

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

Plaintiff,

No. _____

v.

KHALED ELSAYED MOHAMMAD
ABO AL DAHAB a.k.a. KHALED
ELSAYED MOHAMMAD-ABO
ALDAHAB a.k.a. KHALED ELSAYED
ALI MOHAMMAD a.k.a. KHALED
ELSAYED MOHAMED a.k.a. KHALED
E. MOHAMED a.k.a. KHALED
MOHAMED,

**COMPLAINT TO REVOKE
NATURALIZATION**

Defendant.

I. JURISDICTION AND VENUE

1. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Khaled Elsayed Mohammad Abo Al Dahab a.k.a. Khaled Elsayed Mohammad-Abo Aldahab a.k.a. Khaled Elsayed Ali Mohammad a.k.a. Khaled Elsayed Ali Mohamed a.k.a. Khaled Elsayed Mohamed a.k.a. Khaled E. Mohamed a.k.a. Khaled Mohamed (“Defendant”), to citizenship and to cancel Certificate of Naturalization No. 22641746.

2. The affidavit of Rami Nimri, a Special Agent with the Federal Bureau of Investigation (“FBI”), showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached as Exhibit A.

3. Plaintiff is the United States of America. This Court has jurisdiction pursuant to 28 U.S.C. § 1345 and 8 U.S.C. § 1451(a).

4. Defendant is a naturalized United States citizen who does not reside in any judicial district in the United States at this time. Pursuant to 8 U.S.C. § 1451(a), Plaintiff has properly filed this action in the United States District Court for the District of Columbia.

II. FACTUAL BACKGROUND

IMMIGRATION HISTORY

1. Defendant, a native and citizen of Egypt, entered the United States on July 12, 1986, on a nonimmigrant (B2) visitor visa with an expiration date of January 11, 1987. His INS file (“A file”) number is A70137972.¹

2. On August 6, 1986, Defendant married Bozena Theresa Lierno, a lawful permanent resident of the United States. Defendant divorced Ms. Lierno on January 25, 1989.

3. On March 18, 1989, Defendant married Kim Annette Patterson, a citizen of the United States.

4. On May 3, 1989, based on this purported marriage, Ms. Patterson filed an INS Form I-130, Petition for Alien Relative on behalf of Defendant, and Defendant filed an INS Form I-485, Application for Permanent Residence.

5. The INS approved the Petition for Alien Relative and Defendant’s Application for Permanent Residence on July 8, 1989, thereby adjusting him to conditional lawful

¹ On March 1, 2003, the Immigration and Naturalization Service (“INS”) ceased to exist as an independent agency and many of its relevant functions transferred to DHS. *See* Homeland Security Act of 2002, Pub. L. No. 107-296, 110 Stat. 2135 (Nov. 25, 2002). However, because the events in this record took place prior to the transfer, the agency will be referred to as the “INS” throughout this Complaint, rather than DHS.

permanent residence status. Defendant was a lawful permanent resident as of this date. But his status was subject to revocation if he failed to remain married to his United States citizen spouse for two years.

6. On September 13, 1989, Defendant divorced Ms. Patterson.

7. On December 23, 1989, Defendant married Karie A. Rottluff, a citizen of the United States.

8. On or about September 18, 1990, prior to leaving the United States, Defendant filed an INS Form I-131, Application for Issuance of Permit to Reenter the United States.

a. In Part 1 of his INS Form I-131, Defendant provided a street address (962 Jones Street, #6) in San Francisco, California, as his mailing address.

b. In Part 5 of his INS Form I-131, Defendant indicated a proposed departure date of October 1, 1990, and an intended absence of sixteen (16) weeks.

c. In Part 7 of his INS Form I-131, Defendant stated that he was self-employed at KEM Universal Enterprises, and he provided his home address (962 Jones Street, # 6) in San Francisco, California as his employment address.

d. In Part 8 of his INS Form I-131, as his mailing address while abroad, Defendant provided a Post Office box in Cairo, Egypt.

e. In Part 9 of his INS Form I-131, as his reason for travelling abroad, Defendant stated, “medical emergency in the family might require me to donate a kidney to my mother due to renal failure.”

9. Defendant signed his INS Form I-131 under penalty of perjury under the laws of the United States, thereby certifying the information he provided was true and correct, and he filed it with the San Francisco, California office of the INS.

10. On July 19, 1991, based on his divorce and remarriage, Defendant filed an INS Form I-752, Application for Waiver of Requirement to File Joint Petition for Removal of Conditions.

11. Defendant filed his INS Form I-752 approximately three months past the deadline.

12. In a letter to INS dated July 2, 1991, Defendant claimed he was unable to file the INS Form I-752 on time because he was in Pakistan donating a kidney to his mother. To support this account, Defendant submitted a copy of his round trip airline ticket to Pakistan and a purported letter from his mother's doctor in Pakistan.

13. On March 9, 1992, based on his filings to date, the INS approved Defendant's INS Form I-752 and removed the conditions on his lawful permanent resident status. The INS issued Defendant Resident Alien Card No. 051663.

NATURALIZATION PROCEEDINGS

First Application for Naturalization

14. On March 17, 1995, Defendant filed an INS Form N-400, Application for Naturalization, based on having been a permanent resident for at least five (5) years.

a. In Part 1 of his INS Form N-400, Defendant claimed to reside in Reno, Nevada. He provided a street address (1170 S. Wells Avenue, #6) as his mailing address.

b. In Part 3 of his INS Form N-400, Defendant claimed no absences from the United States since becoming a permanent resident on July 8, 1989.

c. In Part 4(a) of his INS Form N-400, Defendant claimed to live in Reno, Nevada, and provided a street address (1170 S. Wells Avenue, #6) as his place of residence. He also provided the address of two prior residences, both in Santa Clara, California.

d. In Part 4(b) of his INS Form N-400, Defendant listed three employers since November 2, 1989. He provided a street address (1170 S. Wells Avenue, #6) in Reno, Nevada as his place of employment.

e. In Part 5 of his INS Form N-400, Defendant claimed to have been married only two (2) times.

f. In Part 7 of his INS Form N-400, at Question 11, Defendant stated that he had never claimed in writing, or in any way, to be a United States citizen.

g. In Part 7 of his INS Form N-400, at Question 12(g), Defendant claimed that he had never given false testimony for the purpose of obtaining an immigration benefit.

h. In Part 7 of his INS Form N-400, at Question 15(a), Defendant claimed that he had never knowingly committed any crime for which he had not been arrested.

i. In Part 9 of his INS Form N-400, Defendant averred that he had never been a member or affiliated with any organization, association, fund, foundation, party, club, society, or similar group in the United States or any other place.

15. Defendant signed his INS Form N-400 under the penalty of perjury under the laws of the United States, thereby certifying that the information he provided was true and correct, and filed it with the Reno, Nevada office of the INS.

16. The INS scheduled an interview on Defendant's Application for Naturalization for August 22, 1995. Defendant did not attend the interview. The INS scheduled another interview on Defendant's Application for Naturalization for March 8, 1996. Defendant did not attend this interview. Accordingly, the INS denied Defendant's INS Form N-400, Application for Naturalization, as abandoned.

Second Application for Naturalization

17. On or about October 8, 1996, Defendant filed a second INS Form N-400, Application for Naturalization, based on having been a permanent resident for at least five (5) years.

a. In Part 1 of his second INS Form N-400, Defendant claimed to reside in Reno, Nevada. He provided a Post Office box in Sparks, Nevada as his mailing address.

b. In Part 3 of his second INS Form N-400, Defendant claimed that his only absence from the United States since becoming a permanent resident was from May 1995 through November 1995, to Egypt. As the reason for trip, Defendant wrote "emergency."

c. In Part 4(a) of his second INS Form N-400, Defendant claimed to live in Sparks, Nevada from June 1995 to the date of filing, and provided a street address

(195 Victoria Avenue, #5) as his place of residence. Defendant listed no previous addresses.

d. In Part 4(b) of his second INS Form N-400, Defendant listed no employers for the previous five (5) years, or since October 8, 1991.

e. In Part 5 of his second INS Form N-400, Defendant claimed to have been married only one time. He provided an address in Sparks, Nevada for his spouse.

f. In Part 7 of his second INS Form N-400, at Question 11, Defendant stated that he had never claimed in writing, or in any way, to be a United States citizen.

g. In Part 7 of his second INS Form N-400, at Question 12(g), Defendant claimed that he had never given false testimony for the purpose of obtaining an immigration benefit.

h. In Part 7 of his second INS Form N-400, at Question 15(a), Defendant claimed that he had never knowingly committed any crime for which he had not been arrested.

i. In Part 9 of his second INS Form N-400, Defendant averred that he had never been a member or affiliated with any organization, association, fund, foundation, party, club, society, or similar group in the United States or any other place.

