UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KOFI BOAHENE, [redacted]
a.k.a. Nicholas Okyere, [redacted],

Defendant.

Civil Action No. 26-6466

COMPLAINT TO REVOKE NATURALIZATION

I. PRELIMINARY STATEMENT OF THE CASE

The United States of America ("Plaintiff") brings this civil action against Defendant Kofi Boahene (a.k.a. Nicholas Okyere) ("Defendant") to revoke his naturalized U.S. citizenship under 8 U.S.C. § 1451(a). Plaintiff alleges that Defendant procured his naturalization unlawfully and that he willfully misrepresented and concealed material facts in applying to naturalize.

Before Defendant naturalized as a U.S. citizen in 2008 under the identity Kofi Boahene, an immigration judge had ordered him deported from the United States under the identity Nicholas Okyere. In February of 1994, Defendant presented himself and applied for an immigration benefit with the former Immigration and Naturalization Service ("INS"),[1] identifying himself as Nicholas

[1] On March 1, 2003, the INS ceased to exist as an independent agency within the Department of Justice, and most of its functions were transferred to the newly formed Department of Homeland Security. *See* Homeland Security Act of 2002, Pub. L. No. 107-296, §§ 441, 451, 471, 116 Stat. 2135 (Nov. 25, 2002). The INS was divided into several separate agencies, including United States Citizenship and Immigration Services ("USCIS"), Customs and Border Protection ("CBP"), and

Okyere. INS referred his case to an immigration court and placed Defendant into deportation proceedings. In March of 1997, an immigration judge denied Defendant's application for an immigration benefit and granted him voluntary departure, with an alternate Order of Deportation. Defendant timely appealed the immigration judge's decision to the Board of Immigration Appeals ("BIA"), which in April of 1998, dismissed the appeal and granted voluntary departure, with an alternate Order of Deportation. There is no record that Defendant departed the United States prior to the voluntary departure deadline or pursuant to the Order of Deportation, and he did not appear on his scheduled date for deportation.

Instead, while Defendant's application under the identity Nicholas Okyere was pending appeal, Defendant, now using the identity Kofi Boahene, filed a second application for an immigration benefit. This time, INS approved Defendant's application. Defendant became a lawful permanent resident as of 1997 and a United States citizen in 2008 after making numerous misrepresentations during the naturalization process.

Defendant's actions and conduct statutorily barred him from becoming a United States citizen and render his naturalization unlawfully procured. Thus, with the attached affidavit showing good cause, the United States brings this civil action to revoke and set aside the order admitting Defendant to United States citizenship and to cancel his Certificate of Naturalization.

Immigration and Customs Enforcement ("ICE"). USCIS assumed naturalization authority from the INS. This Complaint will refer to INS where appropriate.

II. JURISDICTION AND VENUE

1. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Defendant to United States citizenship and to cancel Certificate of Naturalization No. [redacted], issued November 13, 2008.

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1345 for a cause of action brought under 8 U.S.C. § 1451(a).

3. Venue is proper in this district pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391, because Defendant resides in Philadelphia, Pennsylvania, within the jurisdiction and venue of this Court.

III. PARTIES

4. Plaintiff is the United States of America.

5. Defendant is a naturalized United States citizen and purports to be a native of Ghana. Kofi Boahene and Nicholas Okyere are one and the same person.

IV. FACTUAL ALLEGATIONS

6. The affidavit of Lauren Sitzer, Immigration Services Officer II, USCIS, showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached as Exhibit "A."

A. Defendant's Immigration Proceedings Under the Identity Nicholas Okyere

7. On February 24, 1994, Defendant filed an application for an immigration benefit. *Id.* at ¶ 1. In his application, Defendant represented that:

a. his legal name was Nicholas Okyere;

b. he was born on [redacted] in Accra, Ghana;

c. he was unmarried;

d. he was without any unmarried children under the age of 21; and,

e. he arrived in the United States at the John F. Kennedy Airport Port of Entry in New York, New York on December 21, 1992.

Id. at ¶ 1.

8. INS assigned Defendant alien registration number [redacted] under his identity as Nicholas Okyere. *Id.*

9. Contemporaneously with his application for an immigration benefit, Defendant filed a Form G-325A, Biographic Information, which he signed on February 13, 1994. In his Form G-325A, Defendant represented that:

a. his legal name was Nicholas Okyere;

b. he was born on [redacted] in Accra, Ghana;

c. he had no current wife; and,

d. he had no former wives.

Id. at ¶ 2.

10. On October 19, 1995, Defendant appeared at the INS Office in Lyndhurst, New Jersey for an interview, after which his case was referred to the immigration court. *Id.* at ¶ 3.

11. On October 31, 1995, INS issued a Form I-221, Order to Show Cause and Notice of Hearing to place Defendant into deportation proceedings, charging him under Section 241(a)(1)(A) of the Immigration and Nationality Act ("INA") as an alien who, at the time of entry, was an alien immigrant not in possession of a

valid unexpired immigrant visa, reentry permit, border crossing identification card or other valid entry document under INA § 212(a)(7)(A)(i)(I). *Id.* at ¶ 4.

12. On March 21, 1996, Defendant appeared at his initial hearing, which was continued to August 13, 1996, and then to March 26, 1997. At each of these hearings, Defendant appeared with his attorney, Robert Sidi. *Id.* at ¶ 5.

13. At each of these hearings, Defendant testified that his true and correct legal name was Nicholas Okyere. *Id.*

14. At the close of Defendant's hearing on March 26, 1997, the immigration judge denied Defendant's application for an immigration benefit, and granted him voluntary departure until April 28, 1997, with an alternate Order of Deportation to Ghana. *Id.*

15. On April 1, 1997, Defendant appealed the immigration judge's decision by filing a Form EOIR-26, Notice of Appeal to the Board of Immigration Appeals ("BIA"). Exhibit A, ¶ 6.

16. On April 13, 1998, the BIA dismissed Defendant's appeal and granted voluntary departure within thirty (30) days, or by May 13, 1998, with an alternate Order of Deportation to Ghana if he failed to timely depart. *Id.* at ¶ 7.

