented the following under penalty of perjury:

a. his name was Abdoul Thiama;

b. he was born in 1969 in Nyarugenge, Rwanda;

c. he last entered the United States on July 30, 1994, through Baltimore, without inspection;

d. he was married to Ramata Thiam;

e. he had never been deported from the U.S. or removed from the U.S. at government expense, excluded within the past year, nor was he now in exclusion or deportation proceedings; and

f. 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.

18. In conjunction with and in support of his Adjustment Application, Defendant further submitted another Form G-325A, Biographic Information, in which Defendant represented, under "severe penalties for knowingly and willfully falsifying or concealing a material fact," that:

a. his name was Abdoul Thiama;

b. he was born in 1969 in Nyarugenge, Rwanda;

c. he was married to Ramata Thiam on January 10, 1997 in Mali; and

d. he had never used any names other than Abdoul Thiama.

19. On or about March 21, 2005, USCIS interviewed Defendant regarding his I-485 application. Shortly thereafter, on March 28, 2005, USCIS approved Defendant's Form I-485 and Defendant was afforded lawful permanent resident status as of that date.

20. On or about March 11, 2005, Defendant provided fingerprint impressions in connection with his Form I-485.

D. Defendant's Naturalization Application Under the Identity Abdoul Thiama

21. On June 4, 2010, Defendant, using the identity Abdoul Thiama, filed a Form N-400, Application for Naturalization, with USCIS, based, *inter alia,* on having been a lawful permanent resident for at least five years.

22. In his naturalization application, in response to Question A in Part 1, Defendant represented that his name was Abdoul Thiama.

23. In his naturalization application, in response to Question C in Part 1, Defendant responded "NONE" three times when asked to provide any other names he had ever used.

24. In his naturalization application, in response to Question B in Part 3, Defendant represented that his date of birth was December 8, 1969.

25. 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);

26. 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);

27. 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); and

28. 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).

29. On or about June 1, 2010, 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 Abdoul Thiama

30. On August 17, 2010, a USCIS Immigration Services Officer ("ISO") orally interviewed Defendant regarding his naturalization application to determine his eligibility for naturalization.

31. At the beginning of the interview, the ISO placed Defendant under oath.

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

a. his legal name was Abdoul Thiama;

b. he had never used any other names;

c. his date of birth was in 1969;

d. he was born in Rwanda and his country of nationality was Rwanda;

e. he married Ramata Thiama in 1999;

f. he had never given false or misleading information to any U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal;

g. he had never lied to any U.S. government official to gain entry or admission into the United States; and

h. he had never been removed, excluded, or deported from the United States.

33. On August 17, 2010, at the conclusion of his naturalization interview, Defendant signed his naturalization application in the presence of the ISO under penalty of perjury, thereby attesting that the information it contained was true and correct.

34. On August 17, 2010, based upon the information supplied by Defendant in his naturalization application and on the sworn testimony he gave during his naturalization interview, USCIS approved Defendant's naturalization application.

35. On September 17, 2010, Defendant took the oath of allegiance and became a naturalized U.S. citizen.

36. USCIS issued Defendant, under the identity Abdoul Thiama, Certificate of Naturalization No. [redacted]

F. Fingerprint Analysis Confirms Abdourhamane and Thiama are the Same Individual.

37. As described above, Defendant provided fingerprint submissions in applications filed under each identity: Soumare Abdourhamane and Abdoul Thiama.

38. Analysis and comparison of these fingerprint submissions confirm that the same individual provided the fingerprint impressions.

V. GOVERNING LAW

A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

39. 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 "[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)).

40. Congress has mandated that an individual may not naturalize unless that person "during all periods referred to in this 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.*

41. 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).

42. The term "lawfully" requires compliance with substantive legal requirements for admission, and not mere procedural regularity. *See* 8 U.S.C. § 1101(a)(20); *Monet v. INS*, 791 F.2d 752, 753 (9th Cir. 1978).

43. An individual 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 Immigration and Nationality Act ("INA") is inadmissible. *See* 8 U.S.C. § 1182(a)(6)(C)(i).

B. The Denaturalization Statute

44. 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 his or her naturalization application, Congress enacted 8 U.S.C. § 1451.

45. 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.

