



February 22, 2019

*Before The*

## U.S. DEPARTMENT OF HOMELAND SECURITY

**In the Matter of  
ILHAN OMAR**

**PETITION TO COMMENCE  
DEPORTATION PROCEEDINGS  
FOR REMOVAL FROM THE  
UNITED STATES AND/OR  
PROSECUTION  
OF ILHAN OMAR**

### Introduction and Overview:

Freedom Watch, Inc. hereby petitions the U.S. Department of Homeland Security and respectfully demands the Department by its Immigration and Customs Enforcement (ICE) and U.S. Citizen and Immigration Services (USCIS) components to conduct an investigation and initiate deportation (removal) proceedings and/or prosecution for immigration fraud of Ilhan Omar, a resident of Minneapolis, Minnesota.

This petition for removal and deportation addresses Ms. Ilhan Omar, a woman born in Mogadishu, Somalia or in a village within the greater Mogadishu metropolitan area, whose date of birth is October 4, 1981. Ms Omar spent her early years in Baydhabo, Somalia, and entered the United States to a Virginia address, apparently in Arlington, from a Mombasa, Kenya, refugee camp in or about 1993. She is the daughter of her mother Fadhuma Abukar Haji Hussein and her father Nur Said Elmi Mohamed. She resided in Arlington, Virginia for many years before she moved to Minnesota.

**On information and belief**, Ms. Omar has committed marriage fraud under 8 U.S.C. § 1325 and 18 U.S.C. § 1546(a). The Immigration Marriage Fraud Amendments Act of 1986 provides a penalty of five years imprisonment and a \$250,000 fine for any "individual who knowingly enters into a marriage for the purpose of evading any provision of the immigration laws."

**On information and belief**, Ms. Omar's own citizenship status may have been invalid due to these circumstances or related events. The circumstances of Ms. Omar acquiring U.S.

citizenship remain murky in public reports. Because the basis of Ms. Omar's citizenship is unclear, the role of these events in her own naturalization as a citizen is unclear. However, the details disclosed warrant investigation and review.

**On information and belief**, Ms. Omar was not eligible for naturalization, including because she was already living safely in the resort city of Mombasa, Kenya, famous for its magnificent beaches on the Indian Oceans, and a magnet for wealthy tourists from Europe and around the world. Kenya itself, though not “utopia,” is a relatively prosperous country due to its tourism economy, with a building boom in Nairobi funded largely by Chinese investors. Kenya has a relatively stable political system, even though Kenya's democracy is limited and elections not always ideal. It is a relatively secure and safe nation, driven by the government's desire to attract tourism.

Because Omar's family was living safely in Mombasa, Kenya, she was not eligible to be admitted into the United States as a refugee. She was safe in a country near to her home country and not eligible for entry into the United States on the other side of the planet. She may have also been admitted under "Temporary Protected Status" (TPS) which would not lead to citizenship.

Therefore, **on information and belief**, Ms. Omar was not eligible for naturalization as a U.S. citizen because she was not legally and properly eligible to be a refugee. Based on those circumstances, it appears certain that Ms. Omar's application for refugee status -- being already safe in Kenya at the time -- contained false statements making her refugee status fraudulent.

It is clear that false statements or false information provided in support of Illhan Omar's refugee application -- even by her parents -- would invalidate not only her application for refugee status but also her naturalization as a citizen. In order to claim refugee status in the United States when already residing in a safe country, it is nearly certain that Omar's refugee application contains false statements and/or false information.

**On information and belief**, if Illhan Omar were convicted of marriage fraud, the criminal conviction may be grounds for denaturalization and the loss of citizenship of not only her brother, Ahmed Nur Said Elmi but also Illhan Omar herself.

**On information and belief**, if Illhan Omar joined an organization that would make her ineligible for refugee status, within five years after naturalization, her citizenship could be revoked. Support for international terrorism has been one of the clearest and most frequent reason in recent years for the revocation of citizenship (denaturalization). Even if the proceeding is brought longer than five years after citizenship, if membership in a group such as a terrorist group began less than five years after naturalization, her citizenship can be revoked.

