

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Civil Case No.:
	)	
v.	)	
	)	
ABIMBOLA SUSAN OGUN, formerly	)	COMPLAINT TO REVOKE
known as ABIMBOLA SUSAN	)	NATURALIZATION
BADEJOKO, [REDACTED], ¹ also	)	
known as TRACEY ADEDAYO	)	
BADEJOKO, [REDACTED],	)	
Defendant.		

I. PRELIMINARY STATEMENT OF THE CASE

The United States of America (Plaintiff) brings this civil action against Defendant Abimbola Susan OGUN, formerly known as Abimbola Susan Badejoko, also known as Tracey Adedayo Badejoko (Defendant), to revoke her naturalized U.S. citizenship under 8 U.S.C. § 1451(a). Plaintiff alleges that Defendant illegally procured her naturalization and that she willfully misrepresented and concealed material facts in procuring naturalization.

¹ Pursuant to the Privacy Act, 5 U.S.C. § 552a(b), Plaintiff will redact information throughout this document and its exhibits that includes social security numbers, dates of birth, places of birth, alien numbers, phone numbers, and tax information, which are precluded from disclosure.

Before she naturalized as a United States citizen in 2007, Defendant filed an immigration benefit request with the Immigration and Naturalization Service² (INS) on or about December 1, 1994, under the name “Tracey Adedayo Badejoko.” Under that identity, Defendant unsuccessfully sought immigration benefits, and an immigration judge entered a deportation order against her on June 26, 1997.

On January 19, 1996, while Defendant was in deportation proceedings under the identity Tracey Adedayo Badejoko, she filed Form I-485, Application to Register Permanent Residence or Adjust Status (Form I-485), with INS on the basis of the Diversity Visa (DV) program, under the name “Abimbola S. Ogun” with a different birthdate and other biographic information. On August 19, 1996, INS approved the Form I-485 and Defendant was accorded lawful permanent residence status under the identity Abimbola S. Ogun. In 2007, Defendant naturalized as a U.S. citizen, failing to disclose her prior immigration history and prior use of a different identity throughout the immigration and naturalization process.

Defendant’s actions and conduct statutorily barred her from becoming a U.S. citizen and render her naturalization unlawfully procured. Additionally, they demonstrate that she procured her naturalization by concealment and willful misrepresentation of material facts. Thus, with the attached affidavit showing good

² 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. USCIS assumed naturalization authority from the INS. This Complaint will refer to INS where appropriate.

cause, the United States of America brings this civil action on the grounds that Defendant illegally procured her naturalization and willfully misrepresented and concealed material facts during the naturalization process. Under 8 U.S.C. § 1451(a), the United States requests that the Court revoke and set aside the order admitting Defendant to citizenship and cancel her certificate of naturalization.

II. JURISDICTION AND VENUE

1. This is an action under Section 340(a) of the Immigration and Nationality Act, 8 U.S.C. § 1451(a), to revoke and set aside the order admitting Defendant to U.S. citizenship and to cancel Defendant's Certificate of Naturalization No.

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2. The 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).

3. Venue is proper in this District under 8 U.S.C. § 1451(a) because Defendant resides in Winter Garden, Florida, which is within this federal judicial district.

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 Nigeria. Abimbola Susan Ogun and Tracey Adedayo Badejoko are one and the same person.

IV. FACTUAL ALLEGATIONS

6. The affidavit of Nasim Sargordan, an Adjudication Officer with U.S. Citizenship and Immigration Services (USCIS), an agency with the U.S. Department

of Homeland Security (DHS), showing good cause for this action as required by 8 U.S.C. § 1451(a), is attached hereto as Exhibit A.

A. Defendant's Immigration History Using the Tracey Adedayo Badejoko Identity

7. Defendant, using the name "Tracey Adedayo Badejoko," filed an immigration benefit request on or about December 1, 1994, with the former Immigration and Naturalization Service (INS).³

8. At that time, INS assigned alien registration number [REDACTED] to Defendant under the name of "Tracey Adedayo Badejoko."

