

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	Civil Action No. 2:26-cv-00975
Plaintiff,	)	
	)	
v.	)	
	)	
IBRAHIMA NDONGO, [REDACTED],	)	COMPLAINT TO REVOKE
a.k.a. IBRAHIMA NDONGO, A [REDACTED]	)	NATURALIZATION
[REDACTED]	)	
	)	
Defendant.	)	

I. PRELIMINARY STATEMENT OF THE CASE

The United States of America brings this civil action against Ibrahima Ndongo (“Defendant”) to revoke his naturalized United States citizenship under 8 U.S.C. § 1451(a). As alleged in this Complaint, Defendant procured his naturalization unlawfully and willfully misrepresented and concealed material facts in his naturalization application.

Before he became a naturalized United States citizen on March 12, 2009, Defendant sought immigration benefits and was ordered removed from the United States. Specifically, in 1999, Defendant filed an application for benefits with the Immigration and Naturalization Service (“INS”).¹ He claimed to be from

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 Border Protection, and Immigration and Customs Enforcement.

Mauritania, married to Aminata Ba also from Mauritania, with no children. INS referred Defendant to immigration court. In January 2001, an immigration judge denied Defendant's request for an immigration benefit and ordered him removed to Mauritania. The Board of Immigration Appeals ("BIA") later affirmed the immigration judge's decision and dismissed Defendant's appeal. Despite that order of removal, the government has no record that Defendant departed the United States.

Just two years later, however, Defendant, under the same name Ibrahima Ndongo, filed a Form I-485 Application to Register Permanent Residence or Adjust Status with the INS. His Form I-485 was based on a Form I-130 Petition for Alien Relative, filed on Defendant's behalf by U.S. citizen Helen Crider, whom Defendant married in September 2004. In Defendant's Form I-485 application, he changed, among other things, his date of birth, his nation of origin, his family and marital history, and his criminal history. Defendant also never disclosed his prior immigration history in any of his immigration applications or proceedings. In January 2006, USCIS granted Defendant's application, and he became a conditional permanent resident. Three years later, after filing a naturalization application, Defendant became a naturalized United States citizen.

Defendant's actions and conduct statutorily barred him from becoming a United States citizen and render his naturalization unlawfully procured. With the

USCIS assumed naturalization authority from the INS. This Complaint will refer to INS where appropriate.

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 United States citizenship and to cancel Certificate of Naturalization No. [REDACTED] 7, issued March 12, 2009.

2. This Court has jurisdiction under 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 under 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391, because Defendant resides in Columbus, Ohio, within this Court's jurisdiction and venue.

III. PARTIES

4. Plaintiff is the United States of America.

5. Defendant is a naturalized United States citizen and purports to be a native of Senegal. Ibrahima Ndongo, [REDACTED] 2, and Ibrahima Ndongo, A# [REDACTED] [REDACTED], are the same person.

IV. FACTS

6. The affidavit of Erin Booher, Immigration Service Officer, USCIS, an agency with 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 Identity Associated with [REDACTED]

7. In December 1999, Defendant filed an application for an immigration benefit. In that application, Defendant represented under penalty of perjury that:

- a. His name was Ibrahima Ndongo;
- b. He last entered the United States in August 1999 without inspection;
- c. He was born in 1967 in Mauritania;²
- d. His father's name was Taibou Ibra, and his mother's name was Fatimata Dia, also from Mauritania;
- e. He was married on March 2, 1989, to Aminata Ba, born 1975 in Mauritania;
- f. He had no children;
- g. He had been arrested in 1993 and imprisoned in Mauritania until 1998.

8. INS assigned Defendant [REDACTED].

9. In connection with his application for an immigration benefit, Defendant provided fingerprints on or about January 10, 2000.