The recently-elected Attorney General of Minnesota, Keith Ellison, may fail to investigate or act upon these facts, because he was elected with Democrat party support in spite of credible evidence of committing sexual assault and his positioning as a Muslim Democrat.

In 2015 and 2016, Omar interceded for a group of six Somalis from Minneapolis caught at the Mexican border on their way to fight for ISIS in Iraq and Syria.

As the case went to trial the following year, the then-state representative wrote a letter to the trial judge requesting “compassion” - and lighter sentencing on behalf of one of the Minnesota men, who was facing 30 years jail time.

Hollie McKay, " How Minneapolis' Somali community became the terrorist recruitment capital of the US," Fox News, February 16, 2019, accessible at: <https://www.foxnews.com/us/how-rep-ilhan-omars-minnesota-district-became-the-terrorist-recruitment-capital-of-the-us-officials-highly-concerned>

More men and boys from a Somali American community in Minneapolis have joined – or attempted to join – a foreign terrorist organization over the last 12 years than any other jurisdiction in the country. FBI stats show 45 Somalis left to join the ranks of either the Somalia-based Islamic insurgency al-Shabab, or the Iraq- and Syria-based ISIS combined. And as of 2018, a dozen more had been arrested with the intention of leaving to support ISIS. Both numbers are far higher than those of alleged terrorist wannabes who left or attempted to leave the country from other areas in the country where Muslim refugees have been resettled. In the case of the Somalis, it's no longer just the men. Early last year, a female was apprehended by authorities on charges of supporting providing material support to Al Qaeda and arson.

*Id.*

"With by far the largest Somali American population in the United States - estimates of up to 100,000 - the insular ethnic community in Minnesota offers a rich recruiting ground. Investigators told Fox News that early on, al-Shabab recruiting was almost exclusively word-of-mouth. One family connection to a contact in the terrorist group would be pulled in as a recruit, in a process that was repeated as the ranks of the al-Shabab grew"

*Id.*

Ms. Ilhan Omar has recently become known as an overt anti-Semite elected to Congress last November. She is a supporter of the illegal Boycott, Divestment, and Sanction movement which -- in violation of the Anti-Boycott Act<sup>1</sup> -- seeks to strangle Israel economically. She announced on Twitter:

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<sup>1</sup> See: Jonathon Moseley, "Israel-Harming BDS Campaign Breaks Federal Law," World Net Daily, January 18, 2019, and the citations compiled therein, accessible at: <https://www.wnd.com/2019/01/israel-harming-bds-campaign-breaks-federal-law/>

**Ilhan Omar** Verified account

@IlhanMN

Israel has hypnotized the world, may Allah awaken the people and help them see the evil doings of Israel. [#Gaza](#)  
[#Palestine](#) [#Israel](#)

9:15 AM - 16 Nov 2012

Omar faced massive backlash after she stated on February 10, 2019 that Republicans' support for Israel is bought by the American Israel Public Affairs Committee (AIPAC). The hateful anti-Semitic comments received swift condemnation from congressional members on both sides of the aisle, including the Democratic leadership and the White House. See: <https://dailycaller.com/2019/02/11/jerry-nadler-ilhan-omar-jews/>

Invoking anti-Semitic themes of rich Jews corrupting and manipulating leaders and others with their vast money, and suggesting that support of Israel is only a result of campaign donations from AIPAC (which does not donate to candidates), Ms. Omar publicly explained: "It's all about the Benjamins baby "

Omar will be the keynote speaker at the Council for American Islamic Relations's ("CAIR's") 4th Annual Valley Banquet on March 23, 2019 at Woodland Hills, California. The U.S. Department of Justice had previously named CAIR as an unindicted co-conspirator in a criminal prosecution of the Holy Land Foundation in Dallas, Texas for allegedly funneling millions of dollars to the terrorist organization Hamas. Additionally, the United Arab Emirates (UAE) named CAIR a terrorist organization along with al-Qaeda and ISIS in 2014.