46. 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.

47. 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 as a result of the misrepresentation or concealment. *Kungys v. United States*, 485 U.S. 759, 767 (1988).

48. 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
NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE
(Adjustment Procured by Fraud or Willful Misrepresentation)

49. The United States realleges and incorporates by reference the allegations previously made in this Complaint.

50. 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.

51. As noted above, the term "lawfully" denotes compliance with substantive legal requirements, not mere procedural regularity. *See* 8 U.S.C. § 1101(a)(20); *Monet*, 791 F.2d at 753.

52. 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).

53. 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).

54. 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.

55. Defendant sought to procure admission into the United States and other benefits provided for in the INA by fraud or willfully misrepresenting material facts. Specifically, at the time Defendant adjusted his status to permanent resident using the name Abdoul Thiama, he made numerous misrepresentations of fact described throughout this complaint, including but not limited to, misrepresentations regarding his name, date of birth, and immigration history.

56. Because Defendant made sworn statements in immigration benefit applications that cannot be simultaneously true, he was inadmissible.

57. Defendant's false statements, including those regarding his name, date of birth, and his immigration history were material to determining his eligibility for the immigration benefits for which he applied. 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.

58. 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.

59. 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.

60. Because he was ineligible to naturalize, Defendant illegally procured his citizenship, and this Court must revoke his citizenship as provided for in 8 U.S.C. § 1451(a).

COUNT TWO

ILLEGAL PROCUREMENT OF NATURALIZATION
LACK OF GOOD MORAL CHARACTER
(Unlawful Acts and False Testimony With No Extenuating Circumstances)

61. The United States realleges and incorporates by reference the allegations previously set forth in this Complaint.

62. 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 his or her 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).

63. Defendant filed his naturalization application on June 4, 2010, and he naturalized on September 17, 2010. Thus, to be eligible for naturalization, Defendant

was required to establish that he was a person of good moral character during his "statutory period" from June 4, 2005, until September 17, 2010.

64. Defendant completed and filed his naturalization application during his "statutory period."

65. 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 and that he been ordered deported under that identity.

66. Defendant violated 18 U.S.C. § 1001(a)(1)-(3) when he completed and filed his naturalization application by answering "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).

67. Defendant violated 18 U.S.C. § 1001(a)(1)-(3) when he completed and filed his naturalization application by answering "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).

68. Defendant violated 18 U.S.C. § 1001(a)(1)-(3) when he completed and filed his naturalization application by answering "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).

69. No extenuating circumstances exist that would palliate Defendant's guilt for violating 18 U.S.C. § 1001(a)(1)-(3).

70. Further, as alleged previously, Defendant provided false testimony during his naturalization interview. Such false testimony included, but was not limited to, his name and identity, that he had never used any other names, that he had never been arrested or detained by law enforcement (including USCIS or INS), and that he had never given false or misleading information when applying for an immigration benefit.

71. 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.

72. Because he was ineligible to naturalize, Defendant illegally procured his citizenship, and this Court must revoke his citizenship as provided for in 8 U.S.C. § 1451(a).

COUNT THREE

PROCUREMENT OF NATURALIZATION BY CONCEALMENT OF A MATERIAL FACT OR WILLFUL MISREPRESENTATION

73. The United States realleges and incorporates by reference the allegations previously set forth in this Complaint.

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

75. As set forth herein, throughout the naturalization process, Defendant willfully misrepresented or concealed, among other things: (i) his use of another identity, including a different date of birth; (ii) his prior order of deportation; (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 removal, exclusion, rescission, or deportation proceedings were pending against him; and (vi) that he had been ordered to be removed, excluded, or deported from the United States.

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

77. Defendant's misrepresentations were material to his naturalization because the disclosure of his multiple identities, multiple claimed dates of birth, prior application for an immigration benefit, prior order of 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 information, it would have denied his naturalization application.

78. 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 Defendant's Certificate of Naturalization, effective as of the original date of the certificate;

(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 naturalization;

(5) Judgment requiring the Defendant, within ten (10) days of the entry of judgment against him, to surrender and deliver his Certificate of Naturalization 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 Attorney General, or 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 Drivers 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 Attorney General, or his representative, including undersigned counsel; and

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

Respectfully submitted,

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