10. On January 25, 2000, Defendant appeared for an interview at the INS Office in Memphis, Tennessee where an immigration officer interviewed him in

² The month and day have been omitted due to Federal Rule of Civil Procedure 5.2(a)(2), but the United States can supply the date of birth upon request or under seal.

connection with his application. Six days later, INS notified Defendant that it had referred his case to the immigration court.

11. On February 10, 2000, INS served Defendant with a Form I-862, Notice to Appear (“NTA”), charging him with removability as an alien present in the United States without being admitted or paroled under Section 212(a)(6)(A)(i) of the Immigration and Nationality Act (“INA”).

12. On January 10, 2001, an immigration judge denied Defendant’s request for an immigration benefit and ordered him removed to Mauritania.

13. Defendant appealed the immigration judge’s decision to the BIA. In July 2003, the BIA affirmed the immigration judge’s decision and dismissed Defendant’s appeal.

14. The government has no record that Defendant departed the United States.

B. Defendant’s Adjustment Application Under Identity Associated with



15. In July 2005, Defendant filed a Form I-485 Application to Register Permanent Residence or Adjust Status. The Form I-485 is attached as Exhibit 2.

16. The Form I-485 was based on a Form I-130 Petition for Alien Relative filed in May 2005 on Defendant’s behalf by Helen Crider, a United States citizen. The Form I-130 is attached as Exhibit 3.

17. Defendant and Helen Crider married on September 12, 2004. Helen Crider was previously married to George Crider. Upon information and belief, “Helen Wallace” was Helen Crider’s maiden name.

18. Helen Crider's Form I-130 lists "N/A" for Defendant's prior marriages. And the Certified Abstract of Marriage submitted with the Form I-130 states "0" prior marriages for Defendant.

19. In the Form I-485, Defendant represented that:

- a. His name was Ibrahima Ndongo;
- b. He last entered the United States in September 1999 at John F. Kennedy International Airport on a B2 nonimmigrant visitor visa;
- c. He was born on a different date in 1967 in Thies, Senegal;³
- d. His father's name was Samba, and his mother's name was Fatimata;
- e. He had two children under the age of 21, both born in Senegal, C.N. (DOB XX/XX/1993) and L.N. (DOB XX/XX/1996);⁴
- f. He had never been "arrested, cited, charged, indicted, fined or imprisoned for breaking or violating any law or ordinance, excluding traffic violations";
- g. He had never been "deported from the United States, or removed from the United States at government expense,

³ The month and day have been omitted due to Federal Rule of Civil Procedure 5.2(a)(2), but the United States can supply the date of birth upon request or under seal. Defendant listed this different birth date in all applications submitted under the second A number.

⁴ The full names and dates of birth have been omitted due to Federal Rule of Civil Procedure 5.2(a)(2), but the United States can supply them upon request or under seal.

excluded within the past year, or are you now in exclusion, deportation, removal or recission proceedings.”

20. In the box requesting his “A# (if any),” Defendant wrote “N/A.” He was assigned .

21. In connection with this application, Defendant provided fingerprints on or about August 2, 2005.

22. Along with and to support his Adjustment Application, Defendant submitted another Form G-325A, Biographic Information (attached as Exhibit 4), in which he represented, under “severe penalties for knowingly and willfully falsifying or concealing a material fact,” that:

- a. He was born in 1967,⁵ and his nationality was Senegalese;
- b. His father’s name was Samba Ndongo, born 1926 in Senegal, and his mother’s name was Fatimata Dia, born 1944 in Senegal;
- c. His current spouse was Helen Wallace, and he listed “NONE” as to whether he had a former spouse.

23. In January 2006, after interviewing Defendant on his Form I-485, USCIS approved the Form I-130 and the Form I-485. Accordingly, Defendant became a conditional permanent resident.

24. Two years later, in January 2008, Defendant and Helen Crider filed a Form I-751, Petition to Remove Conditions on Residence. In that application, Defendant represented again that he was born in 1967 in Senegal and listed his

⁵ See *supra* footnote 3.

children in Senegal: C.N. and L.N., with dates of birth identical to those listed in Defendant's Form I-485. The Form I-751 is attached as Exhibit 5.

