IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, Plaintiff, v. MAMADOU SYLLA, a/k/a Ali Magassa, a/k/a Mahadjou Diva, Defendant.	CIVIL ACTION NO. 26-7504 **COMPLAINT TO REVOKE NATURALIZATION**

Plaintiff, the United States of America, brings this civil action against Defendant, Mamadou Sylla, a/k/a Ali Magassa, a/k/a Mahadjou Diva, to revoke his naturalized United States citizenship under 8 U.S.C. § 1451(a). Plaintiff alleges that Defendant illegally procured his naturalization and that he willfully misrepresented and concealed material facts in applying to naturalize.

PRELIMINARY STATEMENT OF THE CASE

Defendant used three different identities during immigration proceedings, and during his naturalization proceedings, he concealed doing so. Defendant therefore procured his naturalization unlawfully, and he willfully misrepresented and concealed material facts in applying to naturalize. The United States therefore brings this civil action to revoke Defendant's naturalized U.S. citizenship under 8 U.S.C. § 1451(a).

In April 1996, Defendant applied for an immigration benefit with the Immigration and Naturalization Service (INS),[1] using the identity "Ali Magassa," and purporting to be an immigrant from Mauritania. The INS placed him into deportation proceedings, and after he failed to appear for a deportation hearing, an immigration

[1] On March 1, 2003, the INS ceased to exist 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. The INS was divided into several agencies, including United States Citizenship and Immigration Services, which assumed naturalization authority.

judge ordered him deported *in absentia*. In 1998, the INS sent Defendant a notice instructing him to surrender himself for removal, but he failed to appear and there is no record that he departed the United States.

In July 1997, Defendant again applied for an immigration benefit, this time using a second identity, "Mahadjou Diva," a different date and place of birth, and purporting to be an immigrant from Rwanda. The INS again placed him into removal proceedings, and after he failed to appear for a removal hearing, an immigration judge again ordered him removed *in absentia*. In 1999, the INS again sent him a notice instructing him to surrender himself for removal, but he again failed to appear and there is no record that he departed the United States.

In December 1997, Defendant applied to the INS to Register Permanent Residence or Adjust Status, based on registration in the 1998 Diversity Visa Program, this time using a third identity, "Mamadou Sylla," a different date and place of birth, and purporting to be an immigrant from Mali. He did not disclose his prior immigration history where he had used the Ali Magassa and Mahadjou Diva identities.

In 1998, the INS granted Defendant's application and adjusted his status to that of a permanent resident using the third, Mamadou Sylla, identity. In 2003, again using the third identity, Defendant applied for naturalization, but did not disclose his prior immigration history, where he had used the Ali Magassa and Mahadjou Diva identities. In July 2004, Defendant became a naturalized citizen under the name Mamadou Sylla.

DHS records, including fingerprint comparison, establish that the person who naturalized as Mamadou Sylla is the same person as Ali Magassa and Mahadjou Diva. Therefore, when Defendant sought an immigration benefit, permanent resident status, and U.S. citizenship under the third, "Mamadou Sylla," identity, he concealed and misrepresented his use of the earlier "Ali Magassa" and "Mahadjou Diva" identities.

Defendant's actions and conduct statutorily barred him from becoming a U.S. citizen and render his naturalization unlawfully procured. Additionally, they

demonstrate that he obtained his naturalization by concealment and willful misrepresentation. With the attached affidavit showing good cause, therefore, the United States of America brings this civil action to revoke and set aside the order admitting Defendant to citizenship and to cancel his certificate of naturalization under section 340(a) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1451(a).

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]2, issued July 1, 2004.

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

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

PARTIES

4. Plaintiff is the United States of America.

5. Defendant Mamadou Sylla (purportedly born in Mali), a/k/a Ali Magassa (purportedly born in Mauritania), a/k/a Mahadjou Diva (purportedly born in Rwanda), is a naturalized United States citizen, whose last known address is in Philadelphia, Pennsylvania.

6. Mamadou Sylla, Ali Magassa, and Mahadjou Diva are one and the same person.

FACTUAL ALLEGATIONS

7. The affidavit of Charles Ruberson, an Immigration Services Officer with U.S. Citizenship and Immigration Services (USCIS), an agency of the U.S. Department of Homeland Security (DHS), showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached. *See* Ex. A.

A. Defendant's Immigration History Using the Ali Magassa Identity

8. On April 27, 1996, Defendant, using the name "Ali Magassa," applied for an immigration benefit with the INS, which assigned him alien registration number [redacted].

9. On his application, signed under penalty of perjury, Defendant represented, among other things, that:

a. His name was Ali Magassa;

b. He was born on XX/XX/1963, in Mauritania;

c. He arrived in the United States on July 26, 1993, without inspection;

d. His father was Abas Magassa, and his mother was Aissatou Cisakho; and

e. He was arrested in 1989.