Omar will also be the keynote speaker this month at a fundraising event for Islamic Relief USA (IRUSA), an affiliate of Islamic Relief Worldwide (IRW), the largest international Islamic charity in the world. The connections between the IRUSA, the IRW and terrorism should raise a red flag. In 1999, the IRW accepted a \$50,000 check from Osama Bin Laden. In 2006, Israel arrested its project coordinator in its Gaza office for funneling money to Hamas. In June 2014, Israel officially declared the organization to be illegal and banned it from operating in Israel and the Palestinian territories. In November 2014, the United Arab Emirates declared the IRW to be a terrorist group. She will be speaking alongside senior IRUSA official Yousef Abdallah, who was widely criticized in 2017 after the Middle East Forum found he had expressed violently anti-Semitic ideas on his social media accounts.

Ms. Omar recorded a video talk show interview joking about the "terrorism course" that she took in college, implying that terrorism experts remain unaware of what Al Qaeda is and is up to, and Ms. Omar has better knowledge of Al Qaeda's threat to the United States. The news interview video was posted by [The Washington Pundit](#) on February 15 2019 at <https://www.facebook.com/thewashingtonpundit/videos/vb.901809423308055/257499631831610/?type=2&theater>

### **Facts and Circumstances of the Petition:**

Ms. Ilhan Omar relocated from Arlington, Virginia to Minnesota — in a State and region within Minnesota with a high Somali immigrant population — where she has resided since. The Somali immigrant population in Minnesota has exploded to the point where her neighborhood is known as Little Mogadishu.

Thereupon, in 2002, according to marriage records in Minnesota's Hennepin County, Omar applied for a license to marry her current husband, Ahmed Abdisalan Hirsi, who Omar says went by Ahmed Abdisalan Aden at the time in 2002. Mr. Hirsi is the father of Omar's three children. Omar is depicted with Hirsi and their children on her social media and internet postings. See: <https://www.apnews.com/cc2ccd70de56405098d2f259bf0e46c5>

Thereupon, on February 12, 2009, Ms. Ilhan Omar married her brother, Ahmed Nur Said Elmi, who was not a US citizen, according to a marriage certificate issued in Hennepin County. It appears that Ms. Omar was still married at the time to Mr. Ahmed Hirsi. Omar disputes that Elmi is her brother, but there appears to be no other conclusion possible. Elmi's birthdate on the couple's marriage certificate would make him three years younger than her. Omar's campaign has said she and others can't get birth certificates because the infrastructure in Somalia collapsed during a civil war.

Ms. Omar is evasive about her family, describing herself variously as one of seven, six, or five siblings.

In 2011, Ms. Omar separated from Elmi, with a Muslim divorce not an official governmental divorce. But in 2012, Ms. Omar reunited with Hirsi and had a third child with him, according to her divorce records. In 2017, Ms. Omar formally divorced Elmi (after being elected to the legislature). In 2018 Omar either married or re-married Hirsi.

The evidence indicates that Ms. Omar's sham marriage to her brother was an immigration fraud to assist his entry into the United States and intended for him to be naturalized as a U.S. citizen. Her brother was a British citizen at the time. As a British citizen, he should have been able to enter the United States easily. But to obtain U.S. citizenship, his marriage to Ms. Omar would facilitate naturalization.

“As soon as Ilhan Omar married him,” journalists report, “he started university at her [a]lma mater North Dakota State University where he graduated in 2012. Shortly thereafter, he moved to Minneapolis where he was living in a public housing complex and was later evicted. He then returned to the United Kingdom where he now lives.”

In August 2016, Omar released a statement saying, “I have yet to legally divorce Ahmed Nur Said Elmi, but am in the process of doing so.” Several months later, Omar filed for divorce from Elmi in May of 2017. Reporters' research indicates that he now resides in London.

Scott Johnson of Powerline Blog points out that Omar's first response to the questions was to hire Jean Brandl, a well-known criminal defense attorney to respond to the Powerline Blog author. Johnson is the writer who broke the story of Ilhan Omar possibly marrying her own brother back in August 2016.