18. Defendant signed his second INS Form N-400, under penalty of perjury under the laws of the United States, thereby certifying that the information he provided was true and accurate, and filed it with the Reno, Nevada office of the INS.

Naturalization Interview

19. On October 18, 1996, INS placed Defendant under oath and interviewed him regarding his second INS Form N-400, Application for Naturalization. During this interview, Defendant testified substantially as follows:

a. Consistent with the response in Part 1 of his second INS Form N-400, Defendant testified that the Post Office box he provided was his current mailing address.

b. Consistent with the response in Part 3 of his second INS Form N-400, Defendant testified that his only absence from the United States since becoming a permanent resident was from May 1995 to November 1995 for an emergency trip to Egypt. Defendant denied any additional travel since becoming a lawful permanent resident on July 8, 1989.

c. Consistent with the response in Part 4(a) of his second INS Form N-400, Defendant testified that his place of residence was 195 Victoria Avenue, #5, Sparks, Nevada.

d. Whereas he failed to list any employers for the last five (5) years in response in Part 4(b) of his second INS Form N-400, Defendant testified that he was self-employed and provided the same Post Office box as in Part 1 of his application for naturalization as his place of employment.

e. When asked about his response in Part 5 of his second INS Form N-400 that he had married only one time, Defendant admitted that he had married more than once, but testified that he had only married twice. Defendant testified that his

spouse lived in Sparks, Nevada at the same address he provided for his spouse on his second INS Form N-400.

f. Consistent with his response in Part 7 of his second INS Form N-400, at Question 11, Defendant testified that he had never claimed in writing, or in any way, to be a United States citizen.

g. Consistent with his response in Part 7 of his second INS Form N-400, at Question 12(g), Defendant testified that he had never given false testimony for the purpose of obtaining an immigration benefit.

h. Consistent with his response in Part 7 of his second INS Form N-400, at Question 15(a), Defendant testified that he had never knowingly committed any crime for which he had not been arrested.

i. Consistent with his response in Part 9 of his second INS Form N-400, Defendant testified that he had never been a member or affiliated with any organization, association, fund, foundation, party, club, society, or similar group in the United States or any other place.

20. At the end of the interview on October 18, 1996, Defendant again signed his INS Form N-400 under penalty of perjury under the laws of the United States, thereby attesting that the information in his application for naturalization, including any corrections and supplements, was true to the best of his knowledge and belief.

21. Based on his INS Form N-400 and sworn testimony during the naturalization interview, the INS approved Defendant's application for naturalization on December 7, 1996.

22. On February 7, 1997, Defendant filled out the questionnaire on his INS Form N-445, Notice of Naturalization Oath Ceremony and filed it with INS. In response to Question 3 on his INS Form N-445, Defendant stated that he had not knowingly committed any crime or offense for which he had not been arrested. Defendant signed his INS Form N-445, thereby certifying that each of his answers were true and correct.

23. Based on his approved INS Form N-400, Application for Naturalization, and INS Form N-445, the INS administered the oath of allegiance to Defendant on February 7, 1997, admitted him to United States citizenship, and issued Certificate of Naturalization No. 22641746.

24. On May 2, 1996, Defendant and his spouse filed a bankruptcy petition in the Northern District of California, thereby representing they had resided in the Northern District of California for at least 180 days. Under penalty of perjury, Defendant represented that he resided at 1117 Oakmont Drive, #3, San Jose, California since at least November 4, 1995. All creditor records attached to Defendant's bankruptcy petition reflect the same address.

FALSE STATEMENTS AND TESTIMONY

Personal Information

25. Defendant did not reside in Reno or Sparks, Nevada from July 7, 1994 through October 18, 1996. Defendant never resided in Reno or Sparks, Nevada. Defendant's spouse, Ms. Rottluff-Mohamed, never resided in Reno or Sparks, Nevada. During all times relevant to his first and second applications for naturalization, Defendant

resided in Santa Clara, California. Accordingly, Defendant's statements in Part 1 and Part 3(a) of his first INS Form N-400, Application for Naturalization, and Part 1 and Part 4(a) of his second INS Form N-400, Application for Naturalization, that he lived in Reno or Sparks, Nevada, were false. In addition, Defendant's sworn testimony during his naturalization interview on October 18, 1996, that he lived in Sparks, Nevada, was false. Defendant knew these statements and testimony to be false, and he provided them with the intent to deceive and to obtain an immigration benefit.

26. Defendant was not self-employed from October 18, 1991 through October 18, 1996. Nor was Defendant employed by any business operating in Reno, Nevada from October 8, 1991 through October 18, 1996. During this timeframe, Defendant was employed by car dealerships in Santa Clara, California. Accordingly, Defendant's statement in Part 4(b) of his first INS Form N-400, Application for Naturalization, that he owned a company in Reno, Nevada from August 1994 to March 16, 1995, was false. Defendant's statements in Part 4(b) of his second INS Form N-400, Application for Naturalization, that he had no employers since November 2, 1989, was also false. In addition, Defendant's sworn testimony during his naturalization interview on October 18, 1996, that he had been self-employed since November 2, 1989, was false. Defendant knew these statements and testimony to be false, and he provided them with the intent to deceive and to obtain an immigration benefit.

27. Defendant traveled to Pakistan and Afghanistan from approximately May 1991 through June 1991. This trip was not for the purpose of facilitating a kidney transplant for Defendant's mother. It was to attend a jihadist training camp in

Afghanistan where he both received and provided training in connection with a foreign terrorist organization. Defendant also traveled to Egypt from approximately May 1995 through November 1995. Accordingly, Defendant's statement in Part 3 of his first INS Form N-400, Application for Naturalization, that he had not traveled outside the United States since July 8, 1989, was false. In addition, Defendant's statement in Part 3 of his second INS Form N-400, Application for Naturalization, that his only travel outside the United States since July 8, 1989 was to Egypt for an emergency, was also false. In addition, Defendant's sworn testimony during his naturalization interview on October 18, 1996, that his only trip outside the United States since becoming a lawful permanent resident was to Egypt for an emergency, was false. Defendant knew these statements and testimony to be false, and he provided them with the intent to deceive and to obtain an immigration benefit.

28. As of March 17, 1995, Defendant had married at least three times.

Accordingly, Defendant's statement in Part 5 of his first INS Form N-400, Application for Naturalization, that he had only married twice, was false. In addition, Defendant's statement in Part 5 of his second INS Form N-400, Application for Naturalization, that he had only married once, was also false. In addition, Defendant's sworn testimony during his naturalization interview on October 18, 1996, that he had only married twice, was false. Defendant knew these statements and testimony to be false, and he provided them with the intent to deceive and to obtain an immigration benefit.

False Testimony

29. On October 18, 1996, Defendant provided false testimony regarding his current and past addresses; employment history; travel outside the United States; marital history; prior claims of United States citizenship; false testimony; commission of crimes for which he had not been arrested; and membership in or association with at least one organization, all for the purpose of obtaining an immigration benefit. Accordingly, Defendant's statement in Part 7 at Question 12(g) of his second INS Form N-400, Application for Naturalization, as reaffirmed under penalty of perjury at the conclusion of Defendant's October 18, 1996 naturalization interview, that he had never given false testimony for the purpose of obtaining any immigration benefit, was false. In addition, Defendant's sworn testimony during his naturalization interview on October 18, 1996, that he had never given false testimony for the purpose of obtaining any immigration benefit, was also false. Defendant knew these statements and testimony to be false, and he provided them with the intent to deceive and to obtain an immigration benefit.

Claim of United States Citizenship

30. Defendant claimed to be a United States citizen in writing on his application for employment with National Semiconductor Corporation dated March 14, 1988. Accordingly, Defendant's statement in Part 7 at Question 11 of his first and second INS Form N-400, Application for Naturalization, that he had never claimed in writing, or in any way, to be a United States citizen, was false. In addition, Defendant's sworn testimony during his naturalization interview on October 18, 1996, that he had never claimed in writing, or in any way, to be a United States citizen, was also false. Defendant

knew these statements and testimony to be false, and he provided them with the intent to deceive and to obtain an immigration benefit.