25. In connection with this petition, Defendant provided fingerprints on or about February 14, 2008.

26. On March 5, 2008, USCIS approved the Form I-751, and the conditions on Defendant's permanent residency were lifted.

C. Defendant's Form N-400 Application for Naturalization

25. On November 10, 2008, Defendant filed a Form N-400 Application for Naturalization. In that application, Defendant represented that (1) he was born in 1967 in Senegal;⁶ (2) he had been married only one time and was married to Helen Wallace; and (3) his children were C.N. and L.N., both born in Senegal, with dates of birth identical to those listed in Defendant's Form I-485. The Form N-400 is attached as Exhibit 6.

26. In his naturalization application, Defendant answered "no" to the following questions:

- a. "Have you **ever** been arrested, cited, or detained by any law enforcement officer (including USCIS, or former INS and military officers) for any reason?" (emphasis in original);
- b. "Have you **ever** been in jail or prison?" (emphasis in original);
- c. "Have you **ever** given false or misleading information to any U.S. Government official while applying for any immigration

⁶ See *supra* footnote 3.

benefit or to prevent deportation, exclusion, or removal?”

(emphasis in original);

- d. “Have you **ever** lied to any U.S. Government official to gain entry or admission into the United States?” (emphasis in original);
- e. “Have you **ever** been ordered to be removed, excluded or deported from the United States?” (emphasis in original); and
- f. “Have you **ever** applied for any kind of relief from removal, exclusion or deportation?” (emphasis in original).

27. On or about November 7, 2008, Defendant signed his naturalization application under penalty of perjury under the laws of the United States, thereby certifying that the application and the evidence submitted with it were all true and correct.

28. In connection with this application, Defendant provided fingerprints on or about December 4, 2008.

D. Defendant’s Naturalization Interview Before an Immigration Officer

29. On February 6, 2009, a USCIS Immigration Services Officer (“ISO”) orally interviewed Defendant regarding his naturalization application to determine his eligibility for naturalization.

30. Before the interview, the ISO placed Defendant under oath.

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

- a. He was born in 1967 in Senegal;⁷
- b. He had been married only one time and was married to Helen Wallace;
- c. His children were C.N. and L.N., both in Senegal;
- d. He had never been arrested, cited, or detained by any law enforcement officer for any reason;
- e. He had never been in jail or prison;
- 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; and
- g. He had never lied to any U.S. government official to gain entry or admission into the United States.

32. After his interview, Defendant signed his naturalization application under penalty of perjury, thereby attesting that the information it contained was true and correct.

33. Based on the written answers in the Form N-400 and Defendant's testimony during the naturalization interview, USCIS approved Defendant's N-400 that same day.

34. On March 12, 2009, Defendant took the oath of allegiance and became a naturalized United States citizen.

⁷ See *supra* footnote 3.

35. USCIS issued Certificate of Naturalization No. [REDACTED] to Defendant.

E. Fingerprint Analysis Confirms that Ibrahima Ndongo, [REDACTED], and Ibrahima Ndongo, [REDACTED], Are the Same Person.

36. As alleged above, Defendant provided fingerprint submissions in connection with the applications he filed under both [REDACTED] and [REDACTED].

37. 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

38. 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)).

39. 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). For an applicant who

obtained status as a lawful permanent resident by reason of his or her status as a spouse or child of a United States citizen, the required statutory period for good moral character begins three 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 United States citizen. *See id.* § 1430.

40. 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).

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

42. 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 INA is inadmissible. 8 U.S.C. § 1182(a)(6)(C)(i).

B. The Denaturalization Statute

43. 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.

44. Under 8 U.S.C. § 1451(a), this Court must revoke a United States 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.

45. 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.

46. 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).