9. In support of her immigration benefit request, Defendant filed a Form G-325A, Biographic Information (Form G-325A), signed on November 5, 1994, under severe penalties for knowingly and willfully falsifying or concealing a material fact. Exh. B, Immigration Documents for Tracey Adedayo Badejoko, Form G-325A, Biographic Information, dated November 5, 1994.⁴

10. In her Form G-325A, Defendant represented that:

- (i) her name was "Tracey Adedayo Badejoko" and that she had used no other names;
- (ii) her date of birth was [REDACTED];

³ On March 1, 2003, the INS ceased to exist as an independent agency within the Department of Justice, and most of its functions were transferred to the newly formed Department of Homeland Security. *See* Homeland Security Act of 2002, Pub. L. No. 107-296, §§ 441, 451, 471, 116 Stat. 2135 (Nov. 25, 2002). Plaintiff will reference the INS throughout where factually appropriate.

⁴ Exhibits reflecting immigration documents are excerpted from a certified copy of the alien file (A File) associated with the respective alien registration number (A Number).

(iii) her father's name was Joseph Badejoko; and

(iv) her mother's name was Susan Badejoko.

11. In support of her immigration application, Defendant submitted fingerprints to the INS on November 7, 1994. Exh. A, Affidavit of Good Cause.

12. On or about December 13, 1994, Defendant filed Form I-765, Application for Employment Authorization (Form I-765), to obtain an employment authorization card as an ancillary benefit associated with her immigration benefit request.

13. On December 19, 1994, INS approved Defendant's Form I-765 and issued her an employment authorization card in the name of Tracey Badejoko and under the alien registration number  5. Exh. B, Employment Authorization Card for Tracey Badejoko, issued January 19, 1995.

14. On June 21, 1995, Defendant appeared at the INS Office in Rosedale, New York. During the course of her interview related to her benefit request, the interviewing officer took a sworn statement, made under penalty of perjury, in which Defendant stated that her name was Tracey A. Badejoko and that she last arrived in the United States on August 10, 1990, at Niagara Falls, New York, without inspection. Exh. B, Sworn Statement of Tracey Badejoko, dated June 21, 1995.

15. By notice dated June 29, 1995, INS informed Defendant that she was being referred to the immigration court. Exh. B, Referral Notice to Tracey Badejoko, dated June 29, 1995.

16. On July 24, 1995, INS issued a Form I-221, Order to Show Cause and Notice of Hearing (OSC), charging Defendant as deportable from the United States

pursuant to former INA section 241(a)(1)(B), as an alien who entered the United States without inspection. The OSC advised her that she was required by law to provide immediately in writing an address where she can be contacted and that written notice of any change in address was required to be provided within five days. Sent via certified mail and return receipt requested, INS served the OSC on July 28, 1995, advising Defendant to appear before the immigration judge on November 29, 1995. Exh. B, Order to Show Cause and Notice of Hearing in the matter of Tracey Badejoko, dated July 24, 1995.

17. On November 29, 1995, Defendant appeared in Immigration Court and admitted the allegations and conceded the charge of deportability in the OSC. Exh. B, Decision of the Immigration Judge, dated June 26, 1997. Her case was continued over the course of several months.

18. On June 26, 1997, the immigration judge ordered Defendant deported *in absentia* to Nigeria. Exh. B, Decision of the Immigration Judge, dated June 26, 1997.

19. By notice dated February 5, 1999, INS served Defendant, via certified mail, with a Form I-166, notice to deportable alien to surrender, instructing her to appear on March 15, 1999, at 9:00 am, at 26 Federal Plaza, New York, New York 10278, for deportation to Nigeria.

20. On March 15, 1999, Defendant failed to surrender for deportation, leaving her deportation order outstanding.

B. Defendant's Immigration History Under the Identity Abimbola Susan Ogun

21. On October 10, 1995, Defendant, using the name “Abimbola Susan Badejoko,” married Anthony Tosin Ogun, in New York. Exh. C, Certificate of Marriage Registration, dated October 10, 1995.