Prior Crimes

31. On or about November 2, 1989 through February 7, 1997, Defendant committed crimes for which, at that time, he had not been arrested, to wit: aiding and abetting a conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country, in violation of 18 U.S.C. § 956; accessory after the fact, in violation of 18 U.S.C. § 3; false claim of United States citizenship, in violation of 18 U.S.C. § 911; false statements, in violation of 18 U.S.C. § 1001; passport forgery, in violation of 18 U.S.C. § 1543; false swearing in an immigration matter, in violation of 18 U.S.C. § 1546(a); and money laundering, in violation of 18 U.S.C. § 1956(a)(1)(B)(i) and (2). Accordingly, Defendant's statement in Part 7 at Question 15(a) of his first and second INS Form N-400, Application for Naturalization, and in response to Question 3 on his INS Form N-445, that he had never knowingly committed any crime for which he had not been arrested, was false. Defendant's sworn testimony during his naturalization interview on October 18, 1996, that he had never knowingly committed any crime for which he had not been arrested, was also false. Defendant knew these statements and testimony to be false, and he provided them with the intent to deceive and to obtain an immigration benefit.

Egyptian Islamic Jihad

32. From on or about November 2, 1989 through at least on or about October 29, 1998, Defendant was a member or associated with Egyptian Islamic Jihad ("EIJ").

a. EIJ is also known as Egyptian Al-Jihad, Jihad Group, New Jihad, Al-Jihad, and Egyptian Islamic Movement. EIJ emerged in Egypt in the early 1980s. In due course, Ayman Muhammed Rabi al-Zawahiri (“al-Zawahiri”) became the leader of EIJ. Upon the death of Usama bin Laden, al-Zawahiri became the leader of al-Qaeda. The spiritual leader of EIJ was Omar Ahmed Abdul-Rahman (“Abdul Rahman”), also known as “The Blind Sheikh,” an Egyptian cleric currently in prison in the United States serving a life sentence for his role in the 1993 World Trade Center bombing. EIJ was responsible for the 1981 assassination of Egyptian President Anwar Sadat. It also claimed responsibility for the attempted assassinations in 1993 of Egyptian Interior Minister Hassan Al-Alfi and Egyptian Prime Minister Atef Sedki. EIJ was responsible for the bombing of the Egyptian Embassy in Islamabad in 1995, and it plotted a similar attack against the United States Embassy in Albania in 1998. In 2001, EIJ joined forces with Usama bin Laden’s al-Qaeda at al-Zawahiri’s insistence. EIJ has been active worldwide under the auspices of al-Qaeda. EIJ operatives played a key role in the attacks on the World Trade Center in 1993 and 2001.

b. On September 24, 2001, the United States Secretary of State designated EIJ a Foreign Terrorist Organization (“FTO”) and Specially Designated Terrorists (“SDT”). The United States Department of Treasury has also designated EIJ a Specifically Designated Global Terrorist (“SDGT”) entity. On October 6, 2001, pursuant to paragraph 8(c) of resolution 1333, the United Nations listed EIJ as being associated with Al-Qaida, Usama bin Laden or the Taliban. The

governments of Canada, the United Kingdom, and Australia have all designated EIJ a terrorist organization.

c. From April 1991 through June 1991, Defendant traveled to Pakistan and Afghanistan to receive military training at a camp near Jalalabad, Afghanistan. At the training camp, Defendant also provided instruction to EIJ members on how to fly hang gliders. EIJ paid for Defendant's purchase of a hang glider, travel to Pakistan, and transport of the hang glider overseas. Defendant traveled from the United States to Karachi, Pakistan, then onto Islamabad, Pakistan. EIJ operatives drove Defendant from Islamabad, Pakistan to a safe house in the Hayat Abbad area of Peshawar, Pakistan. After several weeks in the safe house, EIJ operatives smuggled Defendant into Afghanistan disguised in an Afghani costume.

Defendant traveled onto an EIJ training camp near Jalalabad, Afghanistan. At the training camp, EIJ members trained Defendant in religion, politics, and weapons. EIJ members trained Defendant on firing AK-47 rifles, pistols, and rocket propelled grenades. While Defendant was at the training camp, he witnessed EIJ members instructing other individuals on bomb making techniques. For several weeks, Defendant trained at least four EIJ operatives in the use of hang gliders for terrorist attacks. Defendant knew that EIJ would use his training on hang gliders in the commission of terrorist attacks. Specifically, Defendant knew the EIJ wanted to use a hang glider to bomb hit targets inside Egypt, including the Liman Turra Prison near Cairo, Egypt. Defendant met EIJ leader Aiman al-Zawahiri at the safe house in Peshawar, Pakistan and at the training camp in Afghanistan.

Defendant also met EIJ's then second in command, Abu Khabab al-Masri ("al-Masri"). Defendant spent approximately one month at the EIJ training camp near Jalalabad, Afghanistan.

d. From approximately January 1, 1990 through May 5, 1995, Defendant operated a communication hub for EIJ members and affiliates out of his Santa Clara, California apartment. During this time, Egyptian authorities were intercepting telephone calls made from certain countries to Egypt in order to prevent EIJ members from planning terrorist attacks against Egypt. Defendant devised a scheme with EIJ senior leadership whereby EIJ members would call Defendant in the United States, and Defendant would connect them to EIJ operatives in Egypt or abroad utilizing a three-way call feature on his phone line. At the time, Defendant understood that Egyptian authorities did not monitor telephone calls from the United States to Egypt or from Egypt to the United States. Defendant's communication hub effectively bypassed monitoring of EIJ members by Egyptian authorities. Defendant connected calls by EIJ members operating in Albania, Bahrain, Canada, Egypt, Jordan, Pakistan, Qatar, Saudi Arabia, and United Arab Emirates. Defendant knew that he was working for the EIJ in furtherance of jihad and fighting against the Government of Egypt. EIJ paid Defendant in cash for costs related to the communication hub. All of the three-way calls that Defendant facilitated from his Santa Clara apartment were for EIJ members. All calls made by EIJ members using Defendant's communication hub were for the advancement of terrorist activity, and Defendant was aware of that.

EIJ conducted many operations related to terrorism, and Defendant's communication hub materially assisted in those operations. For instance, Defendant's communication hub materially assisted an assassination attempt of Prime Minister Atef Sedky by EIJ in November 1993. EIJ detonated a powerful car bomb that narrowly missed Prime Minister Sedky and blasted a nearby school, killing a girl and injuring at least nine others. This plot was being run out of Yemen by an EIJ operative, a one-legged man named "Osman" who Defendant met at the training camp in Afghanistan. Osman utilized Defendant's communication hub to conduct the November 1993 operation against Prime Minister Sedky.

e. From approximately January 1990 through December 1995, Defendant facilitated the transfer of fraudulent passport documents by, between, and among EIJ members. EIJ operatives provided expired passports to Defendant, who then forged the renewal applications and signatures on the expired passports and forwarded them to the Egyptian Consulate in San Francisco, California. Once Defendant received the renewed passports from the Egyptian Consulate, he sent them to the EIJ members in the United States or abroad using Federal Express. EIJ paid Defendant in cash for each passport he processed fraudulently. The fraudulent passports were used by EIJ operatives in carrying out terrorist activities on behalf of the EIJ. Defendant knew that the passports he fraudulently obtained would be used by the EIJ in carrying out acts of terrorism.

f. From approximately January 1990 through December 1995, Defendant facilitated document and money transfers on behalf of the EIJ. Defendant hid cash, documents, or other items in packages and shipped them to EIJ operatives utilizing Federal Express. During this time, Defendant collected and sent over \$10,000 from the United States to EIJ operatives abroad. Defendant also collected donations for EIJ and deposited them into his personal account. He then transferred the money to other accounts specified by EIJ operatives.

g. In 1992, Defendant met with EIJ leader al-Zawahiri in Santa Clara, California. Defendant also met with al-Zawahiri when he traveled to California to raise funds for EIJ in late 1994. Al-Zawahiri visited mosques in Santa Clara, Stockton, and Sacramento as part of a coast-to-coast fund-raising mission. Money that al-Zawahiri raised in the United States helped finance terrorist operations, including the 1995 bombing of the Egyptian Embassy in Islamabad, Pakistan that killed seventeen (17) diplomats. Defendant took some of the donations that al-Zawahiri collected during this trip and deposited them into his personal account. He then transferred the money to other accounts specified by EIJ operatives. Al-Zawahiri also asked Defendant to make inquiries about satellite phones and an apparatus that detects the frequencies of wireless equipment. Defendant made inquiries in these devices and reported back to al-Zawahiri. Defendant also met with Abdul-Rahman (“The Blind Sheikh”), when he came to Santa Clara, California in 1992.