17. On November 3, 1999, INS issued to Defendant a Form I-166, Notice to Deportable Alien to Surrender, instructing him to appear at the immigration office located at 26 Federal Plaza, New York, New York on December 23, 1999 at 9:00 a.m. for departure to Ghana. *Id.* at ¶ 8.

18. By December 23, 1999, Defendant failed to appear for his deportation as instructed. *Id.* at ¶ 9.

19. USCIS has no record that Defendant departed the United States in compliance with the BIA's Order of Deportation. *Id.*

B. Defendant's Immigration Proceedings Under the Identity Kofi Boahene

20. On May 6, 1997, Defendant filed a Form I-485, Application to Register Permanent Residence or Adjust Status, as the spouse of Ruth Otemaa, a Diversity Visa Lottery winner. Exhibit A, ¶ 10.

21. INS assigned Defendant alien registration number [redacted] under his identity as Kofi Boahene. *Id.*

22. On his Form I-485, Defendant represented that:

a. his legal name was Kofi Boahene;

b. he was born on [redacted] in Accra, Ghana;

c. he had last entered the United States without inspection on December 30, 1995;

d. he was married to Ruth Otemaa, born on [redacted];

e. he had two children named [redacted] Boahene, born on [redacted], and [redacted] Boahene, born on [redacted];

f. he had never been arrested, cited, charged, indicted, fined, or imprisoned for breaking or violating any law or ordinance inside or outside the United States, excluding traffic violations;

g. he had never been deported from the United States, removed from the United States at government expense, excluded from the United States within the past year, and was not in exclusion or deportation proceedings at that time; and,

h. he had never, by fraud or willful misrepresentation of a material fact, even sought to procure, or procured, a visa, other documentation, entry into the United States, or any other immigration benefit.

Id. at ¶ 11.

23. Contemporaneously with his Form I-485, Defendant filed Supplement A to Form I-485. On Defendant's Supplement A, Defendant represented that:

a. his legal name was Kofi Boahene;

b. he was born on [redacted] in Ghana;

c. he last entered the United States without inspection.

Id. at ¶ 12.

24. Also contemporaneously with his Form I-485, Defendant filed a Form G-325A, Biographic Information. On Defendant's Form I-485, Defendant represented that:

a. his full legal name was Kofi Boahene;

b. he had never used any other names;

c. he was born on [redacted] in Accra, Ghana;

d. he married Ruth Otemaa on December 21, 1987.

Id. at ¶ 13.

25. On July 24, 2006, Defendant filed a Form N-400, Application for Naturalization, based on him having been a lawful permanent resident for a period of five years. On his Form N-400, Defendant represented that:

a. his current legal name was Kofi Boahene;

b. his alien registration number was [redacted];

c. he had never used any other names;

d. his date of birth was [redacted];

e. he was married once, without identifying the name of his spouse in the available section on the form to do so;

f. he had no children;

g. he had never committed a crime or offense for which he was not arrested;

h. he had never been arrested, cited, or detained by any law enforcement officer (including USCIS or former INS and military officers) for any reason;

i. he had never given false or misleading information to any United States Government official while applying for any immigration benefit or to prevent deportation, exclusion or removal;

j. he had never lied to any United States Government official to gain entry or admission into the United States;

k. he had never been ordered to be removed, excluded or deported from the United States; and,

l. he had never applied for any kind of relief from removal, exclusion or deportation.

Exhibit A, ¶ 15.

26. On October 18, 2006, Defendant was interviewed by an INS District Adjudications Officer at the New York District Office to determine his eligibility for naturalization. During the interview, Defendant testified under oath that:

a. his current legal name was Kofi Boahene;

b. his date of birth was [redacted];

c. he was married once to his former spouse Ruth Otemaa;

d. he was married to Ruth Otemaa from December 21, 1987 to September 21, 2006 when their marriage ended in divorce;

e. he had no children;

f. he had never committed a crime or offense for which he was not arrested;

g. he had never been arrested, cited, or detained by any law enforcement officer (including USCIS or former INS and military officers) for any reason;

h. he had never given false or misleading information to any United States Government official while applying for any immigration benefit or to prevent deportation, exclusion or removal;

i. he had never lied to any United States Government official to gain entry or admission into the United States;

j. he had never been ordered to be removed, excluded or deported from the United States; and,

k. he had never applied for any kind of relief from removal, exclusion or deportation.

Id. at ¶¶ 16-17.

27. On September 27, 2007, USCIS approved Defendant's Form I-485 *nunc pro tunc*, and he was granted lawful permanent resident status as of August 20, 1997.[2] *Id.* at ¶ 14.

[2] It is unclear why, in 2007, USCIS approved Defendant's Form I-485 retroactively to 1997. As will be explained herein, because Defendant misrepresented material facts on his Form I-485, he was inadmissible to the United States whether under the 1997 or the 2007 version of the INA and therefore was not lawfully admitted for permanent residence.

28. On September 11, 2008, on the basis of Defendant's Form N-400 and the testimony he provided during his naturalization interview, USCIS approved Defendant's Form N-400. *Id.* at ¶ 18.

29. On November 13, 2008, Defendant took the Oath of Allegiance and was admitted as a citizen of the United States. USCIS issued Certificate of Naturalization [redacted] to Defendant. *Id.*

C. Fingerprint Analysis Confirms Nicholas Okyere and Kofi Boahene are the Same Individual

30. A Laboratory Report from Homeland Security Investigations' Forensic Laboratory ("HSI-FL"), dated February 4, 2020, and signed by Dawn Strohmeyer, Senior Fingerprint Specialist, analyzing Defendant's fingerprint submissions in his above-referenced immigration proceedings, is attached as Exhibit "B."

31. On February 22, 1994, Defendant submitted a fingerprint card to INS under Defendant's identity as Nicholas Okyere. Exhibit B, p. 1, 7.

32. On April 4, 1997, Defendant submitted a fingerprint card to INS under Defendant's identity as Kofi Boahene. *Id.* at p. 1, 8-9.

33. On August 11, 2006, in support of his N-400, Defendant submitted his fingerprints under his identity as Kofi Boahene. *Id.* at p. 1, 4-6.