47. 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 (Final Order of Removal Outstanding at Adjustment)

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

49. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with the INA. 8 U.S.C. § 1429.

50. The term “lawfully” means compliance with substantive legal requirements, not mere procedural regularity. 8 U.S.C. § 1101(a)(20); *Monet*, 791 F.2d at 753.

51. Under the law in effect at the time Defendant adjusted to permanent resident status, the immigration court generally had exclusive jurisdiction over applications for adjustment of status filed by applicants (other than certain arriving aliens) in deportation or removal proceedings. 8 C.F.R. § 1245.2(a)(1).

52. Defendant was subject to a final order of removal under the identity Ibrahima Ndongo [REDACTED] as of July 11, 2003. He filed his application for adjustment of status on July 13, 2005, under the different identity of Ibrahima Ndongo [REDACTED]. Defendant was therefore in removal proceedings at the time of his application for adjustment of status.

53. Because Defendant made misrepresentations of fact in his application, including but not limited to, his date of birth, country of birth, family history,

marital history, criminal history, and prior immigration proceedings, USCIS was not aware of the removal proceedings and approved his adjustment application on January 20, 2006, when it did not have jurisdiction.

54. Because the immigration court had exclusive jurisdiction over Defendant's application for adjustment of status at the time it was erroneously approved by USCIS, Defendant was not lawfully admitted for permanent residence. He therefore illegally procured his naturalization.

COUNT TWO

ILLEGAL PROCUREMENT OF NATURALIZATION NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE (Inadmissible Based on Fraud or Misrepresentation)

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

56. To qualify for naturalization, an applicant must have been "lawfully admitted" to the United States for permanent residence. 8 U.S.C. §§ 1427(a)(1), 1429, 1430.

57. The term "lawfully" means compliance with substantive legal requirements, not mere procedural regularity. 8 U.S.C. § 1101(a)(20); *Monet*, 791 F.2d at 753.

58. Among the INA provisions applicable when Defendant adjusted his status to permanent resident was the requirement that Defendant be admissible to the United States. 8 U.S.C. §§ 1159(b)(5), 1255(a).

59. Under the law in effect at the time 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).

60. 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), 1429, and 1430, because he was inadmissible at the time of his adjustment to permanent resident status.

61. 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, he made numerous misrepresentations of fact described throughout this complaint, including but not limited to, his date of birth, country of birth, family history, marital history, criminal history, and immigration history. Defendant also did not demonstrate that his prior marriage to Aminata Ba was legally terminated and that he was free to marry United States citizen Helen Crider (formerly Wallace).

62. Defendant made sworn statements in immigration benefit applications that cannot be simultaneously true. He was therefore inadmissible.

63. Defendant's false statements, including those regarding his date of birth, country of birth, family history, marital history, criminal history, and

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.

64. 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.

65. Because Defendant was never lawfully admitted for permanent residence, he was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1), 1429, and 1430.

66. 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

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

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

68. 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 during the applicable statutory period before filing his or her naturalization

application until the time the applicant becomes a naturalized United States citizen. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(1).

69. An applicant for naturalization under Section 319 of the INA, such as Defendant, must establish that he or she has been a person of good moral character during the period beginning three years prior to the filing of his application for naturalization and continuing until the time of admission to citizenship. 8 U.S.C. § 1430.

70. Defendant filed his application for naturalization on November 10, 2008. Accordingly, he had to establish that he was a person of good moral character during his “statutory period” from November 10, 2005, until March 12, 2009.

71. Defendant completed and filed his naturalization application during his “statutory period.”

72. 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 been ordered removed from the United States.

73. 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);

74. Defendant violated 18 U.S.C. § 1001(a)(1)-(3) when he completed and filed his naturalization application by answering “no” to Question 24 in Part 10, which asked: “Have you **ever** lied to any U.S. Government official to gain entry or admission into the United States?” (emphasis in original);

75. 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).

76. 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).