h. In June 1993, EIJ operative Essam Marzouk, also known as Essam Hafez Abdel-Razek (“Marzouk”), travelled to Canada under a fraudulent Saudi Arabian passport. The EIJ sought to smuggle Marzouk into the United States using a fraudulent passport. Defendant knew that EIJ intended to smuggle Marzouk into the United States using fraudulent immigration documents. Defendant twice went to visit Marzouk in Canada. An al-Qaeda operative in Pakistan sent Defendant several thousand dollars to give Marzouk. Defendant knew that Usama bin Laden himself ordered the money be sent to Marzouk, and he assisted in the delivery of the money. Marzouk had provided Defendant military training when he was at the training camp in Afghanistan in 1991.

i. In May 1995, an EIJ operative provided Defendant with \$4,000 in donations from a California mosque to forward to the EIJ for purpose of funding a terrorist attack against the Egyptian Embassy in Islamabad, Pakistan. Defendant knew that the money was for the EIJ and the attack in Pakistan. He forwarded those funds to EIJ operatives using Federal Express.

j. In May 1995, Defendant traveled to Egypt for six months. During this trip, he delivered money and passports to EIJ operatives inside Egypt. The passport and money that Defendant delivered aided in the escape of a EIJ operative from Egypt.

k. On or about October 29, 1998, Defendant was arrested by Egyptian authorities. Defendant was a co-accused in the so called “Returnees from Albania” trial. He was tried in Egyptian Military Court, Case No. 1998/8,

convicted of terrorism-related offenses, and sentenced to fifteen (15) years imprisonment. Specifically, Defendant was convicted of being a member of EIJ, for which he received a three (3) year prison sentence, and conspiracy to overthrow the Egyptian government, for which he received a sentence of twelve (12) years.

1. Throughout Defendant's involvement in EIJ, the organization advocated the duty, necessity, or propriety of the unlawful assaulting or killing of an officer of an organized government, and the unlawful damage, injury or destruction of property.

33. Based on his membership and association with EIJ, Defendant's statement in Part 9 of his first and second INS Form N-400, Application for Naturalization, that he had never been a member of or affiliated with any organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place, was false. In addition, Defendant's sworn testimony during his naturalization interview on October 18, 1996, that he had never been a member of or affiliated with any organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place, was also false. Defendant knew these statements and testimony to be false, and he provided them with the intent to deceive and to obtain an immigration benefit.

34. Defendant's false statements on his first and second INS Form N-400, Application for Naturalization, and false testimony during his naturalization interview on

October 18, 1996 were material. Defendant's false statements and testimony misled the INS and cut off material lines of inquiry.

III. THE RELEVANT LAW

35. Under section 340(a) of the INA, the Court must revoke Defendant's naturalization and cancel his Certificate of Naturalization if his naturalization was either: (a) illegally procured, or (b) procured by concealment of a material fact or by willful misrepresentation. *See* 8 U.S.C. § 1451(a).

COUNT I

ILLEGAL PROCUREMENT OF NATURALIZATION **LACK OF GOOD MORAL CHARACTER** **(FALSE TESTIMONY)**

36. The United States re-alleges and incorporates by reference paragraphs 1 through 35 of this Complaint.

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

38. An applicant for naturalization must satisfy the statutory requirement of demonstrating that he is a person of good moral character. *See* 8 U.S.C. § 1427(a).

39. An applicant for naturalization is statutorily precluded from establishing the good moral character necessary to naturalize if he has given false testimony for the purpose of obtaining an immigration benefit. *See* 8 U.S.C. § 1101(f)(6).

40. On October 18, 1996, the INS interviewed Defendant regarding his INS Form, N-400, Application for Naturalization. At the beginning of his naturalization interview, Defendant took an oath affirming that he would answer all questions truthfully.

41. As discussed in paragraph 19 above, an INS officer asked Defendant about his current and past addresses; employment history; travel outside the United States; marital history; prior claims of United States citizenship; false testimony; commission of crimes for which he had not been arrested; and whether he had ever been a member or associated with any organizations. Defendant testified under oath about these matters.

42. As discussed in paragraphs 25 through 33 above, this testimony was false.

43. Defendant provided false testimony about his current and past addresses; employment history; travel outside the United States; marital history; prior claims of United States citizenship; false testimony; commission of crimes for which he had not been arrested; and membership in or association with EIJ during the statutory period for the purpose of obtaining naturalization. Defendant's false testimony concealed the fact that he was a member of or associated with a terrorist organization, and that he had committed crimes of moral turpitude, which precluded him from establishing the good moral character necessary to naturalize.

44. Defendant lacked the good moral character necessary for naturalization because he provided false testimony to obtain an immigration benefit. Defendant's illegally procured naturalization must be revoked pursuant to 8 U.S.C. § 1451(a).

COUNT II

ILLEGAL PROCUREMENT OF NATURALIZATION
LACK OF GOOD MORAL CHARACTER
(CRIMES INVOLVING MORAL TURPITUDE)

45. The United States re-alleges and incorporates by reference paragraphs 1 through 44 of this Complaint.

46. Defendant illegally procured his naturalization because he was statutorily precluded from establishing the good moral character necessary to naturalize on account of his commission of crimes involving moral turpitude.

47. One of the requirements to becoming a citizen of the United States is the applicant must satisfy the statutory requirement that he is a person of good moral character. *See* 8 U.S.C. § 1427(a). Defendant was required to prove that he was a person of good moral character from five years prior to filing his Application for Naturalization, or October 8, 1991, until the time he became a naturalized citizen on February 7, 1997 (“statutory period”).

48. An applicant for naturalization is statutorily precluded from establishing the good moral character necessary to naturalize if, during the statutory period, he commits acts which constitute the essential elements of a crime involving moral turpitude. *See* 8 U.S.C. §§ 1101(f)(3), 1182(a)(2)(A)(i)(I); 8 C.F.R. § 316.10(b)(2)(i).

49. During the statutory period, Defendant committed the following criminal offenses: aiding and abetting a conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country, in violation of 18 U.S.C. § 956; accessory after the fact, in violation of 18 U.S.C. § 3; false claim of United States citizenship, in violation of

18 U.S.C. § 911; false statements, in violation of 18 U.S.C. § 1001; passport forgery, in violation of 18 U.S.C. § 1543; false swearing in an immigration matter, in violation of 18 U.S.C. § 1546(a); and money laundering, in violation of 18 U.S.C. § 1956(a)(1)(B)(i) and (2).

a. Conspiracy To Kill, Kidnap, Maim, and Injure: On or about January 1990 through on or about December 1995, in the Northern District of California and elsewhere, Defendant knowingly and intentionally aided and abetted a conspiracy by others, known and unknown, to kill, kidnap, maim, and injure persons outside the United States or to damage or destroy property situated within a foreign country and belonging to a foreign government or to a political subdivision thereof, and in furtherance of the conspiracy, and to effect the objects thereof, Defendant and the co-conspirators each aiding and abetting and being aided and abetted by the other, did knowingly commit or cause the commission of overt acts, as described in paragraph 32 above. All in violation of Title 18, United States Code, Section 956.

b. Accessory After the Fact: On or about January 1990 through on or about December 1995, in the Northern District of California and elsewhere, Defendant, knowing that an offense against the United States was committed, to wit, conspiracy to kill, kidnap, maim or injure in violation of Title 18 United States Code, Section 956, did receive, relieve, comfort, and assist the offenders, both known and unknown, in order to hinder and prevent their apprehension, trial, and punishment. All in violation of Title 18, United States Code, Section 3.

c. False Claim to United States Citizenship: On or about March 14, 1988, in the Northern District of California, Defendant, an alien in the United States, falsely and willfully misrepresented himself to be a citizen of the United States to a person with good reason to inquire about his citizenship. All in violation of Title 18, United States Code, Section 911.

d. False Testimony: On or about October 18, 1996, Defendant did willfully and knowingly make and cause to be made materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of a department or agency of the United States. As discussed in paragraph 19 above, Defendant testified before an INS examiner at Reno, Nevada, in the District of Nevada, about his current and past addresses; employment history; travel outside the United States; marital history; prior claims of United States citizenship; false testimony; commission of crimes for which he had not been arrested; and membership in or association with EIJ. As discussed in paragraphs 25 through 33 above, Defendant knew these statements and representations were false. All in violation of Title 18, United States Code, Section 1001.