34. On September 13, 2007, Defendant once again submitted his fingerprints under his identity as Kofi Boahene. *Id.* at p. 1, 3.

35. Analysis and comparison of the fingerprint submissions described in Paragraphs 31 through 34 above confirm that the same individual provided all four of the fingerprint impressions. *Id.* at 1.

V. GOVERNING LAW

A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

36. No alien has a right to naturalization "unless all statutory requirements are complied with." *United States v. Ginsberg*, 243 U.S. 472, 474-75 (1917). Indeed, the Supreme Court has underscored that "[t]here must be strict compliance with all the congressionally imposed prerequisites to the acquisition of citizenship." *Fedorenko v. United States*, 449 U.S. 490, 506 (1981); *see also id.* ("An alien who seeks political rights as a member of this Nation can rightfully obtain them only upon the terms and conditions specified by Congress[.]") (quoting *Ginsberg*, 243 U.S. at 474).

37. Congress has mandated that an applicant for naturalization demonstrate that he has been lawfully admitted to the United States for permanent residence. 8 U.S.C. § 1429.

38. Congress has defined the term "lawfully admitted for permanent residence" to mean "the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws." *See* 8 U.S.C. § 1101(a)(20).

39. The term "lawfully" requires compliance with substantive legal requirements for admission, and not mere procedural regularity. *Koszelnik v. Sec'y of Dep't of Homeland Sec.*, 828 F.3d 175, 180-81 (3d Cir. 2016); *Saliba v. Att'y Gen. of United States*, 828 F.3d 182, 192 (3d Cir. 2016); *Gallimore v. Att'y Gen.*, 619 F.3d 216, 223 n.6 (3d Cir. 2010). If the government adjusts an alien's status to that of a

permanent resident when the alien was not eligible for adjustment, the alien did not "lawfully" obtain permanent resident status and is ineligible for naturalization. *Koszelnik*, 828 F.3d at 180-81.

40. Congress requires that an applicant for adjustment of status be eligible to receive an immigrant visa and that an immigrant visa be immediately available to him at the time the application to adjust status was filed. INA § 245(a); 8 U.S.C. § 1255(a).

41. Under the law in effect at the time when Defendant's adjustment application was approved, as today, Congress required that applicants for adjustment of status be "admissible." INA § 245(a)(2); 8 U.S.C. § 1255(a)(2).

42. An individual who, by fraud or willfully misrepresenting a material fact, seeks to procure a visa, other documentation, or admission into the United States or other benefit provided for in the INA is inadmissible. INA § 212(a)(6)(C)(i); 8 U.S.C. § 1182(a)(6)(C)(i).

43. Congress has mandated that an individual may not naturalize unless that person "during all periods referred to in this subsection has been and still is a person of good moral character . . . ." 8 U.S.C. § 1427(a)(3). The required statutory period for good moral character begins five years before the date the applicant files the application for naturalization, and it continues until the applicant takes the oath of allegiance and becomes a U.S. citizen. *Id.*

44. Congress has explicitly precluded individuals within certain enumerated classes from being able to establish the good moral character necessary

to naturalize. 8 U.S.C. § 1101(f)(6). In addition to the enumerated classes of persons precluded from establishing the good moral character necessary to naturalize, Congress also created a "catch-all" provision, which states, "The fact that any person is not within any of the foregoing classes shall not preclude a finding that for other reasons such person is or was not of good moral character." 8 U.S.C. § 1101(f). Such claims are evaluated on a case-by-case basis taking into account "the standards of the average citizen in the community of residence." 8 C.F.R. § 316.10(a)(2).

45. An applicant who, during the statutory period, commits an unlawful act adversely reflecting upon his or her moral character cannot meet the good moral character requirement, unless he or she proves extenuating circumstances exist. 8 C.F.R. § 316.10(b)(3)(iii).

B. The Denaturalization Statute

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

47. Under 8 U.S.C. § 1451(a), this Court must revoke a United States citizen's naturalization and cancel his Certificate of Naturalization if naturalization was either:

(a) illegally procured, or

(b) procured by concealment of a material fact or by willful misrepresentation.

48. Failure to comply with any of the congressionally imposed prerequisites to the acquisition of citizenship renders the citizenship "illegally procured." *Fedorenko*, 449 U.S. at 506.

49. Naturalization was procured by concealment of a material fact or by willful misrepresentation, where: (i) the naturalized citizen misrepresented or concealed some fact during the naturalization process; (ii) the misrepresentation or concealment was willful; (iii) the fact was material; and (iv) the naturalized citizen procured citizenship as a result of the misrepresentation or concealment. *Kungys v. United States*, 485 U.S. 759, 767 (1988).

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

VI. CAUSES OF ACTION

COUNT ONE

ILLEGAL PROCUREMENT OF NATURALIZATION NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE (Adjustment of Status Procured by Fraud or Willful Misrepresentation)

51. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this complaint.

52. To be eligible for naturalization, an applicant must have been "lawfully admitted" to the United States for permanent residence in accordance with all

applicable provisions of the INA. *See* 8 U.S.C. §§ 1427(a)(1), 1429. As noted above, the term "lawfully" denotes compliance with substantive legal requirements, not mere procedural regularity. *Koszelnik*, 828 F.3d at 180-81.

53. The law requires that an applicant for adjustment of status be "admissible." INA § 245(a)(2); 8 U.S.C. § 1255(a)(2).[3]

54. An individual who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided for in the INA is inadmissible. INA 212(a)(6)(C)(i); 8 U.S.C. § 1182(a)(6)(C)(i).[4]

55. Defendant was never lawfully admitted to the United States as a permanent resident and cannot satisfy the requirements of 8 U.S.C. §§ 1427(a)(1) and 1429, because he was inadmissible at the time of his adjustment to permanent resident status.

56. Defendant sought to procure admission into the United States and other benefits provided for in the INA by fraud or willfully misrepresenting

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[3] Whether Defendant's adjustment is assessed as of September 27, 2007, when USCIS approved Defendant's Form I-485 *nunc pro tunc*, or August 20, 1997, when the approval was retroactively applied, the versions of 8 U.S.C. § 1255(a) in effect on those dates required the applicant to be admissible to the United States.