Investigative journalist Laura Loomer was one of the early, leading investigators uncovering these events, leading to evasive attempts to silence the reports instead of to answer them with sound information. Jim Hoft, The Gateway Pundit, August 12, 2018. See: <https://www.thegatewaypundit.com/2018/08/video-laura-loomer-confronts-democrat-muslim-candidate-on-why-she-married-her-brother-is-kicked-off-facebook-after-posting-the-video/>

The evasive responses raise concerns as a pattern, because it is part of the lifestyle (more than just a religion) from which Ilhan Omar engages in strategic deception called "Taqiyya." See "Deception, Lying and Taqiyya," at "What Makes Islam so Different," <https://www.thereligionofpeace.com/pages/quran/taqiyya.aspx>, and "Islam Permits Lying to Deceive Unbelievers," <http://www.muslimfact.com/bm/terror-in-the-name-of-islam/islam-permits-lying-to-deceive-unbelievers-and-bri.shtml>

An investigative reporter at Alpha News discovered and reports that reporter Cory Zurkowski of City Pages seems to have revealed too much in trying to cover up the violations. 'Whether or not Mr. Zurowski realizes it, he has shed new light into the Omar case. The story, which was originally published on Wednesday, October 26, Mr. Zurowski wrote that Ilhan Omar's father is named 'Nur Said Elmi Mohamed.' A day later, Zurowski's article was changed and now Omar's father's name appears in the article as 'Nur Omar Mohamed.' " This relates to a report by Cory Zurkowski at: <http://www.citypages.com/news/ilhan-omars-improbable-journey-from-refugee-camp-to-minnesota-legislature/398441901>

In other words, City Pages altered their story to remove the part of Ms. Omar's family name -- "Elmi" -- which reveals the biological family relationship between Ms. Omar and her brother Ahmed Nur Said Elmi. Not only does this raise questions of journalistic ethics, but it underscores that Ms. Omar and her supporters recognize that Mr. Elmi is Ms. Omar's brother, and so they leaped to remove the "Elmi" from the news reporting.

Much reporting on this topic focuses on the different name conventions used among Somalis to identify where a common family name appears in the presentation of a name.

Research reported by Alpha News suggests that Omar was involved with Ahmed Nur Said Elmi (her legal husband) and Ahmed Hirsi (her cultural husband and father of her children) at the same time.

Ms. Omar's marriage to her brother would be illegal under Minnesota law. It would be void *ab initio*, as though it never occurred. Any such second marriage might be bigamous as well as fraudulent.

Minnesota law defines bigamy as “knowingly having a prior marriage that is not dissolved” while also “contract[ing] a marriage in this state.” Bigamy is a crime punishable by up to five years in prison or a fine up to \$10,000. The definition and penalty provisions of the crime of bigamy are set forth in Minn. Stat. § 609.355.

Christine Baumann reporting for Alpha News, October 24, 2018, confirmed both marriages in online Minnesota Official Marriage System. See: <https://alphanewsmn.com/new-evidence-supports-claims-that-ilhan-omar-married-her-brother/>

Christine Baumann reports the following analysis, that according to official student enrollment records archived by St. Paul Public Schools and the state of Minnesota, an “Ahmed N. Elmi” was enrolled as a senior in the Class of 2003 at Arlington Senior High School in St. Paul, MN, from September 6, 2002, until June 10, 2003. He graduated and received a diploma. The enrollment record states that “Ahmed N. Elmi” was born on April 4, 1985. Ms. Baumann further reports that both Ilhan Omar’s 2009 marriage documents and her 2017 divorce proceedings state that Ahmed Nur Said Elmi was born on April 4, 1985.

And Baumann reports that "After an extensive background search, I have not been able to find any other person named “Ahmed Nur Said Elmi,” “Ahmed N. Elmi,” or even “Ahmed Elmi” with the birthdate April 4, 1985. The man Ilhan Omar married and the 17- to 18-year-old who attended Arlington Senior High School in St. Paul, MN, in 2002-2003 are one and the same."

Baumann also reports that Ms. Omar claims that she and Elmi terminated their relationship so she could resume her relationship with Hirsi. She also claims in court documents that she hasn’t spoken or seen her estranged husband since June 2011. However, Alpha News obtained documentation via social media that shows these statements to be false.

That is, instead of one marriage ending being replaced by another, social media shows that Ms. Omar continued a social relationship with both men simultaneously, consistent with a sham marriage with her brother and a real marriage to Mr. Hirsi unfolding at the same time.

