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13
14 **IN THE UNITED STATES DISTRICT COURT**
15 **FOR THE DISTRICT OF ARIZONA**

16 United States of America,) No. CV-26-_____
17)
18 Plaintiff,)
19)
20 v.) **COMPLAINT TO REVOKE**
21) **NATURALIZATION**
22 Ohene Bekoe,)
23)
24 Defendant.)
25 _____)

26 The United States of America brings this civil action, supported by the
27 accompanying Affidavit of Good Cause, against Ohene Bekoe to revoke his naturalized
28 United States citizenship under 8 U.S.C. § 1451(a) because Mr. Bekoe illegally procured
his naturalization.

1 **I. PRELIMINARY STATEMENT OF THE CASE**

2 In January 1996, an immigration judge denied an application that Mr. Bekoe
3 submitted for an immigration benefit and ordered him to be deported from the United
4 States. In July 2004, while subject to the deportation order, Mr. Bekoe left the United
5 States and traveled to Ghana for 21 days.

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1 By statute, and as courts—including this one—have held, an individual who
2 departs the United States while subject to an order of removal or deportation is
3 inadmissible for 10 years after the date of departure from the United States. 8 U.S.C. §
4 1182(a)(9)(A)(ii); *see also, e.g., United States v. Hirani*, 824 F.3d 741, 752 (8th Cir.
5 2016); *United States v. Brown*, No. 18-cv-4213, 2019 WL 5549174, at *2 (D. Ariz. Oct.
6 28, 2019).

7 In September 1996, Mr. Bekoe obtained lawful permanent residence, and he
8 naturalized as a United States citizen in February 2007. However, due to his international
9 travel, Mr. Bekoe was inadmissible in February 2007 and, in fact, from July 2004 (when
10 he departed the United States while subject to the deportation order) until and including
11 July 2014 (10 years after his departure from the United States).

12 Because Mr. Bekoe was inadmissible and ineligible for naturalization, he illegally
13 procured his United States citizenship and, therefore, his naturalization is subject to
14 revocation under 8 U.S.C. § 1451(a). Accordingly, the United States respectfully requests
15 that the Court revoke and set aside the order admitting Mr. Bekoe to citizenship and
16 cancel his certificate of naturalization.

17 **II. PARTIES, JURISDICTION, AND VENUE**

18 1. Plaintiff is the United States of America.

19 2. Defendant is Ohene Bekoe, who is a native of Ghana and a naturalized
20 United States citizen.

21 3. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the order
22 admitting Mr. Bekoe to United States citizenship and to cancel his Certificate of
23 Naturalization No. 

24 4. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 and
25 28 U.S.C. § 1345 for a cause of action under 8 U.S.C. § 1451(a).

26 5. Venue is proper in this District under 8 U.S.C. § 1451(a) and 28 U.S.C.
27 § 1391 because Mr. Bekoe resides in this judicial district.

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1 **III. FACTUAL ALLEGATIONS**

2 **A. Mr. Bekoe Is Ordered Deported.**

3 6. On or about November 9, 1994, Mr. Bekoe filed an application for an
4 immigration benefit with the Immigration and Naturalization Service (“INS”).¹

5 7. On June 8, 1995, INS served Mr. Bekoe Form I-221 Order to Show Cause
6 and Notice of Hearing (“OSC”) charging him as deportable pursuant to 8 U.S.C. §
7 1231(a)(1)(B) because, after admission as a nonimmigrant, he remained in the United
8 States for a time longer than permitted.

9 8. The OSC ordered Mr. Bekoe to appear for a hearing before an Immigration
10 Judge of the Executive Office for Immigration Review (“EOIR”).

11 9. On January 18, 1996, Mr. Bekoe failed to appear at his deportation hearing,
12 and the immigration judge ordered Mr. Bekoe deported from the United States to Ghana.

13 10. Mr. Bekoe failed to depart the United States pursuant to that order.

14 **B. Mr. Bekoe Obtains Permanent Resident Status.**

15 11. On November 24, 1995, Mr. Bekoe filed with INS Form I-485, Application
16 to Register Permanent Residence or Adjust Status, based on his receipt of a diversity visa.

17 12. On September 20, 1996, INS approved Mr. Bekoe’s Form I-485, granting
18 him permanent resident status.

19 **C. Mr. Bekoe Departs the United States.**

20 13. On July 21, 2006, Mr. Bekoe filed with USCIS Form N-400, Application
21 for Naturalization (Form N-400), signed on June 1, 2006.

22 14. On his Form N-400, Mr. Bekoe represented that he departed the United
23 States on July 5, 2004; traveled to Ghana; and returned to the United States on July 26,
24 2004.