22. On or about January 19, 1996, Defendant, using the name “Abimbola S. Ogun,” filed Form I-485, Application to Register Permanent Residence or Adjust Status (I-485), with INS. INS assigned her alien registration number 

. Exh. C, Form I-485, Application to Register Permanent Residence or Adjust Status of Abimbola S. Ogun, receipted January 19, 1996.

23. In support of the Form I-485, Defendant submitted a letter from the National Visa Center demonstrating that she had applied for the Diversity Visa (DV) Program for the Fiscal Year 1996 and Nigeria was listed as the Foreign State Chargeability. Exh. C, Letter from National Visa Center to Abimbola Badejoko, c/o Tracey Badejoko, dated June 23, 1995.

24. On her Form I-485, signed under penalty of perjury, Defendant represented that:

- (i) her name was Abimbola S. Ogun;
- (ii) her date of birth was ;
- (iii) her father's name was Wuyi;
- (iv) her mother's name was Ayoola;
- (v) she had never applied for permanent resident status in the United States;

- (vi) she had never, in or outside of the United States, been arrested, cited, charged, indicted fined, or imprisoned for breaking or violating any law or ordinance, excluding traffic violations;
- (vii) she had never been deported from the U.S. or removed from the U.S. at government expense, excluded within the past year, nor was she now in exclusion or deportation proceedings; and
- (viii) she was not under a final order of civil penalty for violating section 274C of the INA for use of fraudulent documents, nor had she, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the U.S., or any other immigration benefit.

25. Defendant left the space for "A #" (alien registration number, if any) blank.

26. In support of her Form I-485, Defendant filed Supplement A to Form I-485, attached as part of Exhibit C wherein she represented under penalty of perjury that:

- (i) her name was Abimbola Susan Ogun; and
- (ii) her date of birth was .

27. Defendant left the space for "A #" (alien registration number) blank.

28. In support of her Form I-485, Defendant filed a Form G-325A, attached as part of Exhibit C, signed under severe penalties for knowingly and willfully falsifying or concealing a material fact.

29. In the Form G-325A, Defendant represented that:

- (i) her name was Abimbola Susan Ogun;
- (ii) she had used the name Abimbola Susan Badejoko;
- (iii) her date of birth was [REDACTED];
- (iv) her father's name was Wuyi Badejoko;
- (v) her mother's name was Ayoola Otukoya; and
- (vi) she was married to Anthony Ogun, whom she married on October 10, 1995, in New York.

30. Defendant left the space for "A-" (alien registration number, if any) blank.

31. In support of her Form I-485, Defendant filed a document purporting to be her Nigerian birth certificate. The birth certificate represented that her name was Abimbola Susan Badejoko and that she was born on [REDACTED], in Nigeria. Exh. C, Registration of a Birth, Dated [REDACTED]

32. In support of her Form I-485, Defendant submitted fingerprints to the INS on October 13, 1995. Exh. A, Affidavit of Good Cause.

33. On June 20, 1996, Defendant appeared for her adjustment of status interview at the INS Office in New York, New York.

34. On August 19, 1996, INS approved the Form I-485 and Defendant was accorded lawful permanent residence status.

35. On September 27, 2006, Defendant filed with USCIS a Form N-400, Application for Naturalization (Form N-400), attached as part of Exhibit C, based upon having been a lawful permanent resident for at least five years.