According to social media posts as reported by Baumann, the timeline of contact between Omar and Elmi extended multiple years beyond 2011. Screenshots from social media indicate Elmi lived in Minneapolis until August 2012, when he moved back to London. Alpha News also reported that Elmi and Omar attended NDSU at the same time.

Baumann reports Instagram posts showing Omar and Elmi communicating via social media until October 2013. Adding to the belief that Elmi is indeed Omar’s brother, the social media posts include comments in which Elmi refers to Omar’s two girls as his nieces, and Omar says he is the “best uncle.”

Omar also made a trip to London in 2014, where Elmi was then residing. Photos from Instagram that have since been deleted showed Omar and Elmi together.

**General Governing Law and Procedures:**

Pursuant to Federal law of the United States of America, the following requirements apply:

Section 1948 of the U.S. Department of Justice Criminal Resource Manual addresses "Marriage Fraud" under 8 U.S.C. 1325(C) and 18 U.S.C. 1546 See: <https://www.justice.gov/jm/criminal-resource-manual-1948-marriage-fraud-8-usc-1325c-and-18-usc-1546>

Marriage fraud has been prosecuted, inter alia, under 8 U.S.C. § 1325 and 18 U.S.C. § 1546(a). The Immigration Marriage Fraud Amendments Act of 1986 amended § 1325 by adding § 1325(c), which provides a penalty of five years imprisonment and a \$250,000 fine for any "individual who knowingly enters into a marriage for the purpose of evading any provision of the immigration laws."

\* \* \*

The Supreme Court has ruled that the validity of their marriage under state law is immaterial to the issue of whether they defrauded INS. See *Lutwak v. United States*, 344 U.S. 604 (1953). *Lutwak* was followed in *United States v. Yum*, 776 F.2d 490 (4th Cir. 1985); *Johl v. United States*, 370 F.2d 174 (9th Cir.1966), and *Chin Bick Wah v. United States*, 245 F.2d 274 (9th Cir.), cert. denied, 355 U.S. 870 (1957). But see, *United States v. Lozano*, 511 F.2d 1 (7th Cir.), cert. denied, 423 U.S. 850 (1975); *United States v. Diogo*, 320 F.2d 898 (2d Cir. 1963). But cf, *United States v. Sarantos*, 455 F.2d 877 (2d Cir. 1972).

There is a line of cases holding that the viability of the marriage, if initially valid, is not a proper concern of the INS. *United States v. Qaisi*, 779 F.2d 346 (6th Cir. 1985); *Dabaghian v. Civilleti*, 607 F.2d 868 (9th Cir. 1979), and cases cited therein. However, the Immigration Marriage Fraud Amendments of 1986, 8 U.S.C. § 1186a, were designed, inter alia, to eliminate the Qaisi type loophole by establishing a two-year conditional status for alien spouses seeking permanent resident status, and requiring that an actual family unit still remain in existence at the end of the two year period.

Concerning document fraud, **8 C.F.R. § 270.2** Enforcement procedures.

**(a) Procedures for the filing of complaints.** Any person or entity having knowledge of a violation or potential violation of section 274C of the Act may submit a signed, written complaint to the Service office having jurisdiction over the business or residence of the potential violator or the location where the violation occurred. The signed, written

complaint must contain sufficient information to identify both the complainant and the alleged violator, including their names and addresses. The complaint should also contain detailed factual allegations relating to the potential violation including the date, time and place of the alleged violation and the specific act or conduct alleged to constitute a violation of the Act. Written complaints may be delivered either by mail to the appropriate Service office or by personally appearing before any immigration officer at a Service office.

**(b) Investigation.** When the Service receives complaints from a third party in accordance with paragraph (a) of this section, it shall investigate only those complaints which, on their face, have a substantial probability of validity. The Service may also conduct investigations for violations on its own initiative, and without having received a written complaint. If it is determined after investigation that the person or entity has violated section 274C of the Act, the Service may issue and serve upon the alleged violator a Notice of Intent to Fine.