[4] Whether the adjustment is assessed as of September 27, 2007 when USCIS approved Defendant's Form I-485 *nunc pro tunc*, or August 20, 1997 when the approval was retroactively applied, the versions of 8 U.S.C. § 1182(a)(6)(C)(i) in effect on those dates made inadmissible any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or entry into the United States or other benefit provided under the INA.

material facts. Specifically, Defendant failed to disclose that he had been ordered deported, had previously used the identity Nicholas Okyere, and had misrepresented other material facts during immigration proceedings. Indeed, at the time that Defendant adjusted to permanent resident status, he was subject of an outstanding Order of Deportation under his identity as Nicholas Okyere.

57. Because Defendant made sworn statements in immigration benefit applications that cannot be simultaneously true, he was inadmissible.

58. Defendant's false statements regarding his name, date of birth, marital status, parental status, and immigration history were material to determining his eligibility for the immigration benefits for which he applied. Defendant's false statements had the natural tendency to influence a decision by the immigration officer(s) to approve his application. Defendant thus sought to procure an immigration benefit by fraud or willfully misrepresenting a material fact.

59. Because Defendant was inadmissible at the time he adjusted to permanent resident status, he was never lawfully admitted for permanent residence in accordance with the substantive legal requirements to obtain that status. Because Defendant was never lawfully admitted for permanent residence, he was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429. *Koszelnik*, 828 F.3d at 180-81.

60. Because he was ineligible to naturalize, Defendant illegally procured his United States citizenship, and this Court should revoke his citizenship as provided for in 8 U.S.C. § 1451(a).

COUNT TWO

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

61. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this Complaint.

62. As outlined above, to be eligible for naturalization, Congress has mandated that an applicant for naturalization under INA § 316(a), 8 U.S.C. § 1427(a) must show that he has been a person of good moral character for the five-year period before filing his naturalization application until the time the applicant becomes a naturalized U.S. citizen. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1). This period is generally referred to as the "statutory period".

63. Defendant filed his N-400 naturalization application on July 24, 2006, and he naturalized on November 13, 2008. Thus, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during his statutory period beginning from July 24, 2001, and through his naturalization date of November 13, 2008.

64. Defendant completed and filed his naturalization application during his statutory period.

65. Under the law then in effect, an individual who, during the statutory period, provided false testimony for the purpose of obtaining an immigration benefit could not establish good moral character. INA § 101(f)(6); 8 U.S.C. § 1101(f)(6).

66. Defendant provided false testimony to an INS District Adjudications Officer on October 18, 2006, while under oath during his naturalization interview.

67. Specifically, Defendant falsely testified regarding his use of other names.

68. Specifically, Defendant falsely testified regarding whether he had ever committed a crime or offense for which he was not arrested.

69. Specifically, Defendant falsely testified regarding whether he had been arrested, cited, or detained by any law enforcement officer, including INS and military officers, for any reason.

70. Specifically, Defendant falsely testified regarding whether he had ever given false or misleading information to any U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal.

71. Specifically, Defendant falsely testified regarding whether he had ever lied to any U.S. Government official to gain entry or admission into the United States.

72. Specifically, Defendant falsely testified regarding whether he had ever been ordered to be removed, excluded, or deported from the United States.

73. Specifically, Defendant falsely testified regarding whether he had ever applied for any relief from removal, exclusion, or deportation.

74. Because Defendant provided false testimony during the statutory period during which he was required to maintain good moral character, he was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

75. Because he was ineligible to naturalize, Defendant illegally procured his citizenship, and this Court must revoke his citizenship as provided for in 8 U.S.C. § 1451(a).

COUNT THREE

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (UNLAWFUL ACTS)

76. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this Complaint.

77. As outlined above, to be eligible for naturalization, Congress has mandated that an applicant for naturalization under INA § 316(a), 8 U.S.C. § 1430 must show that he or she has been a person of good moral character for the five-year period before filing his or her naturalization application until the time the applicant becomes a naturalized U.S. citizen. 8 U.S.C. §§ 1430(a), 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

78. Defendant filed his N-400 naturalization application on July 24, 2006, and he naturalized on November 13, 2008. Thus, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during his "statutory period" beginning from July 24, 2001, and through his naturalization date of November 13, 2008.

79. Defendant completed and filed his naturalization application during his statutory period.

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

81. Defendant violated 18 U.S.C. § 1001(a)(1)-(3) by knowingly and willfully concealing in his naturalization application—a matter within the jurisdiction of the executive branch of the Government of the United States—that he had previously used a different identity and that he been ordered deported from the United States under that identity.

82. Specifically, Defendant violated 18 U.S.C. § 1001(a)(1)-(3) when he completed and filed his naturalization application by answering "no" to Question 23 in Part 10, which asked: "Have you **EVER** given false or misleading information to any U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal?" (emphasis in original).

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

84. Specifically, Defendant violated 18 U.S.C. § 1001(a)(1)-(3) when he completed and filed his naturalization application by answering "no" to Question 27

in Part 10, which asked: "Have you **EVER** been ordered to be removed, excluded, or deported from the United States?" (emphasis in original).

85. Specifically, Defendant violated 18 U.S.C. § 1001(a)(1)-(3) when he completed and filed his naturalization application by answering "no" to Question 28 in Part 10, which asked: "Have you **EVER** applied for any kind of relief from removal, exclusion, or deportation?" (emphasis in original).

86. No extenuating circumstances exist that would palliate Defendant's violations of 18 U.S.C. § 1001(a)(1)-(3).

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

88. Because he was ineligible to naturalize, Defendant illegally procured his citizenship, and this Court must revoke his citizenship as provided for in 8 U.S.C. § 1451(a).

COUNT FOUR

PROCUREMENT OF NATURALIZATION BY CONCEALMENT OF A MATERIAL FACT OR WILLFUL MISREPRESENTATION

89. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this Complaint.