36. On her Form N-400, Defendant represented under penalty of perjury that:

- (i) her name was Abimbola Ogun and she has not used any other names;
- (ii) her alien registration number was [REDACTED];
- (iii) she was born on [REDACTED], in Nigeria;
- (iv) she was married once and was currently married to Anthony Ogun, whom she married on October 10, 1995;
- (v) she had never committed a crime or offense for which she was not arrested;
- (vi) she had never been arrested, cited, or detained by any law enforcement officer (including USCIS or former INS and military officers) for any reason;
- (vii) she had never given any false or misleading information to any U.S. government official while applying for any immigration benefit to prevent deportation, exclusion, or removal;
- (viii) she had never lied to any U.S. government official to gain entry or admission into the United States;
- (ix) neither removal, exclusion, rescission, nor deportation proceedings were pending against her;

(x) she had never been ordered to be removed, excluded, or deported from the United States;

(xi) she had never applied for any kind of relief from removal, exclusion, or deportation; and

(xii) she had had taken three trips of 24 hours or more outside of the United States during the last five years to Nigeria and the United Kingdom.

37. In support of her Form N-400, Defendant submitted fingerprints to USCIS on November 2, 2006. Exh. A, Affidavit of Good Cause.

38. On March 28, 2007, Immigration Services Officer (ISO) N. Smith interviewed Defendant at the USCIS Field Office in Tampa, Florida, to determine her eligibility for naturalization.

39. ISO Smith placed Defendant under oath.

40. Defendant testified orally and under oath that:

(i) her name is Abimbola Susan Ogun;

(ii) she was born on [REDACTED], in Nigeria;

(iii) she was married to Anthony Ogun, whom she married on October 10, 1995;

(iv) she has one child, Timi Ogun, who was born on [REDACTED] 2004, in the United States;

- (v) she 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;
- (vi) she never lied to any U.S. Government official to gain entry or admission into the United States; and
- (vii) she went on three trips during the past five years to Nigeria and the United Kingdom.

41. During the course of the naturalization interview, ISO Smith made a total of six corrections/additions to Defendant's Form N-400. At the conclusion of her naturalization interview, Defendant swore that the contents of her Form N-400, including the six corrections/additions, were true and correct. See Exh. C, Form N-400.

42. Based on her written application and the testimony she provided during her naturalization interview, USCIS approved Defendant's Form N-400 on March 28, 2007.

43. On April 26, 2007, Defendant, under the name Abimbola Susan Ogun, took the Oath of Allegiance and was admitted as a citizen of the United States. USCIS issued her Certificate of Naturalization No. [REDACTED]. Exh. C, Certificate of Naturalization, dated April 26, 2007.

C. Fingerprint Analysis

44. Tracey Adedayo Badejoko and Abimbola Susan Ogun are the same person.

45. Fingerprint evidence analyzed and compared by the Homeland Security Investigations Forensic Laboratory demonstrates by clear, convincing, and unequivocal evidence that the same individual submitted fingerprints under both the Tracey Adedayo Badejoko and Abimbola Susan Ogun identities. *See* Exh. A, Affidavit of Good Cause.

V. GOVERNING LAW

A. **Congressionally Imposed Prerequisites to the Acquisition of Citizenship**

46. 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). 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)).

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

48. Among other requirements for naturalization, Congress mandated that an applicant for naturalization must demonstrate that he or she has been *lawfully* admitted to the United States for permanent residence. *See* 8 U.S.C.

§§ 1427(a)(1); 1429.

49. The term “lawfully admitted for permanent residence” means “the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws. 8 U.S.C.

§ 1101(a)(20). Thus, for an alien to be “lawfully admitted,” his adjustment of status must be in “compliance with substantive legal requirements, not mere procedural regularity.” *Matter of Longstaff*, 716 F.2d 1439, 1441-42 (5th Cir. 1983); *In re Koloamatangi*, 23 I. & N. Dec. 548, 550 (B.I.A. 2003).

50. 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). An inadmissible alien is not eligible for adjustment of status. 8 U.S.C. § 1255(a)(2).

Further, an alien who acquired permanent resident status through fraud or misrepresentation has never been “lawfully admitted for permanent residence.” *Savoury v. U.S. Att’y Gen.*, 449 F.3d 1307, 1313-17 (11th Cir. 2006) (deferring to the Board of Immigration Appeals’ interpretation in *In re Koloamatangi*, 23 I. & N. Dec. 548, 550 (B.I.A. 2003)).