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

78. Further, as alleged previously, Defendant provided false testimony during his naturalization interview. Such false testimony included, but was not limited to, his date of birth, his country of birth, his number of prior marriages, that he had never been arrested or detained by law enforcement, that he had never been in jail or prison, that he had never lied to a government official to gain entry or admission, and that he had never given false or misleading information when applying for an immigration benefit.

79. 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), 1429, and 1430.

80. 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 FOUR

PROCUREMENT OF NATURALIZATION BY CONCEALMENT OF MATERIAL FACT OR WILLFUL MISREPRESENTATION

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

82. 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.

83. Throughout the naturalization process, Defendant willfully misrepresented or concealed, among other things: (i) his use of another identity, including a different date of birth, different country of birth, his family history, and his number of prior marriages; (ii) his prior application for an immigration benefit; (iii) his prior criminal history; (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.

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

85. Defendant's misrepresentations were material to his naturalization because the disclosure of his multiple identities, his prior application for an immigration benefit, prior order of removal, 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.

86. Defendant thus procured his naturalization by willful misrepresentation and concealment of material facts, and this Court must revoke his citizenship under 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;

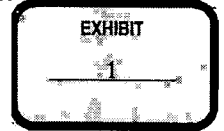
(6) Judgment requiring the Defendant, within ten (10) days of the entry of judgment, to surrender and deliver any other indicia of U.S. citizenship (including, but not limited to, United States passports and passport cards, Enhanced Drivers License, and other relevant documents), whether current or expired, 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,

DOMINICK S. GERACE II
United States Attorney

/s/Christopher G. Wilson
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UNITED STATES OF AMERICA)

In the Matter of the Revocation)
of the Naturalization of)

Ndongo, Ibrahima, [REDACTED])
a/k/a Ndongo, Ibrahima, [REDACTED])

AFFIDAVIT OF GOOD CAUSE

I, Erin Booher, declare under penalty of perjury as follows:

I am an Officer with U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).¹ In this capacity, I have access to the official records of DHS, including the immigration files of Ibrahima Ndongo, [REDACTED], a.k.a. Ibrahima Ndongo, [REDACTED] (hereafter Ndongo).

I have examined records relating to Ndongo, including but not limited to, his immigration files. Based upon my review of records relating to Ndongo, I state, on information and belief, that the information set forth in this Affidavit of Good Cause is true and correct.

Based on the facts and law contained herein, good cause exists to institute proceedings pursuant to Section 340(a) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1451(a)², to revoke the citizenship of Ndongo and to cancel his Certificate of Naturalization.

The last place of residence for Ndongo is [REDACTED] Columbus, Ohio 43222.

¹Pursuant to the Department of Homeland Security Reorganization Plan, Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135 (2002), 6 U.S.C. §§ 101-557, as of March 1, 2003, the Immigration and Naturalization Service (INS) was abolished, and its functions were transferred to USCIS within the DHS. This Affidavit will refer to INS or USCIS as appropriate.

² While some provisions of the Immigration and Nationality Act, as contained in the United States Code, have been renumbered throughout the years, not all provisions have undergone such renumbering. Where necessary, this Affidavit of Good Cause lists the applicable year for a United States Code reference. If no year is included within the citation, it means that the United States Code citation is the same today as it was during the time in question.

BACKGROUND

DHS records, including fingerprint comparison, establish that the person who naturalized as Ibrahima Ndongo, [REDACTED] was previously ordered deported under the name Ibrahima Ndongo, [REDACTED].