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

91. As set forth herein, throughout the naturalization process, Defendant willfully misrepresented and concealed, among other things: (i) his use of another identity, including a different date of birth, marital status, and parental status; (ii) his prior order of deportation; (iii) his prior application for an immigration benefit; (iv) that he had given false or misleading information to a U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal; (v) that he had lied to a U.S. Government official to gain entry or admission into the United States; (vi) that he had been ordered to be removed, excluded, or deported from the United States; (vii) and that he had previously applied for relief from removal, exclusion, or deportation. Defendant knew each of these statements to be false.

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

93. Defendant's misrepresentations were material to his naturalization because the disclosure of his multiple identities, multiple claimed dates of birth, multiple claimed marital statuses, multiple claimed parental statuses, prior application for an immigration benefit, prior order of deportation, and prior misrepresentations to U.S. Government officials while applying for an immigration benefit would have had a natural tendency to influence USCIS's decision whether to approve Defendant's application for naturalization. Indeed, had USCIS been aware of this information, it would have denied his naturalization application.

94. Defendant thus procured his naturalization by willful misrepresentation and concealment of material facts, and this Court must revoke his citizenship pursuant to 8 U.S.C. § 1451(a).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the United States of America, respectfully requests:

(1) A declaration that Defendant illegally procured his citizenship;

(2) A declaration that Defendant procured his citizenship by concealment of material fact and by willful misrepresentation;

(3) Judgment revoking and setting aside the order admitting Defendant to citizenship and canceling Certificate of Naturalization No. [redacted], effective as of the original date of the certificate, November 13, 2008;

(4) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages under any document which evidences United States citizenship obtained as a result of his November 13, 2008 naturalization;

(5) Judgment requiring the Defendant, within ten days of the entry of judgment against him, to surrender and deliver his Certificate of Naturalization No. [redacted] and any copies thereof in his possession or control (and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession or control of others), to the Attorney General, or her designated representative, including undersigned counsel;

(6) Judgment requiring the Defendant, within ten days of the entry of judgment, to surrender and deliver any other indicia of U.S. citizenship (including, but not limited to, United States passports and passport cards, enhanced drivers license, and other relevant documents), whether current or expired, and any copies thereof in his possession or control—and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession or control of others—to the Attorney General, or her representative, including undersigned counsel; and,

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

Dated: August 31, 2026

Respectfully submitted,

DAVID METCALF
United States Attorney

s/ *Gregory B. David*
GREGORY B. DAVID
Chief, Civil Division

s/ *Frank A. DeLuccia*
FRANK A. DE LUCCIA
Assistant United States Attorney
United States Attorney's Office
Eastern District of Pennsylvania
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JS 44 (Rev. 04/21)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Frank A. DeLuccia, AUSA/US Attorney's Office EDPA,
615 Chestnut Street, Suite 1250, Philadelphia, PA 19106/
(215) 861-8553

DEFENDANTS

Kofi Boahene

County of Residence of First Listed Defendant Philadelphia
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- [x] 1 U.S. Government Plaintiff
- [ ] 2 U.S. Government Defendant
- [ ] 3 Federal Question *(U.S. Government Not a Party)*
- [ ] 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	[ ] 1	[ ] 1	Incorporated *or* Principal Place of Business In This State	[ ] 4	[ ] 4
Citizen of Another State	[ ] 2	[ ] 2	Incorporated *and* Principal Place of Business In Another State	[ ] 5	[ ] 5
Citizen or Subject of a Foreign Country	[ ] 3	[ ] 3	Foreign Nation	[ ] 6	[ ] 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- [ ] 110 Insurance
- [ ] 120 Marine
- [ ] 130 Miller Act
- [ ] 140 Negotiable Instrument
- [ ] 150 Recovery of Overpayment & Enforcement of Judgment
- [ ] 151 Medicare Act
- [ ] 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- [ ] 153 Recovery of Overpayment of Veteran's Benefits
- [ ] 160 Stockholders' Suits
- [ ] 190 Other Contract
- [ ] 195 Contract Product Liability
- [ ] 196 Franchise

TORTS

PERSONAL INJURY
- [ ] 310 Airplane
- [ ] 315 Airplane Product Liability
- [ ] 320 Assault, Libel & Slander
- [ ] 330 Federal Employers' Liability
- [ ] 340 Marine
- [ ] 345 Marine Product Liability
- [ ] 350 Motor Vehicle
- [ ] 355 Motor Vehicle Product Liability
- [ ] 360 Other Personal Injury
- [ ] 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- [ ] 365 Personal Injury - Product Liability
- [ ] 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- [ ] 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- [ ] 370 Other Fraud
- [ ] 371 Truth in Lending
- [ ] 380 Other Personal Property Damage
- [ ] 385 Property Damage Product Liability

REAL PROPERTY
- [ ] 210 Land Condemnation
- [ ] 220 Foreclosure
- [ ] 230 Rent Lease & Ejectment
- [ ] 240 Torts to Land
- [ ] 245 Tort Product Liability
- [ ] 290 All Other Real Property

CIVIL RIGHTS
- [ ] 440 Other Civil Rights
- [ ] 441 Voting
- [ ] 442 Employment
- [ ] 443 Housing/ Accommodations
- [ ] 445 Amer. w/Disabilities - Employment
- [ ] 446 Amer. w/Disabilities - Other
- [ ] 448 Education

PRISONER PETITIONS

Habeas Corpus:
- [ ] 463 Alien Detainee
- [ ] 510 Motions to Vacate Sentence
- [ ] 530 General
- [ ] 535 Death Penalty

Other:
- [ ] 540 Mandamus & Other
- [ ] 550 Civil Rights
- [ ] 555 Prison Condition
- [ ] 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- [ ] 625 Drug Related Seizure of Property 21 USC 881
- [ ] 690 Other

LABOR
- [ ] 710 Fair Labor Standards Act
- [ ] 720 Labor/Management Relations
- [ ] 740 Railway Labor Act
- [ ] 751 Family and Medical Leave Act
- [ ] 790 Other Labor Litigation
- [ ] 791 Employee Retirement Income Security Act

IMMIGRATION
- [ ] 462 Naturalization Application
- [x] 465 Other Immigration Actions