51. The immigration court generally has 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. § 245.2(a)(1) (1996); *see Ibarra v. Swacina*, 628 F.3d 1269, 1270 (11th Cir. 2010). An alien whose status was erroneously adjusted to that of lawful permanent resident, for example where INS or

USCIS adjusted the alien where it did not have jurisdiction to do so, was not an alien lawfully admitted for that purpose.”). *See Reganit v. Sec'y, Dep't of Homeland Sec.*, 814 F.3d 1253, 1257 (11th Cir. 2016).

52. Congress also mandated that an individual may not naturalize unless that person “during all periods referred to in [8 U.S.C. § 1427(a)] has been and still is a person of good moral character.” *See* 8 U.S.C. § 1427(a). The required statutory period for good moral character begins five years before the date an applicant files the application for naturalization and continues until the applicant takes the oath of allegiance and becomes a United States citizen. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(1).

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

54. Congress also created a “catch-all” provision, which states, “[t]he fact that any person is not within any of the [statutorily described] classes shall not preclude a finding that for other reasons such person is or was not of good moral character.” 8 U.S.C. § 1101(f).

55. Thus, individuals who commit unlawful acts adversely reflecting upon their moral character cannot meet the good moral character requirement, unless they prove that extenuating circumstances exist. *See* 8 U.S.C. § 1101(f); 8 C.F.R. § 316.10(b)(3)(iii).

56. “[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. Volgaev*, No. 8:25-CV-02656-SDM-NHA, 2026 WL 795922, at *3 (M.D. Fla. Mar. 23, 2026) (quoting *United States v. Suarez*, 664 F.3d 655, 661 (7th Cir. 2011)).

B. The Denaturalization Statute

57. Recognizing that there are situations where an individual has naturalized despite failing to comply with all congressionally imposed prerequisites to the acquisition of citizenship or by concealing or misrepresenting facts that are material to the decision on whether to grant him or her naturalization application, Congress enacted 8 U.S.C. § 1451.

58. Under 8 U.S.C. § 1451(a), this Court must revoke an order of naturalization and cancel the individual’s Certificate of Naturalization if him or her naturalization was *either*:

- a. illegally procured, *or*
- b. procured by concealment of a material fact or by willful misrepresentation.

59. 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.

60. 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).

61. Where the government establishes that the defendant's citizenship was procured illegally or by concealment of a material fact or by willful misrepresentation, "district courts lack equitable discretion to refrain from entering a judgment of denaturalization." *Fedorenko*, 449 U.S. at 517.

VI. CAUSES OF ACTION

COUNT I

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

62. The United States re-alleges and incorporates by reference the allegations set forth in Sections I through IV of this complaint.

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

64. The term "lawfully" requires compliance with substantive legal requirements for admission and not mere procedural regularity. *See* 8 U.S.C. § 1101(a)(20).

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

66. Under the law in effect at the time Defendant adjusted her status as today, an alien who, by fraud or by 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. *See* 8 U.S.C. § 1182(a)(6)(C)(i).

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

68. As set forth above, Defendant applied for admission as a lawful permanent resident using a different identity and date of birth than those which she previously used. But she represented that she had never used any other names, thus misrepresenting her immigration history in the United States.

69. Defendant's false statements regarding her name, date of birth, and immigration history were material to determining eligibility for the immigration benefits for which she applied.

70. Defendant's false statements had the natural tendency to influence a decision by the officer adjudicating the Form I-485, through which she gained permanent resident status.

71. As a result, at the time Defendant was admitted as a lawful permanent resident, Defendant was inadmissible pursuant to 8 U.S.C. § 1182(a)(6)(C)(i) because she sought to procure – and in fact, did procure – an immigration benefit by fraud or willfully misrepresenting material facts.