**(c) Issuance of a subpoena.** Service officers shall have reasonable access to examine any relevant evidence of any person or entity being investigated. The Service may issue subpoenas pursuant to its authority under sections 235(a) and 287 of the Act, in accordance with the procedures set forth in § 287.4 of this chapter.

\* \* \*

Any person accused of violating immigration laws including document fraud, falsely claiming to be a U.S. citizen, or fraud or misrepresentation to obtain entry into the United States or a desired immigration status may be placed in removal proceedings. U.S. citizens are generally protected from deportation, although if a naturalized U.S. citizen is found guilty of establishing citizenship through fraudulent means, he or she can be deported. A person with one parent who is a U.S. citizen but born outside of the United States must apply for naturalization relying upon identity documents and evidence.

#### Pursuant to **8 U.S.C. § 1451 “Revocation of Naturalization”**

(a) Concealment of material evidence; refusal to testify

It shall be the duty of the United States attorneys for the respective districts, upon affidavit showing good cause therefor, to institute proceedings in any district court of the United States in the judicial district in which the naturalized citizen may reside at the time of bringing suit, for the purpose of revoking and setting aside the order admitting such person to citizenship and canceling the certificate of naturalization on the ground that such order and certificate of naturalization were illegally procured or were procured by concealment of a material fact or by willful misrepresentation, and such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization shall be effective as of the original date of the order and certificate, respectively: Provided, That refusal on the part of a naturalized citizen within a period of ten years following his naturalization to testify as a witness in any proceeding before a

congressional committee concerning his subversive activities, in a case where such person has been convicted of contempt for such refusal, shall be held to constitute a ground for revocation of such person's naturalization under this subsection as having been procured by concealment of a material fact or by willful misrepresentation. If the naturalized citizen does not reside in any judicial district in the United States at the time of bringing such suit, the proceedings may be instituted in the United States District Court for the District of Columbia or in the United States district court in the judicial district in which such person last had his residence.

Although there appears to be no public information about exactly when Ms. Ilhan Omar was naturalized, and exactly when her involvement in organizations designated as terrorist organizations internationally began is not clear, pursuant to **8 U.S.C. § 1451 “Revocation of Naturalization”**

(c) Membership in certain organizations; prima facie evidence  
If a person who shall have been naturalized after December 24, 1952 shall within five years next following such naturalization become a member of or affiliated with any organization, membership in or affiliation with which at the time of naturalization would have precluded such person from naturalization under the provisions of section 1424 of this title, it shall be considered prima facie evidence that such person was not attached to the principles of the Constitution of the United States and was not well disposed to the good order and happiness of the United States at the time of naturalization, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the revocation and setting aside of the order admitting such person to citizenship and the cancellation of the certificate of naturalization as having been obtained by concealment of a material fact or by willful misrepresentation, and such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization shall be effective as of the original date of the order and certificate, respectively.

Pursuant to **8 U.S.C. § 1324C “Penalties for Document Fraud”**

**(a) Activities prohibited**

It is unlawful for any person or entity knowingly—

- (1)** to forge, counterfeit, alter, or falsely make any document for the purpose of satisfying a requirement of this chapter or to obtain a benefit under this chapter,
- (2)** to use, attempt to use, possess, obtain, accept, or receive or to provide any forged, counterfeit, altered, or falsely made document in order to satisfy any requirement of this chapter or to obtain a benefit under this chapter,

- (3) to use or attempt to use or to provide or attempt to provide any document lawfully issued to or with respect to a person other than the possessor (including a deceased individual) for the purpose of satisfying a requirement of this chapter or obtaining a benefit under this chapter,
- (4) to accept or receive or to provide any document lawfully issued to or with respect to a person other than the possessor (including a deceased individual) for the purpose of complying with section 1324a (b) of this title or obtaining a benefit under this chapter, or
- (5) to prepare, file, or assist another in preparing or filing, any application for benefits under this chapter, or any document required under this chapter, or any document submitted in connection with such application or document, with knowledge or in reckless disregard of the fact that such application or document was falsely made or, in whole or in part, does not relate to the person on whose behalf it was or is being submitted, or