BANKRUPTCY
- [ ] 422 Appeal 28 USC 158
- [ ] 423 Withdrawal 28 USC 157

INTELLECTUAL PROPERTY RIGHTS
- [ ] 820 Copyrights
- [ ] 830 Patent
- [ ] 835 Patent - Abbreviated New Drug Application
- [ ] 840 Trademark
- [ ] 880 Defend Trade Secrets Act of 2016

SOCIAL SECURITY
- [ ] 861 HIA (1395ff)
- [ ] 862 Black Lung (923)
- [ ] 863 DIWC/DIWW (405(g))
- [ ] 864 SSID Title XVI
- [ ] 865 RSI (405(g))

FEDERAL TAX SUITS
- [ ] 870 Taxes (U.S. Plaintiff or Defendant)
- [ ] 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- [ ] 375 False Claims Act
- [ ] 376 Qui Tam (31 USC 3729(a))
- [ ] 400 State Reapportionment
- [ ] 410 Antitrust
- [ ] 430 Banks and Banking
- [ ] 450 Commerce
- [ ] 460 Deportation
- [ ] 470 Racketeer Influenced and Corrupt Organizations
- [ ] 480 Consumer Credit (15 USC 1681 or 1692)
- [ ] 485 Telephone Consumer Protection Act
- [ ] 490 Cable/Sat TV
- [ ] 850 Securities/Commodities/ Exchange
- [ ] 890 Other Statutory Actions
- [ ] 891 Agricultural Acts
- [ ] 893 Environmental Matters
- [ ] 895 Freedom of Information Act
- [ ] 896 Arbitration
- [ ] 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- [ ] 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

- [x] 1 Original Proceeding
- [ ] 2 Removed from State Court
- [ ] 3 Remanded from Appellate Court
- [ ] 4 Reinstated or Reopened
- [ ] 5 Transferred from Another District *(specify)*
- [ ] 6 Multidistrict Litigation - Transfer
- [ ] 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
8 U.S.C. § 1451(a)

Brief description of cause:
Revocation of Naturalization

VII. REQUESTED IN COMPLAINT:

- [ ] CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: [ ] Yes [x] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE
Aug 31, 2026

SIGNATURE OF ATTORNEY OF RECORD
/s/ Frank A. DeLuccia, AUSA

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)

III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.

V. **Origin.** Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.

VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

Place of Accident, Incident, or Transaction: Philadelphia, PA

RELATED CASE IF ANY: Case Number:_____ Judge:_____

1. Does this case involve property included in an earlier numbered suit? Yes ☐
2. Does this case involve a transaction or occurrence which was the subject of an earlier numbered suit? Yes ☐
3. Does this case involve the validity or infringement of a patent which was the subject of an earlier numbered suit? Yes ☐
4. Is this case a second or successive habeas corpus petition, social security appeal, or pro se case filed by the same individual? Yes ☐
5. Is this case related to an earlier numbered suit even though none of the above categories apply? If yes, attach an explanation. Yes ☐

I certify that, to the best of my knowledge and belief, the within case ☐ **is** / ☒ **is not** related to any pending or previously terminated action in this court.

Civil Litigation Categories

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts)
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Wage and Hour Class Action/Collective Action
- ☐ 6. Patent
- ☐ 7. Copyright/Trademark
- ☐ 8. Employment
- ☐ 9. Labor-Management Relations
- ☐ 10. Civil Rights
- ☐ 11. Habeas Corpus
- ☐ 12. Securities Cases
- ☐ 13. Social Security Review Cases
- ☐ 14. Qui Tam Cases
- ☐ 15. Cases Seeking Systemic Relief ***see certification below***
- ☒ 16. All Other Federal Question Cases. *(Please specify)*: 8 USC 1451(a)

B. *Diversity Jurisdiction Cases:*

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (*Please specify*):_____
- ☐ 7. Products Liability
- ☐ 8. All Other Diversity Cases: *(Please specify)*_____

I certify that, to the best of my knowledge and belief, that the remedy sought in this case ☐ **does** / ☒ **does not** have implications beyond the parties before the court and ☐ **does** / ☒ **does not** seek to bar or mandate statewide or nationwide enforcement of a state or federal law including a rule, regulation, policy, or order of the executive branch or a state or federal agency, whether by declaratory judgment and/or any form of injunctive relief.

ARBITRATION CERTIFICATION (CHECK ONLY ONE BOX BELOW)

I certify that, to the best of my knowledge and belief:

☒ Pursuant to Local Civil Rule 53.2(3), this case is not eligible for arbitration either because (1) it seeks relief other than money damages; (2) the money damages sought are in excess of $150,000 exclusive of interest and costs; (3) it is a social security case, includes a prisoner as a party, or alleges a violation of a right secured by the U.S. Constitution, or (4) jurisdiction is based in whole or in part on 28 U.S.C. § 1343.

☐ None of the restrictions in Local Civil Rule 53.2 apply and this case is eligible for arbitration.

NOTE: A trial de novo will be by jury only if there has been compliance with F.R.C.P. 38.

Exhibit A

UNITED STATES OF AMERICA	)	
	)	
In the Matter of the Revocation of the Naturalization of	)	AFFIDAVIT OF GOOD CAUSE
	)	
Kofi Boahene, [redacted] a/k/a Nicholas Okyere, [redacted]	)	
	)	

I, Lauren Sitzer, declare under penalty of perjury as follows:

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

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

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

The last known place of residence for Boahene is [redacted].

---

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

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

BACKGROUND

DHS records, including fingerprint comparison, establish that the person who naturalized as Boahene is the same person who was previously ordered deported under the name Nicholas Okyere.