72. Defendant did not apply for a waiver of inadmissibility pursuant to 8 U.S.C. § 1182(i) and thus, the waiver was not approved and her inadmissibility was not waived.

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

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

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

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

COUNT II

ILLEGAL PROCUREMENT OF NATURALIZATION Not Lawfully Admitted for Permanent Residence (In Immigration Court Proceedings at Time of Adjustment)

77. The United States re-alleges and incorporates by reference the allegations set forth in Sections I through IV of this complaint.

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

79. Under the law in effect at the time of Defendant’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. §§ 245.2(a)(1); 1245.2(a)(1)(i) (1996); *see Ibarra v. Swacina*, 628 F.3d 1269, 1270 (11th Cir. 2010).

80. On August 19, 1996, Defendant, under the identity of “Tracey Adedayo Badejoko,” was in deportation proceedings. On that same date, her Form I-485 was approved under the identity “Abimbola Susan Ogun.” Because Defendant misrepresented certain facts in connection with her adjustment application, INS was not aware of the pending deportation proceedings against Tracey Adedayo Badejoko.

81. Because the immigration court had exclusive jurisdiction over Defendant’s Form I-485 at the time it was approved by INS, she was not lawfully admitted for permanent residence. *In re Koloamatangi*, 23 I. & N. Dec. 548, 550 (B.I.A. 2003); *see Reganit v. Sec’y, Dep’t of Homeland Sec.*, 814 F.3d 1253, 1257 (11th Cir. 2016) (“an alien whose status was mistakenly adjusted to that of lawful permanent resident was not an alien lawfully admitted for that purpose.”).

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

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

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

COUNT III

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

85. The United States re-alleges and incorporates by reference the allegations set forth in Sections I through IV of this complaint.

86. As an applicant for naturalization under Section 316(a) of the INA, 8 U.S.C. §1427, Defendant was required to establish that she was a person of good moral character during the period beginning five years prior to the filing of her application for naturalization and continuing until the time of admission to citizenship. This period is generally referred to as the “statutory period.”

87. Defendant filed her application for naturalization on September 27, 2006; accordingly, she was required to establish that she was a person of good moral character from September 27, 2001, until the time of her admission to citizenship on April 26, 2007.

88. Defendant completed and filed her naturalization application during the “statutory period.”

89. Under the law then in effect, an individual could not establish good moral character if, during the statutory period, she committed unlawful acts that adversely reflected on her moral character, unless she could establish extenuating circumstances. INA § 101(f); 8 U.S.C. §1101(f); 8 C.F.R. § 316.10(b)(3)(iii).

57. Based on the facts above, during the statutory period, Defendant committed unlawful acts that adversely reflected on her moral character. Specifically, she violated 18 U.S.C. § 1001(a)(1)-(3) by knowingly and willfully concealing in her naturalization application - a matter within the jurisdiction of the executive branch of the Government of the United States - that she had previously used a different identity, that she been ordered deported under that identity, and that she had given false information to a U.S. government official when applying for an immigration benefit, among other material facts. *See United States v. Volgaev*, No. 8:25-CV-02656-SDM-NHA, 2026 WL 795922, at *3 (M.D. Fla. Mar. 23, 2026) (quoting *United States v. Suarez*, 664 F.3d 655, 661 (7th Cir. 2011)) (“[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.”).

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

91. Because Defendant committed unlawful acts during the statutory period during which she was required to maintain good moral character, she was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

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

93. Because Defendant illegally procured her citizenship, the Court must revoke her citizenship as provided for in 8 U.S.C. § 1451(a).

COUNT IV

ILLEGAL PROCUREMENT OF NATURALIZATION

Lack of Good Moral Character (False Testimony)

94. The United States re-alleges and incorporates by reference the allegations set forth in Sections I through IV of this complaint.

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

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

97. Defendant filed her application for naturalization on September 27, 2006; accordingly, she was required to establish that she was a person of good moral character from September 27, 2001, until the time of her admission to citizenship on April 26, 2007.