Immigration History as Ibrahima Ndongo D.O.B [REDACTED] 1967, [REDACTED]

1. On December 12, 1999, the individual in question filed with the Immigration and Naturalization Service (INS) an application for an immigration benefit. He represented that he was born on [REDACTED] 1967 in Mauritania, and that he last entered the United States in August 1999 without inspection.
2. On his immigration application, Ndongo represented that his father's name is Taibou Ibra, that his mother's name is Fatimata Dia, and that their city and country of birth is Niabina, Mauritania. He also represented that he was currently married to Aminata Ba who was born on [REDACTED], 1975, in Niabina, Mauritania and that their marriage date was March 2, 1989. He listed no children. Ndongo represented that he had been arrested in 1993 and imprisoned in Mauritania until 1998. INS assigned him [REDACTED].
3. On January 25, 2000, Ndongo appeared for an interview at the INS Office in Memphis, Tennessee.
4. By notice dated January 31, 2000, he was informed that his case was to be referred to the immigration court.
5. On February 10, 2000, INS served him with a Form I-862, Notice to Appear (NTA), via certified mail, charging him with removability as an alien present in the United States without being admitted or paroled under INA 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i).
6. On January 10, 2001, the immigration judge denied his request for an immigration benefit and ordered him removed to Mauritania.
7. On January 17, 2001, Ndongo filed an appeal of the immigration judge's decision with the Board of Immigration Appeals (BIA).

8. On July 11, 2003, the BIA affirmed the immigration judge's decision and dismissed the appeal.

Immigration History as Ibrahima Ndongo
D.O.B. [REDACTED] 1967, [REDACTED]

9. On July 10, 2005, the same individual filed a Form I-485, Application to Register Permanent Residence or Adjust Status. The Form I-485 was based on a Form I-130, Petition for Alien Relative, filed on May 9, 2005, on behalf of Ndongo, by United States citizen Helen Crider, whom he married on September 12, 2004. Crider's Form I-130 lists "N/A" for Ndongo's prior marriages. The Certified Abstract of Marriage submitted with the I-130 notes "0" previous marriages for Ndongo.
10. On the Form I-485, Ndongo represented that he was born on [REDACTED] 1967 in Thies, Senegal and that the date of his last arrival in the United States was September 18, 1999 on a B2 nonimmigrant visitor visa at John F. Kennedy International Airport. On the Form I-485, Ndongo represented that his mother's first name is Fatimata and his father's first name is Samba. Ndongo also represented that he had a child, [REDACTED], born on [REDACTED] 1993, in Senegal and that he had another child, [REDACTED], born on [REDACTED] 1996, in Senegal. The two children are also listed on Crider's Form I-130.
11. Ndongo checked "no" on the Form I-485 for question 1b asking if he had ever in or outside the United States "been arrested, cited, charged, indicted, fined or imprisoned for breaking or violating any law or ordinance, excluding traffic violations?"
12. Ndongo checked "no" on the Form I-485 for question 9 asking "[h]ave you ever been deported from the United States, or removed from the United States at government expense, excluded within the past year, or are you now in exclusion, deportation, removal or rescission proceedings?"
13. In the box requesting "A# (if any)," Ndongo entered "N/A." He was assigned [REDACTED].
14. Along with his Form I-485, Ndongo submitted a Form G-325A, Biographic Information, dated June 20, 2005. He also signed another Form G-325A that was provided with Crider's Form I-130. On both of his Form G-325As, Ndongo represented that he was born on [REDACTED] 1967, and that his nationality was Senegalese. He represented that his father's name is Samba Ndongo and that his father was born in Senegal in 1926 and

that his mother's name is Fatimata Dia and that his mother was born in Senegal in 1944. Ndongo represented that Helen Wallace is his current spouse and listed "NONE" and "N/A" for whether he had a former spouse on the G-325As.

15. On January 20, 2006, Ndongo appeared before USCIS for an interview on his I-485.

Thereafter, the I-130 and I-485 were approved, and Ndongo became a conditional permanent resident.

16. On January 10, 2008, Ndongo and Crider jointly filed a Form I-751, Petition to Remove Conditions on Residence, wherein Ndongo represented that he was born on [REDACTED] 1967 in Senegal. C [REDACTED] N [REDACTED], born on [REDACTED] 1993, and L [REDACTED] N [REDACTED], born on [REDACTED] 1996, are listed as his children in Senegal.