25 _____
26 ¹ On March 1, 2003, the INS ceased to exist, and many of its relevant functions
27 transferred to DHS and its sub-agencies, including United States Citizenship and
28 Immigration Services (“USCIS”). See Homeland Security Act of 2002, Pub. L. No. 107-
296, 110 Stat. 2135 (Nov. 25, 2002). The United States references “INS” or “USCIS”
where factually appropriate.

D. Mr. Bekoe Becomes a Naturalized Citizen.

15. Mr. Bekoe's Form N-400 was approved on December 29, 2006.

16. On January 19, 2007, USCIS issued Mr. Bekoe a Form N-445, Notice of Naturalization Oath Ceremony (Form N-445), which instructed him to appear for a naturalization oath ceremony.

17. On February 16, 2007, Mr. Bekoe appeared at the naturalization oath ceremony, took the oath of allegiance, and was admitted as a citizen of the United States.

18. Mr. Bekoe was issued Certificate of Naturalization No. 

IV. GOVERNING LAW

19. 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).

20. 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)).

21. Congress enacted 8 U.S.C. § 1451 to address situations in which an individual has "illegally procured" citizenship.

22. 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.

23. Under 8 U.S.C. § 1451(a), an order of naturalization is subject to revocation and a certificate of naturalization is subject to cancellation if naturalization was illegally procured.

24. 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.

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1 25. Where the United States establishes that the defendant's citizenship was
2 procured illegally, "district courts lack equitable discretion to refrain from entering a
3 judgment of denaturalization." *Fedorenko*, 449 U.S. at 517.

4 **V. CAUSE OF ACTION**

5 **COUNT I**

6 **ILLEGAL PROCUREMENT OF NATURALIZATION**

7 **Noncitizen Ordered Removed**

8 26. The United States re-alleges and incorporates by reference the factual and
9 legal allegations contained in Sections I through IV of this Complaint.

10 27. An individual who departs the United States while subject to an order of
11 removal or deportation is inadmissible for 10 years after the date of departure from the
12 United States. 8 U.S.C. § 1182(a)(9)(A)(ii).

13 28. Mr. Bekoe was inadmissible under 8 U.S.C. § 1182(a)(9)(A)(ii) at the time
14 of his naturalization in 2007 because he was subject to an order of removal issued in 1996
15 and departed the United States in 2004.

16 29. Because Mr. Bekoe was inadmissible, he was ineligible for naturalization
17 under 8 U.S.C. § 1429.

18 30. Because Mr. Bekoe was ineligible for naturalization, he illegally procured
19 his naturalization.

20 31. Because Mr. Bekoe illegally procured his naturalization, his naturalization
21 is subject to revocation under 8 U.S.C. § 1451(a).

22 **PRAYER FOR RELIEF**

23 **WHEREFORE**, the United States of America respectfully requests:

- 24 (1) A declaration that Mr. Bekoe procured his citizenship illegally;
- 25 (2) Judgment revoking and setting aside the order admitting Mr. Bekoe to
- 26 citizenship and canceling Certificate of Naturalization No.  effective as of the
- 27 original date of the order and certificate, February 16, 2007.

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1 (3) Judgment forever restraining and enjoining Mr. Bekoe from claiming any
2 rights, privileges, benefits, or advantages related to United States citizenship that he
3 obtained as a result of his February 16, 2007, naturalization;

4 (4) Judgment requiring Mr. Bekoe to surrender and deliver, within 14 days of
5 the entry of judgment against him, his Certificate of Naturalization No. and any
6 copies thereof in his possession—and to make good faith efforts to recover and
7 immediately surrender any copies thereof that he knows are in the possession of others—
8 to the Acting Attorney General through his designee, including undersigned counsel;

9 (5) Judgment requiring Mr. Bekoe to immediately surrender and deliver, within
10 14 days of entry of Judgment, any other indicia of United States citizenship, including, but
11 not limited to, United States passports (whether valid or expired), United States passport
12 cards (whether valid or expired), and Enhanced Driver's Licenses (whether valid or
13 expired), and other relevant documents, whether current or expired, and any copies thereof
14 in his possession or control—and to make good faith efforts to recover and then surrender
15 any copies thereof that he knows are in the possession or control of others—to the Acting
16 Attorney General through his designee, including undersigned counsel; and

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

19 RESPECTFULLY SUBMITTED July 28, 2026.

20 TIMOTHY COURCHAIINE
21 United States Attorney
22 District of Arizona

23 /s/ Lon R. Leavitt

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25 LON R. LEAVITT
26 Assistant United States Attorney
27 Counsel for the United States of America
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