\* \* \*

Also, **regarding document fraud, 8 U.S.C. § 1324C** provides that:

**(d) Enforcement**

**(1) Authority in investigations**

In conducting investigations and hearings under this subsection—

**(A)** immigration officers and administrative law judges shall have reasonable access to examine evidence of any person or entity being investigated,

**(B)** administrative law judges, may, if necessary, compel by subpoena the attendance of witnesses and the production of evidence at any designated place or hearing, and

\* \* \*

A person is subject to deportation (removal) pursuant to **8 U.S.C. § 1227 (a)(3)(C)**  
**Document fraud --**

**(i)** In general an alien who is the subject of a final order for violation of section 1324c of this title is deportable.

The immigration laws of the United States of America are intended in part to ensure that those who become part of the country and particularly those who lead it bear allegiance and loyalty to the United States of America rather than to a foreign country or to interests of other countries generally. It is part of the constitutional design and intention for immigration laws and regulations to regulate those joining the citizenry of the country with the goal of loyalty and allegiance to the country, among other factors. The U.S. Constitution requires that to be eligible to be President (or Vice President) a person must be a “natural born citizen” and that all federal elected officials must be citizens.

Initially, according to **8 U.S.C. § 1229A(a)(2)** “An alien placed in proceedings under this section may be charged with any applicable ground of inadmissibility under section 1182(a) of this title or any applicable ground of deportability under section 1227(a) of this title.”

Moreover, according to **8 U.S.C. § 1229A(a)(1)** “An immigration judge shall conduct proceedings for deciding the inadmissibility or deportability of an alien.” Moreover, **8 U.S.C. § 1229A(a)(2) “Charges”** provides:

“An alien placed in proceedings under this section may be charged with any applicable ground of inadmissibility under section 1182(a) of this title or any applicable ground of deportability under section 1227(a) of this title.

**Pursuant to 8 U.S.C. § 1229**, the initiation of removal proceedings must include notice of

- (A) The nature of the proceedings against the alien.
- (B) The legal authority under which the proceedings are conducted.
- (C) The acts or conduct alleged to be in violation of law.
- (D) The charges against the alien and the statutory provisions alleged to have been violated.
- (E) The alien may be represented by counsel and the alien will be provided
  - (i) a period of time to secure counsel under subsection (b)(1) of this section and
  - (ii) a current list of counsel prepared under subsection (b)(2) of this section.

According to **8 U.S.C. § 1229A(e)(2)**

“The term “removable” means—

- (A) in the case of an alien not admitted to the United States, that the alien is inadmissible under section 1182 of this title, or
- (B) in the case of an alien admitted to the United States, that the alien is deportable under section 1227 of this title.

To find a person inadmissible for fraud or willful misrepresentation, see **INA 212(a)(6)(C)(i)**. there must be at least some evidence that would permit a reasonable person to find that the person used fraud or that he or she willfully misrepresented a material fact in an attempt to obtain a visa, other documentation, admission into the United States, or any other immigration benefit. The “reasonable person” standard is drawn from INS v. Elias-Zacarias, 502 U.S. 478 (1992) (agency fact-finding must be accepted unless a reasonable fact-finder would necessarily conclude otherwise). See also Matter of Rivero-Diaz, 12 I&N Dec. 475 (BIA 1967); Matter of M-, 3 I&N Dec. 777 (BIA 1949).

False representation, or “misrepresentation,” is an assertion or manifestation that is not in accordance with the true facts. A person may make a false representation in oral interviews, or written applications, or by submitting evidence containing false information. See General Counsel Opinion 91-39. See 9 FAM 40.63, Note 4, “Interpretation of the Term “Misrepresentation.”

The term “willfully” should be interpreted as “knowingly” as distinguished from accidentally, inadvertently, or in a good faith belief that the factual claims are true. See Matter of Healy and Goodchild, 17 I&N Dec. 22 (BIA 1979). To find the element of willfulness, the officer must determine that the person had knowledge of the falsity of the misrepresentation, and therefore knowingly, intentionally, and deliberately presented false material facts. See Matter of G-G-, 7 I&N Dec. 161 (BIA 1956), superseded in part by Matter of Kai Hing Hui, 15 I&N Dec. 288 (BIA 1975). See Matter of Tijam, 22 I&N Dec. 408, 425 (BIA 1998) (Rosenberg, J., concurring and dissenting).