e. Passport Forgery: On or about January 1990 through on or about December 1995, within the Northern District of California and elsewhere, Defendant furnished to another for use a false, forged, and counterfeited passport, to wit: a passport validly issued under the authority of the Government of Egypt. This passport was void because the place of residence was false and signature of the applicant was forged. Defendant furnished this passport with the intent that it

may be used to travel internationally and to facilitate acts of international terrorism in violation of 18 U.S.C. § 956. All in violation of Title 18, United States Code, Section 1543.

f. False Swearing in an Immigration Matter: On or about the dates of March 18, 1995, October 8, 1996, and October 18, 1996, in the District of Nevada, Defendant, did knowingly make under penalty of perjury under 28 U.S.C. § 1746 false statements with respect to material facts in a document required by the immigration laws and regulations prescribed thereunder, to wit: an INS Form N-400, Application for Naturalization. As alleged at paragraphs 14 through 18 above, Defendant made false statements relating to his current and past addresses; employment history; travel outside the United States; marital history; prior claims of United States citizenship; false testimony; commission of crimes for which he had not been arrested; and membership in or association with EIJ. As alleged in and paragraphs 25 through 33 above, Defendant knew these statements to be false. All in violation of Title 18, United States Code, Section 1546(a).

g. Money Laundering: From on or about January 1990 through on or about December 1995, in the Northern District of California, Defendant did knowingly conduct financial transactions affecting interstate and foreign commerce, to wit: wire transfers; deposits and withdrawals from financial institutions; and shipment of hidden currency. These transactions involved the proceeds of a specified unlawful activity, that is, acts of international terrorism in violation of 18 U.S.C. § 956. Defendant knew that these transactions were designed in whole and in part to

conceal and disguise the nature, location, source, ownership, and control of the proceeds of said specified unlawful activity. While conducting and attempting to conduct such financial transaction, Defendant also knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity. All in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and (2).

50. Aiding and abetting acts of international terrorism, acting as an accessory after the fact, making a false claim of United States citizenship, false statements, false swearing in an immigration matter, and money laundering all constitute crimes involving moral turpitude.

51. Because Defendant committed more than one crime involving moral turpitude during the statutory period, he was statutorily ineligible to naturalize for lack of good moral character.

52. Defendant's naturalization was therefore illegally procured and must be revoked pursuant to 8 U.S.C. § 1451(a).

COUNT III

ILLEGAL PROCUREMENT OF NATURALIZATION **LACK OF GOOD MORAL CHARACTER** **(AFFILIATION WITH CERTAIN ORGANIZATIONS)**

53. The United States re-alleges and incorporates by reference paragraphs 1 through 52 of this Complaint.

54. Pursuant to 8 U.S.C. § 1424(a)(4), a person is precluded from naturalizing if they are "a member of or affiliated with any organization that advocates or teaches . . .

(A) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers . . . of the Government of the United States or any other organized government because of his or their official character; or (B) the unlawful damage, injury or destruction of property. . . .”²

55. Defendant illegally procured his naturalization because he was statutorily precluded from naturalizing under 8 U.S.C. § 1424(a)(4).

56. As discussed in paragraph 32 above, Defendant was a member of or associated with the EIJ from on or about November 2, 1989 through at least on or about October 29, 1998.

57. Throughout Defendant’s involvement in EIJ, the organization advocated the duty, necessity, or propriety of the unlawful assaulting or killing of an officer of an organized government, and the unlawful damage, injury or destruction of property. Accordingly, Defendant’s membership in or affiliation with EIJ precluded his naturalization.

58. Defendant’s naturalization was therefore illegally procured and must be revoked pursuant to 8 U.S.C. § 1451(a).

² This provision applies to “any applicant for naturalization who at any time within the period of ten years immediately preceding the filing of the application for naturalization . . . is, or has been found to be within any of the classes enumerated within [section 1424].” See 8 U.S.C. § 1424(c). Further, pursuant to 8 U.S.C. § 1451(c), if within the five years next following their naturalization, an alien becomes a member of or affiliated with any organization described by provisions at 8 U.S.C. § 1424, “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 to authorize the revocation and setting aside of the order admitting such person to citizenship as having been obtained by the concealment of a material fact or by willful misrepresentation” See 8 U.S.C. § 1451(c).

COUNT IV

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

59. The United States re-alleges and incorporates by reference paragraphs 1 through 58 of this Complaint

60. Defendant procured his naturalization by willful misrepresentation and concealment of material facts during his naturalization proceedings.

61. As discussed in paragraphs 14 through 18 and 25 through 33 above, Defendant made false statements on his first and second INS Form N-400, Application for Naturalization, regarding his current and past addresses; employment history; travel outside the United States; marital history; prior claims of United States citizenship; false testimony; commission of crimes for which he had not been arrested; and membership in or association with EIJ.

62. Defendant signed his INS Form N-400, Application for Naturalization, under penalty of perjury under the laws of the United States, thereby certifying under oath that the information contained therein was true and correct. Defendant filed his application with the INS on October 8, 1996.

63. On October 18, 1996, INS interviewed Defendant regarding his INS Form N-400, Application for Naturalization. At the beginning of his naturalization interview, an INS officer placed Defendant under oath. Defendant affirmed that he would answer all questions truthfully.

64. As discussed in paragraph 19 and paragraphs 25 through 33 above, during his naturalization interview on October 18, 1996, Defendant falsely testified under oath about his current and past addresses; employment history; travel outside the United States; marital history; prior claims of United States citizenship; false testimony; commission of crimes for which he had not been arrested; and membership in or association with EIJ.

65. At the end of his naturalization interview, Defendant again signed his INS Form N-400, Application for Naturalization, under penalty of perjury under the laws of the United States, thereby affirming under oath that the information contained therein was true and correct.

66. Defendant intentionally misrepresented and concealed his current and past addresses; employment history; travel outside the United States; marital history; prior claims of United States citizenship; false testimony; commission of crimes for which he had not been arrested; and membership in or association with EIJ. Defendant knew his false statements and sworn testimony about these matters were false and misleading.

67. Defendant's false statements and testimony about these matters was material to determining his eligibility for naturalization. Defendant's false statements and testimony had the natural tendency to influence a decision by INS to approve his INS Form N-400, Application for Naturalization. In fact, Defendant's commission of criminal offenses relating to terrorism and involvement with EIJ would have precluded him from establishing the good moral character necessary for naturalization. The INS would have denied Defendant's INS Form N-400, Application for Naturalization, had he

been truthful. Defendant thus procured his naturalization by concealment of material facts and willful misrepresentations.

68. Denaturalization is required when an alien has concealed material facts or made willful misrepresentations which aided in the receipt of naturalization. *See* 8 U.S.C. § 1451(a). Accordingly, Defendant's naturalization must be revoked pursuant to 8 U.S.C. § 1451(a).

WHEREFORE, the United States prays for relief as follows:

(1) Judgment revoking and setting aside the naturalization of the Defendant (which was ordered by the Attorney General of the United States, admitting Defendant to United States citizenship), and canceling Certificate of Naturalization No. 22641746;

(2) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, or advantages under any document which evidences United States citizenship obtained as a result of his February 7, 1997 naturalization;

(3) Judgment requiring the Defendant to surrender and deliver his Certificate of Naturalization and any other indicia of United States citizenship, as well as any copies thereof in his possession (and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession of others), to the Attorney General, or his representative, including the undersigned, immediately; and

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

Date: April 8, 2015

Respectfully submitted,

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EXHIBIT A

UNITED STATES OF AMERICA
SAN JOSE, CALIFORNIA

In the Matter of the Revocation)
Of the Naturalization of)
)
Khaled Elsayed Mohammad Abo)
Al Dahab a.k.a. Khaled Elsayed)
Mohammad-Abo Aldahaba a.k.a. Khaled)
Elsayed Ali Mohammad a.k.a. Khaled)
Elsayed Ali Mohamed a.k.a. Khaled Elsayed)
Mohamed a.k.a. Khaled E. Mohamed)
a.k.a. Khaled Mohamed)

AFFIDAVIT OF GOOD CAUSE

I Rami Nimri, declare under penalty of perjury as follows:

1. I am a Special Agent with the U.S. Department of Justice, Federal Bureau of Investigation (FBI), in Monterey, California. In this capacity, I have access to the official Records of the FBI, including the official file of Khaled Elsayed Mohammad Abo Al Dahab (a.k.a. Khaled Elsayed Mohammad-Abo Aldahab, Khaled Elsayed Ali Mohammad, Khaled Elsayed Ali Mohamed, Khaled Elsayed Mohamed, Khaled E. Mohamed, and Khaled Mohamed)(Mr. Al Dahab). Alien Registration File # A 070 137 972. In my capacity as a Special Agent, I was assigned to San Jose FBI's International Counterterrorism Squad, and was a part of the San Francisco Joint Terrorism Task Force (JTTF), which is a multi-agency task force comprised of agents from the FBI and other federal and state law enforcement agencies.
2. I have reviewed records in Mr. Al Dahab's alien file (A file, conducted internal federal Database record checks, and interviewed Mr. Al Dahab in Alexandria, Egypt for three days. I have reviewed publicly available news articles and books discussing Mr. Al Dahab. I have interviewed numerous witnesses and conducted my own investigation of Mr. Al Dahab, in coordination with other members of law enforcement. Based upon my review of these sources, I

state on information and belief that the representations set forth in this Affidavit of Good Cause are true and correct to the best of my knowledge.

3. On March 17, 1995, Mr. Al Dahab filed an Application for Naturalization (Form N-400) with the Phoenix, Arizona District Office of the Immigration and Naturalization Service (INS). (Reference: Form N-400, contained in A file). [Note: On March 1, 2003, the Immigration and Naturalization Service (INS) ceased to exist as an agency within the U.S. Department of Justice and its functions were transferred to the DHS. (Reference: Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135 (Nov. 25, 2002)). Because Mr. Al Dahab's naturalization case was adjudicated before the transfer, this Affidavit of Good Cause will reference the INS as necessary]. The former INS mailed Mr. Al Dahab a notice to appear for an interview on his naturalization application. He was out of the country, in Egypt, at that time and did not attend the appointment. (Reference: October 8, 1996, Letter from Mr. Al Dahab to the INS, contained in the A file). On October 8, 1996, Mr. Al Dahab filed a second Application for Naturalization with the INS. On October 18, 1996, INS Officer Robert D. Robbins interviewed Mr. Al Dahab, under oath, regarding the information he provided in his October 8, 1996 Application for Naturalization. Following the interview, the former INS approved Mr. Al Dahab's application on December 7, 1996. Mr. Al Dahab took the oath of allegiance on February 7, 1997, and he was admitted to United States citizenship on that date. He was issued a Certificate of Naturalization (Number 22 641 746).

4. Mr. Al Dahab procured his naturalization by willful misrepresentation and concealment of material facts that his naturalization must be revoked. *See* Section 340(a)(1996) of the Immigration and Nationality Act (8 U.S.C. § 1451(a)(1996)). Mr. Al Dahab made material

misrepresentations on his October 8, 1996 naturalization application and at his October 18, 1996 naturalization interview.

A. When conducting an interview of an applicant for an immigration benefit, such as adjustment of status or naturalization, the adjudicating officer makes annotations to the application submitted by the applicant using a red pen. (Reference: Report of Investigation of Homeland Security Investigations (HSI) Special Agent Amalia Molina, dated November 22, 2011, Summarizing Her November 15, 2011 Interview of Edna Del Real; and Report of Investigation of HSI Special Agent Amalia Molina, dated November 23, 2011, Summarizing Her November 22, 2011 Interview of Robert Robbins). These annotations reflect what is stated at the interview. When an applicant is asked a question from the application form at the interview and his answer is unchanged from what he wrote in the application he submitted, the adjudicating officer makes a red checkmark on the application. When the applicant provides a different answer than what he wrote in the application he submitted, the adjudicator writes out the applicant's new answer in red ink.

B. Part 3 of a naturalization application asks the applicant to list his absences from the United States since becoming a permanent resident. Mr. Al Dahab became a permanent resident on July 6, 1989. In response to the question, Mr. Al Dahab listed only one absence: a trip to Egypt for an emergency from May 1995 until November 1995. Mr. al Dahab was asked about his travel during his naturalization interview, as evidenced by the adjudicator's red checkmark on the application, and did not disclose any additional travel.

C. From September 14 through September 16, 2011, I conducted a three-day interview of Mr. Al Dahab along with Assistant Legal Attaché Hesham Elgamiel. I documented the interview on FBI Form FD-302 (Form for Reporting Information That May Become

Testimony). Mr. Al Dahab admitted to the FBI that he traveled to Afghanistan and Pakistan in 1990 or 1991 to train militants in Afghanistan to use hang gliders for combat. *Id.* at 14-16, 20-21. The Treasury Enforcement Communications System (TECS) also shows Mr. Al Dahab's June 11, 1991 re-entry to the United States. Al Dahab did not disclose this travel at his naturalization interview. Had Mr. Al Dahab disclosed his travel and the purpose of his travel, this would have led to a further line of inquiry during his naturalization interview and may also have led to a denial of his naturalization application. (Reference: Report of Investigation of Homeland Security Investigations Special Agent Amalia Molina, dated January 9, 2012, Summarizing Her Interview of J.T. Watson).

D. Mr. Al Dahab intentionally concealed the material facts of both his travel to Afghanistan and Pakistan and the purpose of that travel. That the concealment was intentional is evidence by the letter which Mr. Al Dahab filed with the former INS on July 2, 1991, simultaneously with his untimely filing of his Application for Waiver of Requirement to File Joint Petition for Removal of Conditions (form I-752). (Reference: July 2, 1991 Letter of Mr. Al Dahab. At that time, a Form I-752 (now a Form I-751) was required when an applicant was given conditional permanent residence based on a marriage to a United States citizen in order to make his resident status permanent. In order to be eligible to remove the condition on permanent residence, an application must demonstrate that he remains married to the petitioner, the marriage dissolved but was entered into in good faith as attested to by both the applicant and petitioner or the marriage dissolved as a result of domestic violence). Mr. Al Dahab filed his Form I-752 jointly with his ex-wife, the petitioner, and both attested that the marriage was entered into in good faith but then dissolved. In the letter filed with his untimely I-752, Mr. Al Dahab falsely represented that he traveled to Pakistan because his mother was suffering from

kidney failure and he was planning to donate a kidney in Pakistan, where the surgery was to be performed by a British surgeon. In other words, in that letter, Mr. Al Dahab admitted that he traveled to Pakistan, but omitted that he also traveled to Afghanistan; he also misrepresented the purpose of his travel. Mr. Al Dahab also submitted with his Form I-752 a letter allegedly from Dr. Medhat Kamel, of an unknown location, stating that tissue-typing demonstrated that Mr. Al Dahab may be a viable kidney donor for his mother. When HSI Special Agent Amalia Molina interviewed Karie Mohamed, Mr. Al Dahab's third ex-wife, in August 2011, she told her that she was unaware of Mr. Al Dahab's mother having any health problems or of Mr. Al Dahab having donated a kidney to his mother. (Reference: Report of Investigation (ROI) of Special Agent Amalia Molina dated August 25, 2011 documenting the interview of Karie Mohamed).

According to Ms. Mohamed, while they were married, Mr. Al Dahab had no scars anywhere on his trunk. *Id.* Additionally, when Ms. Mohamed spent approximately six months at the home of Mr. Al Dahab's mother in 1995, she did not see any evidence of her having any health problems. *Id.*

E. Part 4-A of Mr. Al Dahab's Application for Naturalization asks, "Information about your residences and employment: List your addresses during the last five (5) years since you became a permanent resident, whichever is less. Begin with your current address. If you need more space, continue on separate paper." In response to this question, Mr. Al Dahab listed only one address for the entire relevant period: 195 Victoria Avenue, #5, Sparks, Nevada 89435. In his case, because he had been a lawful permanent resident for more than five years, the relevant period was the five years preceding the application. Also, during the interview, as evidenced by the adjudicator's red checkmark, he was asked whether this address was correct and his response to the question was that it was correct. However, Mr. Al Dahab never lived in

Nevada. During my interview of Al Dahab in September 2011, Mr. Al Dahab disclosed each of his residences in the United States, all of which were in California and none of which were in Nevada. Mr. Al Dahab's third ex-wife, Karie Mohamed, who lived with Mr. Al Dahab when he filed the application, stated on August 25, 2011 that Mr. Al Dahab had never lived in Nevada during the five years prior to his filing of his naturalization application. If the adjudicator had known that Mr. Al Dahab never lived in Nevada, this would have led to a further line of inquiry during his naturalization interview. Additionally, it may have led to the denial of his naturalization application.