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

99. As set forth above, during the statutory period, Defendant provided false testimony for the purpose of obtaining an immigration benefit when she knowingly and willfully concealed that she had previously used a different identity, that she had been ordered deported under that identity, and that she had given false information to a U.S. government official when applying for an immigration benefit, among other material facts. Additionally, Defendant provided false testimony regarding:

- a. whether she had 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;
- b. whether she had ever lied to any U.S. government official to gain entry or admission into the United States; and
- c. whether removal, exclusion, rescission, or deportation proceedings were pending against her.

100. Defendant's testimony on each of the questions discussed above was oral, under oath, knowingly false, and for the purpose of obtaining an immigration benefit, namely naturalization.

101. Because she provided false testimony orally and under oath for the purpose of obtaining naturalization, Defendant was barred under 8 U.S.C. § 1101(f)(6) from

showing that she had the good moral character necessary to become a naturalized United States citizen.

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

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

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

COUNT V

PROCUREMENT OF UNITED STATES CITIZENSHIP BY CONCEALMENT OF A MATERIAL FACT OR WILLFUL MISREPRESENTATION

105. The United States re-alleges and incorporates by reference the allegations set forth in Sections I through IV of this complaint.

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

107. As discussed above, throughout the naturalization process, Defendant knowingly and willfully concealed that she had previously used a different identity and that she had been ordered deported under that identity. Defendant provided false testimony regarding:

- a. whether she had 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;
- b. whether she had ever lied to any U.S. government official to gain entry or admission into the United States; and
- c. whether removal, exclusion, rescission, or deportation proceedings were pending against her.

108. Defendant made the misrepresentations and concealments identified in the foregoing paragraph voluntarily, despite knowing that such representations were false and misleading. *See Azim v. U.S. Att'y Gen.*, 314 F. App'x 193, 194 (11th Cir. 2008) (A misrepresentation is willful if “made deliberately” and “with knowledge of the falsity.”)

109. Accordingly, Defendant made these representations willfully.

110. Defendant’s false statements and testimony about these matters were material to determining her eligibility for naturalization.

111. Defendant’s false statements and testimony had the natural tendency to influence a decision by USCIS to approve her Form N-400. In fact, as shown above, the concealed and misrepresented facts rendered Defendant ineligible for naturalization, and USCIS would have denied the naturalization application had Defendant been truthful.

112. Defendant therefore procured her naturalization by concealment of material facts and willful misrepresentations.

113. Because Defendant procured her naturalization by concealment of material facts and willful misrepresentations, the Court must revoke her citizenship under 8 U.S.C. § 1451(a).

VII. PRAYER FOR RELIEF

WHEREFORE, the United States of America respectfully requests:

1. A declaration that Defendant illegally procured her citizenship;
2. A declaration that Defendant procured her citizenship by concealment of material facts and by willful misrepresentation;
3. Judgment revoking and setting aside the order admitting Defendant to citizenship and canceling Certificate of Naturalization No. , effective as of the original date of the order and certificate, April 26, 2007.
4. Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages related to United States citizenship that she obtained as a result of her April 26, 2007 naturalization;
5. Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment against her, her Certificate of Naturalization No.  and any copies thereof in her possession—and to make good faith efforts to recover and immediately surrender any copies thereof that she knows are in the possession of others—to the Attorney General, or his designated representative, including undersigned counsel;
6. Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment against her, any other indicia of U.S. citizenship, including, but

not limited to, U.S. passport # [REDACTED], any other U.S. passports (whether valid or expired), U.S. passport cards (whether valid or expired), and Enhanced Driver's Licenses (whether valid or expired), and other relevant documents, whether current or expired, and any copies thereof in his possession—and to make good faith efforts to recover and then surrender any copies thereof that she knows are in the possession of others—to the Attorney General, or to his designated representative, including undersigned counsel; and

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

Dated: August 24, 2026

Respectfully submitted,

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