10. In support of his application, Defendant submitted his fingerprints.

11. Included with Defendant's application was a Mauritanian identity card but on September 5, 1996, the INS Forensic Document Laboratory determined that the Mauritanian identity card was fraudulent.

12. On September 10, 1996, INS personally served on Defendant a Form I-221, Order to Show Cause and Notice of Hearing in Deportation Proceedings (OSC). INS charged him as an alien who entered the United States without inspection.

13. The OSC instructed Defendant to appear on October 8, 1996, for his deportation hearing in New York, New York.

14. On October 8, 1996, Defendant failed to appear for his deportation hearing. The immigration judge ordered him deported *in absentia*.

15. On February 4, 1998, INS sent him a Form I-166, notice to deportable alien to surrender, by certified mail, to his last known address. It instructed him to report to the INS on March 16, 1998, for departure to Mauritania.

16. On March 16, 1998, Defendant did not appear for removal.

17. There is no record that Defendant departed the United States pursuant to his deportation order.

B. Defendant's Immigration History Using the Mahadjou Diva Identity

18. On July 21, 1997, Defendant, using the name "Mahadjou Diva," applied for an immigration benefit with the INS. Under this new identity, Defendant was assigned a new alien registration number, [redacted].

19. On his application, signed under penalty of perjury, Defendant represented, among other things, that:

a. His name was Mahadjou Diva;

b. He was born on XX/XX/1969, in Rwanda;

c. He arrived in the United States on October 10, 1995, without inspection; and

d. His father was Batara Diva, and his mother was Foureta Kona.

20. In support of his application, Defendant submitted his fingerprints.

21. Included with his application was a Rwandan identity card but on September 8, 1997, the INS Forensic Document Laboratory determined that the Rwandan identity card was not authentic and probably fraudulent.

22. On September 9, 1997, INS personally served on Defendant a Form I-862, Notice to Appear in Removal Proceedings (NTA). INS charged him as inadmissible under section 212(a)(6)(A)(i) of the INA, as an alien present in the United States without being admitted or paroled, or who has arrived in the United States at any time or place other than designated by the Attorney General.

23. On November 26, 1997, Defendant failed to appear for a removal hearing. The immigration judge ordered him removed *in absentia*.

24. On October 8, 1999, INS sent Defendant a Form I-166, notice to deportable alien to surrender, by certified mail, to his last known address. It instructed him to report to the INS on November 29, 1999, for departure to Rwanda.

25. On November 29, 1999, Defendant did not appear for removal.

26. There is no record that Defendant departed the United States pursuant to his removal order.

C. Defendant's Immigration History Under the Identity Mamadou Sylla

27. On December 23, 1997, Defendant, this time using the name "Mamadou Sylla," filed a Form I-485, Application to Register Permanent Residence or Adjust Status, with the INS, based on registration in the 1998 Diversity Visa Program. Under this new identity, Defendant was assigned a new alien registration number, [redacted].

28. On his Form I-485 application, signed under penalty of perjury, Defendant represented, among other things, that:

a. His name was Mamadou Sylla;

b. He was born on [redacted], in Mali;

c. He entered the United States with a B-2 Visa, but overstayed;

d. His mother was Assitou; his father was Bamba;

e. His spouse was Demou Sissako;

f. He had never been arrested, cited, charged, indicted, fined, or imprisoned for breaking any law or ordinance, excluding traffic violations; and

g. 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 United States or any immigration benefit.

29. On December 9, 1997, Defendant certified under penalty of perjury that the contents of his Form I-485 application were true and correct. But Defendant failed to disclose his prior applications for immigration benefits, his aliases, alternate birthdates and countries of birth, his prior deportation and removal proceedings, and his prior deportation and removal orders.

30. On July 14, 1998, Defendant appeared for an interview regarding his Form I-485 application.

31. On September 15, 1998, INS approved Defendant's I-485 application.

32. On June 14, 2003, Defendant filed a Form N-400, Application for Naturalization based on having been a lawful permanent resident for a period of five years.

33. On his Form N-400, signed under penalty of perjury, Defendant represented, among other things, that:

a. His name was Mamadou Sylla;

b. He was born on XX/XX/1961, in Mali;

c. He had not committed any crimes for which he was not arrested;

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

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

f. He had never lied to any United States government official to gain entry or admission into the United States;

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

h. He had never applied for any kind of relief from removal, exclusion or deportation.

34. On June 11, 2003, Defendant certified under penalty of perjury that the contents of his N-400 application were true and correct. But Defendant failed to disclose his prior applications for immigration benefits, his aliases, alternate birthdates and countries of birth, his prior deportation and removal proceedings, and his prior deportation and removal orders.

35. Defendant provided his fingerprints in support of his application for naturalization.

36. On April 27, 2004, Defendant was interviewed by a USCIS Immigration Services Officer at the Philadelphia, Pennsylvania Field Office to determine his eligibility for naturalization.