F. Additionally, on May 2, 1996, Mr. Al Dahab and Ms. Mohamed represented to the U.S. Bankruptcy Court for the Northern District of California that they had resided within the jurisdiction of the Northern District of California, which does not include Reno, Nevada for at least the 180 days prior to filing their application. (Reference: Bankruptcy Records for Mr. Al Dahab and Ms. Mohamed). They represented their address for at least the 180 days prior to filing as 1117 Oakmont Drive, #4, San Jose, California 95117. *Id.* The information contained in the bankruptcy application is consistent with the creditors records attached to the application, which indicates that the information in the bankruptcy application is likely true while the information in the naturalization application is likely false. *Id.* The bankruptcy record provides further evidence that Mr. Al Dahab misrepresented his address to immigration authorities. During my interview of Mr. Al Dahab, he stated that he filed his application in Reno, Nevada because he had heard that his application would be adjudicated more quickly at that location. The birth and immunization records of the children of Mr. al Dahab and Ms. Mohamed that were provided to Special Agent Amalia Molina by Ms. Mohamed also demonstrate that the family was residing in California, and not Nevada, during the five-year period prior to Mr. Al Dahab's

Naturalization. (Reference: Birth Certificates and Immunization Records of Mr. Al Dahab's children).

G. Part 4-B of his Application for Naturalization asks the applicant about their employment history. It states, "List your employers during the last five (5) years. List your present or most recent employer first. Mr. Al Dahab did not answer this question on his naturalization application. However, when asked this question during his interview, as demonstrated by the adjudicator's red pen annotation, Mr. Al Dahab represented that he had his own business, and gave as the business address "P.O. Box 51074, Sparks, NV 89435." When I interviewed Mr. Al Dahab, he said that he never owned a business in Nevada. Had the adjudicator known that Mr. Al Dahab did not own a business in Nevada, this misrepresentation may have led to the denial of his application for naturalization for lack of good moral character. (Reference: Report of Investigation of Homeland Security Investigations Special Agent Amalia Molina, dated January 9, 2012, Summarizing Her Interview of J.T. Watson).

H. Part 5-A of Mr. Al Dahab's application for naturalization asks for information relating to marital history. It states: "Information about your marital history. Total number of times you have been married." In response to this question, Mr. Al Dahab wrote "1." During the interview, as demonstrated by the adjudicator's writing, Mr. Al Dahab represented that he had been married two times, rather than one time. However, Mr. Al Dahab had actually been married to three different United States citizens or lawful permanent residents prior to his filing of the application. Two of the marriages ended in divorce shortly after inception. Also, with his Form I-752, in order to show that his marriage was bona fide, Mr. Al Dahab submitted a photograph allegedly depicting himself, his petitioner ex-wife and his parents together at a gathering, prior to Mr. Al Dahab's and his ex-wife's divorce. However, Mr. Al Dahab's father

was deceased at the time the photograph was taken, so the picture cannot be of his father. Also, in Part 5-A of his application, in response to the question asking for the address for his then-wife and now ex-wife, Karie Mohamed, he listed the address as 195 Victoria Avenue, #5, Sparks, Nevada 89435. However, Ms. Mohamed told Special Agent Amalia Molina during her August 25, 2011 interview that she had never lived at that address, and indeed had never lived in Nevada. Moreover, the birth and immunization records of the children of Mr. Al Dahab and Ms. Mohamed provided to Special Agent Amalia Molina by Ms. Mohamed demonstrate that the family was residing in California, not Nevada, during the five-year period prior to Mr. Al Dahab's Naturalization. Had Mr. Al Dahab disclosed all of his marriages, this would have led to a further line of questioning. If evidence of marriage fraud were revealed by the questioning, this may have led to the denial of his naturalization application.

1. Part 7-11 of Mr. Al Dahab's application for naturalization asks, "Have you ever claimed in writing, or in any way, to be a United States citizen?" In response to this question, Mr. Al Dahab answered, "No," as demonstrated by the adjudicator's checkmark. Mr. Al Dahab was asked this question again at his interview and he did not amend his answer. However, on March 14, 1988, filed a job application with National Semiconductor Corporation on which he claimed that he was a citizen of the United States. (Reference: National Semiconductor Job Application). Al Dahab was hired by National Semiconductor after submitting the job application containing the false assertion of United States citizenship. Had Mr. Al Dahab disclosed his prior false claim to United States citizenship in his naturalization application, this would have led to a further line of questioning at his naturalization interview. (Reference: Report of Investigation of Homeland Security Investigations Special Agent Amalia Molina, dated January 9, 2012, Summarizing Her Interview of J.T. Watson). Additionally, his false

claim of United States citizenship quite possibly would have led to the denial of his naturalization application for lack of good moral character. *Id.*

J. Part 7-12g of Mr. Al Dahab's application for naturalization asks, "Have you ever given false testimony for the purpose of obtaining an immigration benefit?" In response to this question, Mr. Al Dahab answered, "No." Mr. Al Dahab was asked this question again at his interview and he did not amend his answer. However, as set forth above, Mr. Al Dahab repeatedly gave false testimony for the purpose of obtaining an immigration benefit during his naturalization interview. Had Mr. Al Dahab admitted that he provided false testimony for the purpose of obtaining an immigration benefit, this would have led to further questioning during his naturalization interview. (Reference: Report of Investigation of Homeland Security Investigations Special Agent Amalia Molina, dated January 9, 2012, Summarizing Her Interview of J.T. Watson).

K. Part 7-15a of Mr. Al Dahab's application for naturalization asks, "Have you ever knowingly committed any crime for which you have not been arrested?" In response to this question, Mr. Al Dahab answered, "No." Mr. Al Dahab was asked this question again at his interview and he did not amend his answer. However, as set forth above, Mr. Al Dahab had committed crimes for which he had not been arrested, including providing false testimony at his naturalization interview. (Reference: 18 U.S.C. § 1001 (1996) (false statements)). Had Mr. Al Dahab disclosed his crime, he would have been asked additional questions about his conduct, and upon further questioning, his application for naturalization most likely would have been denied. (Reference: Report of Investigation of Homeland Security Investigations Special Agent Amalia Molina, dated January 9, 2012, Summarizing Her Interview of J.T. Watson).

L. Part 9-A of Mr. Al Dahab's application for naturalization required him to "[I]st [his] present and past membership in or affiliation with every organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place." Mr. Al Dahab left this space blank and did not amend his answer at the interview. However, as detailed in Part 6, *infra*, Mr. Al Dahab was affiliated with and/or had been a member of Egyptian Islamic Jihad prior to his naturalization. Mr. Al Dahab should have disclosed his membership and/or affiliation with the Egyptian Islamic Jihad on his naturalization application. His failure to disclose cut off a material line of inquiry regarding his past activities. Had Mr. Al Dahab disclosed his membership and/or affiliation with Egyptian Islamic Jihad, this would have led to a further line of questioning. (Reference: Report of Investigation of Homeland Security Investigations Special Agent Amalia Molina, dated January 9, 2012, Summarizing Her Interview of J.T. Watson).

5. Mr. Al Dahab illegally procured his naturalization and therefore denaturalization is appropriate pursuant to INA § 340(a) (1996) (8 U.S.C. § 1451(a)). Mr. Al Dahab was ineligible for naturalization at the time he naturalized and thus illegally procured naturalization because he *per se* lacked good moral character as he provided false testimony to obtain an immigration benefit. (Reference: INA §§ 101(f)(6), 316(a)(3) and 340(a) (1996) (8 U.S.C. §§ 1101(f)(6), 1427(a)(3), 1451(a)). As described in Part 4, *supra*, Mr. Al Dahab provided false testimony during his naturalization interview to obtain naturalization. Additionally, Mr. Al Dahab was ineligible for naturalization at the time he naturalized and thus illegally procured naturalization because he *per se* lacked good moral character because he admits having committed acts which constitute the essential elements of one or more crimes involving moral turpitude. *See* INA §§ 101(f)(6), 212(a)(2)(A)(i)(I), 316(a)(3) and 340(a). (8 U.S.C. §§ 1101(f)(6), 1182(a)(2)(A)(i)(I),

1427(a)(3), 1451(a)). Specifically, Mr. Al Dahab admits that he traveled to Pakistan and Afghanistan in 1990 or 1991, never lived in Nevada, and had no business in Nevada, facts which demonstrate that he provided false statements about his travel and addresses in his naturalization application and at his naturalization interview in violation of 18 U.S.C. § 1001(a). Crimes involving fraud are generally regarded as involving moral turpitude. *Burr v. INS*, 350 F.2d 87, 91 (9th Cir. 1965). While a conviction under 18 U.S.C. § 1001 is not categorically a crime involving moral turpitude, as Mr. Al Dahab made false statements to evade immigration authorities, his conduct was clearly turpitudinous. *Hirsch v. INS*, 308 F.2d 552, 567 (9th Cir. 1962). The aggregate misrepresentations by Mr. Al Dahab were sufficient to deny his application for naturalization due to lack of good moral character. (Reference: Report of Investigation of Homeland Security Investigations Special Agent Amalia Molina, dated January 9, 2012, Summarizing Her Interview of J.T. Watson).