17. On March 5, 2008, USCIS approved the Form I-751, and the conditions on Ndongo's permanent residency were lifted.

18. On November 10, 2008, Ndongo filed a Form N-400, Application for Naturalization. On his N-400, signed under penalty of perjury, he represented that:

- he was born on [REDACTED] 1967 in Senegal;
- he had only been married one time and was currently married to Helen Wallace;
- C [REDACTED] N [REDACTED], born on [REDACTED] 1993, and L [REDACTED] N [REDACTED], born on [REDACTED] 1996, are his children in Senegal;
- he had never been arrested, cited, or detained by any law enforcement officer for any reason;
- he had never been in jail or prison;
- he had never given false or misleading information to any United States government official while applying for any immigration benefit or to prevent deportation, exclusion or removal;
- he had never lied to any United States government official to gain entry or admission into the United States;
- he had never been ordered removed, excluded or deported from the United States; and
- he had never applied for any kind of relief from removal, exclusion, or deportation.

19. On February 6, 2009, Ndongo appeared for an interview before USCIS. He testified under penalty of perjury that

- he was born on [REDACTED] 1967 in Senegal;
- he had only been married one time and was currently married to Helen Wallace;
- C [REDACTED] N [REDACTED] and L [REDACTED] N [REDACTED] are his children in Senegal;
- he had never been arrested, cited, or detained by any law enforcement officer for any reason;
- he had never been in jail or prison;
- he had never given false or misleading information to any United States government official while applying for any immigration benefit or to prevent deportation, exclusion or removal;
- he had never lied to any United States government official to gain entry or admission into the United States; and

20. Based on the written information on his N-400 and the testimony he provided during his naturalization interview, USCIS approved his N-400 on February 6, 2009.

21. Ndongo took the Oath of Allegiance and became a naturalized citizen of the United States on March 12, 2009. He was issued Certificate of Naturalization No. [REDACTED].

ILLEGAL PROCUREMENT OF NATURALIZATION

Illegal Procurement of Naturalization Not Lawfully Admitted for Permanent Residence Final Order of Removal Outstanding at Adjustment

17. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1429.

18. Under the law in effect at the time of Ndongo's adjustment of status to permanent resident, as today, the immigration court generally had exclusive jurisdiction over applications for adjustment of status filed by applicants (other than certain arriving aliens) in deportation or removal proceedings. 8 C.F.R. § 1245.2(a)(1).

19. Ndongo was subject to a final order of removal under the identity Ibrahima Ndongo,  as of July 11, 2003, and filed his application for adjustment of status on July 13, 2005. Because Ndongo misrepresented certain facts in connection with his application, USCIS was not aware of the removal proceedings and approved his application for adjustment of status on January 20, 2006 when it did not have jurisdiction.
20. Because the immigration court had exclusive jurisdiction over Ndongo's application for adjustment of status at the time it was erroneously approved by USCIS, he was not lawfully admitted for permanent residence; accordingly, he illegally procured his naturalization.

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

21. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1429.
22. Among the INA provisions applicable at the time of Ndongo's adjustment of status to permanent resident was the requirement that he be admissible to the United States. INA § 245(a), 8 U.S.C. § 1255(a).
23. Under the law then in effect, an individual who by fraud or 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. INA § 212(a)(6)(C)(i), 8 U.S.C. § 1182(a)(6)(C)(i).
24. Based on the information contained above, Ndongo willfully misrepresented material facts, specifically, his identity, familial history, marital history, criminal history, and immigration history. Ndongo also did not demonstrate that his prior marriage to Aminata Ba was legally terminated and that he was free to marry United States citizen Helen Crider.



25. Because Ndongo misrepresented material facts, he was inadmissible to the United States at the time of his adjustment of status and was not lawfully admitted for permanent residence; accordingly, he illegally procured his naturalization.