Silence or omission can lead to a finding of fraud or willful misrepresentation if it is clear from the evidence that the person consciously concealed information. If the evidence shows that the person was reasonably aware of the nature of the information sought and knowingly, intentionally, and deliberately concealed information from the officer, then the officer should find that the applicant consciously concealed and willfully misrepresented a material fact. A person’s conscious concealment of facts, therefore, constitutes willful misrepresentation. See Fedorenko v. United States, 449 U.S. 490 (1981).

The U.S. Supreme Court has developed a test to determine whether a misrepresentation is material: A concealment or a misrepresentation is material if it has a natural tendency to influence or was capable of influencing the decisions of the decision-making body. See Kungys v. United States, 485 U.S. 759, 770 (1988) (proceeding to revoke a person’s naturalization). The misrepresentation is material if it led to the person gaining some benefit to which he or she may not have been entitled under the true facts.

According to **8 U.S.C. § 1229A(c)(1)(A)** “At the conclusion of the proceeding the immigration judge shall decide whether an alien is removable from the United States. The determination of the immigration judge shall be based only on the evidence produced at the hearing.”

### **Actions Requested**

Despite the potential illegality of the situation, there have been no investigations into these allegations. (There were early reports that an investigation might have been started, but that could not be confirmed by Fox Channel 9 and the report may have been premature.)

Under the governing law, specifically those set forth in this petition, upon allegations of document fraud, the Department must convene a hearing and conduct an investigation. Based on the serious and important questions and issues set forth herein, Petitioner specifically requests that the Department of Homeland Security:

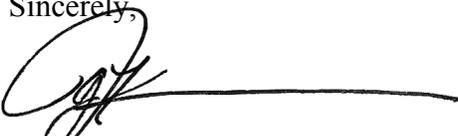
- 1) Receive and permit the Petitioner to appear and present evidence;
- 2) Require the sworn testimony of all involved persons and groups and authorize department investigators to obtain other evidence;

- 3) Obtain all records from USCIS and the U.S. State Department, including supporting documentation, related to Ilhan Omar and her alleged husband ;
- 4) Obtain all records from the State of Minnesota, including supporting documentation, related to Ilhan Omar and her alleged husband ;
- 5) Thoroughly investigate the highly suspect, evasive, ambiguous, apparently false and non-responsive statements and fraudulent alibis of Ilhan Omar and her alleged husband ;
- 6) Take appropriate remedial action, as no one is above the law, including a congresswoman of radical Muslim allegiances from Minnesota even if she will undoubtedly, if the past is a prologue of her actions, attempt to use the “race card” to avoid scrutiny and instead hatefully blame Jews and Christians to try to dissuade the department doing its job and conducting a thorough investigation;
- 7) Investigate whether Ms. Illhan Omar has committed immigration marriage fraud.
- 8) Investigate whether Ms. Illhan Omar's citizenship should be revoked based upon having committed the crime of immigration marriage fraud;
- 9) Investigate Illhan Omar's application for refugee status from Mombasa, Kenya, and evaluate how Ms. Omar qualified for refugee status when already safe in a stable country nearby her original home, and whether Ms. Omar's refugee status and resulting naturalization should be revoked?;
- 10) Investigate Illhan Omar's participation in anti-Semitic, racist, and/or terrorist or terrorist-supporting organizations as late as within five years of her naturalization.
- 11) Investigate whether Illhan Omar's citizenship should be revoked due to membership in an organization that is disqualifying for refugee status or citizenship less occurring than 5 years after her naturalization.

### **Summary and Conclusion**

In sum, the facts set forth in this petition should be immediately thoroughly investigated and if these facts bear out on “probable cause” at an ensuing evidentiary hearing, criminal prosecution and deportation proceedings timely commenced. If convicted with due process of law, Ilhan Omar should, at a minimum, be deported and removed from the United States.

Sincerely,



Larry Klayman

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Petition of Deportation:  
Ilhan Omar

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