6. Denaturalization is appropriate as Mr. Al Dahab was affiliated with Egyptian Islamic Jihad at and before the time that he naturalized. *See* INA § 313(a)(4) (1996) (8 U.S.C. § 1424(a)(4) (1996)) (barring naturalization to any applicant who, *inter alia*, advocates the unlawful damage, injury or destruction of property). Egyptian Islamic Jihad constituted an organization that “advocated the duty, necessity, or propriety of the unlawful assaulting or killing of an officer of an organized government,” specifically Egyptian authorities, because of their “official character,” while Mr. Al Dahab was affiliated with the organization. *See* INA § 313(a)(4)(B) (1996) (8 U.S.C. § 1424(a)(4)(B)). Additionally, Egyptian Islamic Jihad advocated the unlawful damage, injury or destruction of property while Mr. Al Dahab was affiliated with the organization, at and before the time that he naturalized. *See* INA § 313(a)(4)(C) (1996) (8

U.S.C. § 1424(a)(4)(C)). Accordingly, because of his affiliation with the Egyptian Islamic Jihad, Mr. Al Dahab was ineligible for naturalization.

A. Egyptian Islamic Jihad is a Sunni Muslim terrorist group that derives from the Muslim Brotherhood. (Reference: Excerpt from Matthew Levitt, *Hamas* 30 (2006)). Egyptian Islamic Jihad is now a designated Foreign Terrorist Organization. (Reference: Office of the Coordinator for Counterterrorism, U.S. Department of State, *Foreign Terrorist Organizations* (2011)). It separated from the Muslim Brotherhood because the Brotherhood believed that the Muslim nation must first be brought back to the true path of Islam before engaging in violent jihad, while Egyptian Islamic Jihad did not believe that there is any reason to delay engaging in violent jihad. (References: *Id.* See also Office of the Coordinator for Counterterrorism, U.S. dept. of State, *Background Information on Foreign Terrorist Organizations* (Oct. 1999); Council on Foreign Relations, Backgrounder: Egyptian Islamic Jihad; Lance Williams and Erin McCormick, *Top Bin Laden Aide Toured State, Special Report: Al-Zawahiri Solicited Funds Under the Guise of Refugee Relief*, S.F. Chronicle, Oct. 11, 2001). Egyptian Islamic Jihad was founded in 1979. (Reference: Excerpts from Loretta Napoleoni, *Terror Incorporated* 235 (2005)). Egyptian Islamic Jihad formed in the early 1970s as a merger of several small cells of radical Islamist groups opposed to the secular government of Egyptian President. (Reference: Excerpts from Lawrence Wright, *The Looming Tower*, (2006)).

B. By Mr. Al Dahab's own admissions to me, he was affiliated with Egyptian Islamic Jihad members from 1990 to 1995.

C. Between 1990 and 1995, Mr. Al Dahab's apartment in Santa Clara, California was a communications hub. He linked telephone calls between "fighters" living in Afghanistan cells, and people in Egypt and Yemen. People in Afghanistan would travel to Pakistan to place

phone calls. Mr. Al Dahab admits that he assisted a man named Ismael, who was involved in an assassination attempt that resulted in the killing of a girl. Mr. Al Dahab further admits that he attempted to connect two calls for Ismael to Yemen, only the second call of which was successful. Mr. Al Dahab admits that Ismael told him that Mr. Al Dahab's three-way calling helped him elude capture for a time. Mr. Al Dahab also received mail from Afghanistan at his Santa Clara, California home and forwarded the mail to someone in another country, possibly Yemen, on at least one occasion.

D. In 1990, Mr. Al Dahab went to an Egyptian Islamic Jihad camp in Afghanistan and trained three people at a training camp in Afghanistan to fly a hang glider. Mr. Al Dahab admits that the training camp he attended and at which he provided training was an Egyptian Islamic Jihad training camp. He also admits that everyone attending the camp was Egyptian. He does not regret attending the training camp.

E. In 1998, Mr. Al Dahab was arrested in Egypt. (Reference: Egyptian Court Documents). After his arrest, Mr. Al Dahab was interrogated by Egyptian authorities regarding his involvement with the Egyptian Islamic Jihad, the hang glider training he provided, and the three-way calls he connected.

F. In April 1999, Mr. Al Dahab was convicted in the Egyptian Military Court of two crimes. (Reference: Egyptian Court Documents). First, he was convicted of being a member of the Egyptian Islamic Jihad, for which he received a three-year prison sentence. *Id.* Second, he was convicted of conspiracy to overthrow the Egyptian government, for which he received a sentence of twelve years. *Id.* Mr. Al Dahab was released in 2011. Mr. Al Dahab alleges that the second count for which he was convicted was ruled by the Egyptian Supreme Court to be an

unconstitutional law. Mr. Al Dahab asserts that he was granted an annulment of the second charge after he filed an appeal.

G. Egyptian Islamic Jihad unequivocally was an organization that advocated the duty, necessity, or propriety of the unlawful assaulting or killing of an officer of an organized government, specifically Egyptian authorities, because of their official character. Despite being affiliated with Egyptian Islamic Jihad, Mr. Al Dahab concealed this affiliation in his naturalization application and interview in support of the application.

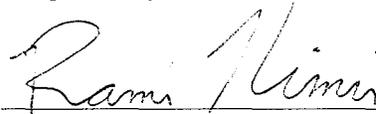
7. Denaturalization of Mr. Al Dahab is appropriate for several reasons: First, Mr. Al Dahab procured his naturalization by willful misrepresentation and concealment of material facts. (Reference: Section 340(a) (1996) of the Immigration and Nationality Act (8 U.S.C. § 1451(a) (1996)). Mr. Al Dahab made misrepresentations on his October 8, 1996 naturalization application and at his October 18, 1996 naturalization interview. Second, Mr. Al Dahab illegally procured his naturalization pursuant to INA § 340(a) (1996)(8 U.S.C. § 1451(a)). Mr. Al Dahab was ineligible for naturalization at the time he naturalized and thus illegally procured naturalization because he *per se* lacked good moral character as he provided false testimony to obtain an immigration benefit and had committed a crime involving moral turpitude. (Reference: INA §§ 101(f), 316(a)(3) and 340(a) (1996) (8 U.S.C. §§ 1101, 1427(a)(3), 1451(a)). Third, denaturalization is also appropriate as Mr. Al Dahab was affiliated with and/or a member of Egyptian Islamic Jihad at and before the time he naturalized. (Reference: INA § 313(a)(4) (1996) (8 U.S.C. § 1424(a)(4) (1996)). Egyptian Islamic Jihad constituted an organization that advocated the duty, necessity, or propriety of the unlawful assaulting or killing of an officer of an organized government, specifically Egyptian authorities, because of their official character, while Mr. Al Dahab was affiliated with the organization. (Reference: INA § 313(a)(4)(B) (1996)

(8 U.S.C. § 1424(a)(4)(B)). Additionally, Egyptian Islamic Jihad advocated the unlawful damage, injury or destruction of property while Mr. Al Dahab was affiliated with the organization, at and before the time that he naturalized. (reference: INA § 313(a)(4)(C)(1996)(8 U.S.C. § 1424(a)(4)(C)). Accordingly, because of his affiliation with Egyptian Islamic Jihad, he was ineligible for naturalization by the time that he naturalized. In light of the foregoing, denaturalization is appropriate.

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
March 19, 2015.

Respectfully submitted,



RAMI NIMRI
Special Agent
Federal Bureau of Investigation