**Illegal Procurement of Naturalization
Lack of Good Moral Character
Unlawful Acts**

26. As an applicant for naturalization under Section 319 of the INA, Ndongo was required to establish that he was a person of good moral character during the period beginning three years prior to the filing of his application for naturalization and continuing until the time of admission to citizenship. This period is generally referred to as the “statutory period.”
27. Ndongo filed his application for naturalization on November 10, 2008; accordingly, he was required to establish that he was a person of good moral character from November 10, 2005, until the time of his admission to citizenship on March 12, 2009.
28. Under the law then in effect, an individual could not establish good moral character if, during the statutory period, he committed unlawful acts that adversely reflected on his moral character, unless he could establish extenuating circumstances. INA § 101(f); 8 U.S.C. § 1101(f); 8 C.F.R. § 316.10(b)(3)(iii).
29. Based on the facts contained above, during the statutory period Ndongo committed unlawful acts that adversely reflected on his moral character as he made false statements in conjunction with his naturalization application. Specifically, Ndongo provided false information regarding his identity, familial history, marital history, criminal history, immigration history, and whether he had ever provided false or misleading information to any immigration official.
30. Ndongo cannot establish extenuating circumstances for this violation in light of the deliberate and continuing nature of his violations. Accordingly, he was not eligible for naturalization and illegally procured his naturalization.

**Illegal Procurement of Naturalization
Lack of Good Moral Character
False Testimony**

31. As an applicant for naturalization under section 319 of the INA, Ndongo was required to establish that he was a person of good moral character during the period beginning three years prior to the filing of his application for naturalization and continuing until the administration of the naturalization oath of allegiance. This period is generally referred to as the “statutory period.”
32. Ndongo filed his application for naturalization on November 10, 2008; accordingly, he was required to establish that he was a person of good moral character from November 10, 2005, until the time of his admission to citizenship on March 12, 2009.
33. Under the law then in effect, an individual who, during the statutory period, provided false testimony for the purpose of obtaining an immigration benefit could not establish good moral character. INA § 101(f)(6); 8 U.S.C. § 1101(f)(6).
34. Based on the facts contained above, Ndongo provided false testimony while under oath during his naturalization interview. Specifically, Ndongo provided false testimony regarding:
- His date of birth;
 - His country of birth;
 - His number of prior marriages;
 - Never being arrested, cited or detained by any law enforcement officer (including USCIS or former INS and military officers) for any reason;
 - Never having been in jail or prison;
 - Never having given false or misleading information to any U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or
 - Never having lied to any U.S. government official to gain entry or admission to the United States.
35. Because Ndongo provided false testimony to obtain an immigration benefit during the statutory period, he was not eligible for naturalization; accordingly, he illegally procured his naturalization.

**PROCUREMENT OF NATURALIZATION BY WILLFUL MISREPRESENTATION
OR CONCEALMENT OF MATERIAL FACTS**

36. A naturalized citizen is subject to revocation of naturalization if he procured naturalization by willfully misrepresenting or concealing material facts.
37. Based on the facts contained above, Ndongo willfully misrepresented his identity, family history, marital history, criminal history, and immigration history throughout the naturalization process.
38. The misrepresentations made by Ndongo during the naturalization process were material to determining his eligibility for naturalization because they would have had the natural tendency to influence the decision whether to approve his naturalization application. In fact, Ndongo misrepresented and concealed facts that would have shown that he was not lawfully admitted for permanent residence in accordance with all applicable provisions of the INA and thus was ineligible for naturalization under INA § 318, 8 U.S.C. § 1429.
39. Because Ndongo procured naturalization by his concealment(s) and misrepresentation(s), he was not eligible for naturalization.

DECLARATION IN LIEU OF JURAT
(28 U.S.C. § 1746)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 21, 2026 at Milwaukee, Wisconsin.



Erin Booher
Immigration Service Officer
United States Citizenship and Immigration Services
Department of Homeland Security