Immigration History as Nicholas Okyere
D.O.B [redacted] 1954, A [redacted] 080

1. On February 24, 1994, the individual in question, using the name Nicholas Okyere, filed an application for an immigration benefit, with the Immigration and Naturalization Service (INS). On the application, which he signed under penalty of perjury on February 13, 1994, he represented that he was born on [redacted] 1954, in Accra, Ghana, was unmarried without any unmarried children under 21, and that he arrived in the U.S. at the John F. Kennedy Airport in New York, New York, on December 21, 1992. INS assigned to him alien registration number (A number) [redacted].
2. Contemporaneously with the application, he filed a Form G-325A, Biographic Information (Form G-325A), which he signed on February 13, 1994, under severe penalties for knowingly and willfully falsifying or concealing a material fact. On the Form G-325A, he represented that his name was Nicholas Okyere, he was born [redacted] 1954 in Accra, Ghana, and he had no current or former wives.
3. On October 19, 1995, he appeared at the INS Office in Lyndhurst, New Jersey for an interview. On that date, an officer found that his claim was not credible on material points and referred his case to the immigration court.
4. On October 31, 1995, INS issued a Form I-221, Order to Show Case and Notice of Hearing (OSC) to place him into deportation proceedings, charging him under section 241(a)(1)(A) of the Immigration and Nationality Act (INA) as an alien who, at the time of entry, was an alien immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing identification card or other valid entry document under INA section 212(a)(7)(A)(i)(I). INS personally served the OSC to him on November 2, 1995 and filed it with the immigration court the same day. The OSC advised him that his initial deportation hearing was scheduled on March 21, 1996, at the immigration court in New York, New York.

5. He appeared at his initial hearing on March 21, 1996. The March 21, 1996 hearing was continued to August 13, 1996, and then to March 26, 1997. At each of these hearings, he appeared with his attorney, Robert Sidi, and he testified that his true and correct name was Nicolas Okyere. At the close of the March 26, 1997 hearing, the immigration judge denied application for an immigration benefit, and granted him voluntary departure until April 28, 1997, with an alternate order of deportation to Ghana.

6. On April 1, 1997, he appealed the immigration judge's decision by filing a Form EOIR-26, Notice of Appeal to the Board of Immigration Appeals (BIA).

7. On April 13, 1998, the BIA dismissed the appeal and granted voluntary departure within thirty days of the order, May 13, 1998, with an alternate order of deportation to Ghana if he failed to timely depart.

8. On November 3, 1999, INS issued a Form I-166, notice to deportable alien to surrender, instructing him to appear at the immigration office located at 26 Federal Plaza, New York New York, 10278, 12th Floor, Room 12-110 on December 23, 1999, at 9:00 a.m. for departure to Ghana. INS sent the notice via certified mail and it was returned marked "attempted not known".

9. On December 23, 1999, he failed to appear for deportation, and USCIS has no record that he departed the United States pursuant to the BIA's May 14, 1998, order of deportation.

Immigration History as Kofi Boahene
D.O.B [redacted] 1967, [redacted]

10. On May 6, 1997, the same individual, using the name Kofi Boahene, filed with INS Form I-485, Application to Register Permanent Residence or Adjust Status (Form I-485), as the spouse of Ruth Otemaa, a Diversity Visa Lottery Winner. Under this identity, INS assigned him A number [redacted]44.

11. On his Form I-485, which he signed under penalty of perjury on March 14, 1997, he represented that:

- His name was Kofi Boahene;
- His was born [redacted] 1967 in Accra Ghana;
- He had last entered the United States without inspection on December 30, 1995;
- He was married to Ruth Otemaa, born on [redacted] 1968;

- His children were [redacted] Boahene, born on [redacted] 1985, and [redacted] Boahene, born on [redacted] 1988;
- He had never, inside or outside the United States, been arrested, cited, charged, indicted, fined, or imprisoned for breaking or violating any law or ordinance, excluding traffic violations;
- He had never been deported from the United States, or removed from the United States, at government expense, excluded within the past year, and was not then in exclusion or deportation proceedings; and
- He had never, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the U.S., or any other immigration benefit.

12. Contemporaneously with his Form I-485, he filed Supplement A to Form I-485. On his Supplement A, which he signed on March 14, 1997 under penalty of perjury, he represented that:

a. His name was Kofi Boahene;
b. He was born [redacted] 1967 in Ghana;
c. He last entered the United States without inspection.

13. Contemporaneously with his Form I-485, he filed a Form G-325A, Biographic Information. On the Form G-325A, which he signed on March 14, 1997 under severe penalties for knowingly and willfully falsifying or concealing a material fact, he represented the following:

- His full name was Kofi Boahene;
- He had never used any other names;
- His was born [redacted] 1967 in Accra, Ghana;
- He married Ruth Otemaa on December 21, 1987;

14. On September 27, 2007, USCIS approved Boahene's I-485 nunc pro tunc, and he was accorded lawful permanent resident status as of August 20, 1997.[3]

15. On July 24, 2006, Boahene filed a Form N-400, Application for Naturalization (N-400), based on having been a lawful permanent resident for a period of five years. On his Form N-400, signed under penalty of perjury on July 12, 2006 he represented that:

- His current legal name was Kofi Boahene;
- His A number was [redacted];
- He had never used any other names;
- His date of birth was [redacted] 1967;
- He was married once, but left the fields for current and prior spouse blank;
- He had no children;
- He had never committed a crime or offense for which he was not arrested;
- He had never been arrested, cited, or detained by any law enforcement officer (including USCIS or former INS and military officers) for any reason;
- He had never given false or misleading information to any United States Government official while applying for any immigration benefit or to prevent deportation, exclusion or removal;
- He had never lied to any United States Government official to gain entry or admission into the United States;
- He had never been ordered to be removed, excluded or deported from the United States; and
- He had never applied for any kind of relief from removal, exclusion or deportation.

16. On October 18, 2006, INS District Adjudications Officer (DAO) Robyn Richards interviewed Boahene at the New York District Office to determine his eligibility for naturalization. During the course of the interview, DAO Richards placed Boahene under oath and asked him the following:

- Current Legal Name?
- Have you ever used any other names?

---

[3] It is unclear why, in 2007, USCIS approved the I-485 retroactively to 1997. As will be explained later, because Boahene misrepresented material facts on his I-485, he was inadmissible to the United States whether under the 1997 or the 2007 version of the INA, and therefore was not lawfully admitted for permanent residence.

- Date of birth?
- How many times have you been married?
- How many children do you have?
- If you were married before, provide your spouse's name and dates of marriage?
- Have you ever committed a crime or offense for which you were not arrested?
- Have you ever been arrested, cited, or detained by any law enforcement officer (including INS and military officers) for any reason?
- Have you ever given false or misleading information to any U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion or removal?
- Have you ever lied to any U.S. Government official to gain entry or admission into the United States?
- Have you ever been ordered to be removed, excluded or deported from the United States?
- Have you ever applied for any kind of relief from removal, exclusion or deportation?

17. In response, Boahene testified that his name was "Kofi Boahene" and that his date of birth was [redacted] 1967. He testified that he was married once, his former spouse was Ruth Otemaa, they were married from December 21, 1987, to September 21, 2006, and their marriage ended in divorce. He testified that he had no children. He verbally answered "no" to the remaining questions above. During the course of the naturalization interview, Boahene made ten corrections to the written answers to his N400. However, none of these corrections were to the misrepresentations listed above. At the conclusion of the interview, Boahene swore that the contents of his Form N-400, including the ten corrections, were true and correct.

18. On the basis of his written application and the testimony he provided during his naturalization interview, USCIS approved Boahene's Form N-400 on September 11, 2008. On November 13, 2008, Boahene took the Oath of Allegiance and was admitted as a citizen of the United States. USCIS issued Certificate of Naturalization [redacted] to him.

ILLEGAL PROCUREMENT OF NATURALIZATION

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

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

20. Among the INA provisions applicable at the time of Boahene's adjustment of status to permanent resident was the requirement that he be admissible to the United States. INA § 245(a), 8 U.S.C. § 1255(a).[4]

21. Under the law then in effect, an individual who by fraud or willfully misrepresenting a material fact was seeking to procure (or had sought to procure or had procured) a visa, other documentation, admission into the United States, or other benefit provided under the INA was inadmissible. INA § 212(a)(6)(C)(i), 8 U.S.C. § 1182(a)(6)(C)(i).[5]

22. Based on the information contained above, Boahene willfully misrepresented material facts, specifically, his identity and immigration history.

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

---

[4] Whether the adjustment is assessed as of September 27, 2007 or August 20, 1997, the versions of 8 U.S.C. § 1255(a) in effect on those dates required the applicant to be admissible to the United States.

[5] Whether the adjustment is assessed as of September 27, 2007 or August 20, 1997, the versions of 8 U.S.C. § 1182(a)(6)(C)(i) in effect on those dates made inadmissible any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or entry into the United States or other benefit provided under the INA.

Illegal Procurement of Naturalization
Lack of Good Moral Character
Unlawful Acts

24. As an applicant for naturalization under section 316(a) of the INA, Boahene was required to establish that he was a person of good moral character during the period beginning five years prior to the filing of his application for naturalization and continuing until the time of admission to citizenship. This period is generally referred to as the "statutory period."

25. Boahene filed his application for naturalization on July 24, 2006; accordingly, he was required to establish that he was a person of good moral character from July 24, 2001, until the time of his admission to citizenship on November 13, 2008.

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

27. Based on the facts contained above, during the statutory period Boahene committed unlawful acts that adversely reflected on his moral character. Specifically, Boahene made false statements regarding his identity, immigration history and whether he ever provided false or misleading information, or lied, to any United States government official while applying for any immigration benefit or to prevent deportation. Boahene cannot establish extenuating circumstances for these violations in light of the deliberate and continuing nature of his violations. Accordingly, he was not eligible for naturalization and illegally procured his naturalization.

Illegal Procurement of Naturalization
Lack of Good Moral Character
False Testimony

28. As an applicant for naturalization under section 316(a) of the INA, Boahene was required to establish that he was a person of good moral character during the period beginning five years prior to the filing of his application for naturalization and continuing until the time of admission to citizenship. This period is generally referred to as the "statutory period."

29. Boahene filed his application for naturalization on July 24, 2006; accordingly, he was required to establish that he was a person of good moral character from July 24, 2001, until the time of his admission to citizenship on November 13, 2008.

30. Under the law then in effect, an individual who, during the statutory period, provided false testimony for the purpose of obtaining an immigration benefit could not establish good moral character. INA § 101(f)(6); 8 U.S.C. § 1101(f)(6).

31. Based on the facts contained above, Boahene provided false testimony while under oath during his naturalization interview. Specifically, Boahene provided false testimony regarding:

- His use of other names;
- Whether he ever committed a crime or offense for which he was not arrested;
- Whether he had been arrested, cited, or detained by any law enforcement officer (including INS and military officers) for any reason;
- Whether he had ever given false or misleading information to any U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion or removal;
- Whether he had ever lied to any U.S. Government official to gain entry or admission into the United States;
- Whether he had ever been ordered to be removed, excluded or deported from the United States; and
- Whether he had ever applied for any kind of relief from removal, exclusion or deportation.

32. Because Boahene provided false testimony to obtain an immigration benefit during the statutory period, he was not eligible for naturalization; accordingly, he illegally procured his naturalization.

PROCUREMENT OF NATURALIZATION BY WILLFUL MISREPRESENTATION OR CONCEALMENT OF MATERIAL FACTS

33. A naturalized citizen is subject to revocation of naturalization if he procured naturalization by willfully misrepresenting or concealing material facts.

34. Based on the facts contained above, Boahene willfully misrepresented his identity and immigration history throughout the naturalization process.

35. The misrepresentations made by Boahene during the naturalization process were material to determining his eligibility for naturalization because they would have had the natural tendency to influence the decision whether to approve his naturalization application. In fact, Boahene misrepresented and concealed facts that would have shown that he was not lawfully admitted for permanent residence in accordance with all applicable provisions of the INA, and thus was ineligible for naturalization under INA § 318, 8 U.S.C. § 1429.

36. Boahene was able to procure his naturalization because he concealed or misrepresented material facts regarding his identity and immigration history.

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

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

Executed on July 10, 2026, at Nashville, Tennessee

LAUREN M SITZER Digitally signed by LAUREN M SITZER
Date: 2026.07.10 07:41:10 -05'00'

Lauren Sitzer
Immigration Services Officer II
United States Citizenship and Immigration Services
Department of Homeland Security