37. During the interview, the Immigration Services Officer placed Defendant under oath and asked him the following questions:

a. Current Legal Name?

b. Date of Birth?

c. Country of Birth?

d. Country of Nationality?

e. Have you ever committed a crime or offense for which you were not arrested?

f. Have you ever been arrested, cited or detained by any law enforcement officer (including USCIS or former INS and military officers) for any reason?

g. Were removal, exclusion, rescission or deportation proceedings pending against you?

38. In response, Defendant testified that his name was Mamadou Sylla, and that he was born on [redacted], in Mali. He orally answered "no" to the remaining questions above.

39. During the naturalization interview, two corrections were made to the written answers initially provided on Defendant's Form N-400, none of which related to the questions in paragraph 45, above.

40. At the conclusion of the interview, Defendant swore that the contents of his Form N-400, including the two corrections, were true and correct.

41. Based on Defendant's written application and the testimony he provided during his naturalization interview, Defendant's Form N-400 was approved on April 27, 2004.

42. On July 1, 2004, Defendant took the Oath of Allegiance and was admitted as a citizen of the United States. Defendant was issued Certificate of Naturalization No. [redacted].

D. Fingerprint Analysis

43. Mamadou Sylla, Ali Magassa, and Mahadjou Diva, are the same person.

44. In 1996, using the name "Ali Magassa," Defendant provided his fingerprints in support of his application for an immigration benefit.

45. In 1997, using the name "Mahadjou Diva," Defendant provided his fingerprints in support of his application for an immigration benefit.

46. In 2003, using the name "Mamadou Sylla," Defendant provided his fingerprints in support of his application for naturalization.

47. Fingerprint evidence and analysis demonstrate that the same individual submitted fingerprints under the Mamadou Sylla, Ali Magassa, and Mahadjou Diva identities. *See* Ex. B.

GOVERNING LAW

A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

48. 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).

49. 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)).

50. Congress has mandated that an applicant for naturalization demonstrate that he has been *lawfully* admitted to the United States for permanent residence. *See* 8 U.S.C. § 1427(a)(1); *see also* 8 U.S.C. § 1429.

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

52. 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.*, 828 F.3d 182, 192 (3d Cir. 2016); *Gallimore v. Att'y Gen.*, 619 F.3d 216, 223 & n.6 (3d Cir. 2010). Even 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.

53. Under the law in effect at the time Defendant's adjustment application was approved, as today, Congress required 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. 8 U.S.C. § 1255(a).

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

55. 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. *See* 8 U.S.C. § 1182(a)(6)(C)(i).

56. 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. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(1).

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

58. Congress also created a "catch-all" provision, which states, "[t]he fact that any person is not within any of the [statutorily described] classes shall not preclude a finding that for other reasons such person is or was not of good moral character." 8 U.S.C. § 1101(f). Such claims are evaluated on a case-by-case basis, considering "the standards of the average citizen in the community of residence." 8 C.F.R. § 316.10(a)(2).

59. Thus, individuals who, during the statutory period, commit an unlawful act adversely reflecting upon his or her moral character cannot meet the good moral character requirement, unless he proves extenuating circumstances existed. *See* 8 U.S.C. § 1101(f); 8 C.F.R. § 316.10(b)(3)(iii).

B. The Denaturalization Statute

60. 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 naturalization application, Congress enacted 8 U.S.C. § 1451.

61. 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.

62. 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.

63. Naturalization has been 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).

64. 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.

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

CAUSES OF ACTION

COUNT I

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

66. The United States incorporates by reference the allegations set forth in the foregoing paragraphs of this complaint.

67. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. *See* 8 U.S.C. §§ 1427(a)(1), 1429.

68. As noted above, the term "lawfully" denotes compliance with substantive legal requirements, not mere procedural regularity. *See* 8 U.S.C. § 1101(a)(20); *Koszelnik*, 828 F.3d at 180-81.

69. Among the INA provisions applicable at the time of Defendant's adjustment of status to permanent resident was the requirement that he be admissible to the United States. 8 U.S.C. §§ 1159(b)(5), 1255(a).

70. 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. 8 U.S.C. § 1182(a)(6)(C)(i).

71. Based on the facts alleged above, Defendant willfully misrepresented material facts concerning his identity and immigration history when he applied for permanent residence. Specifically, Defendant knowingly and willfully provided materially false statements regarding his identity, immigration history, and whether he had ever provided false or misleading information to any United States Government official while applying for any immigration benefit or to prevent deportation.

72. Because Defendant 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, and this Court must revoke his naturalization under 8 U.S.C. § 1451(a).

COUNT II

ILLEGAL PROCUREMENT OF NATURALIZATION
Not Lawfully Admitted for Permanent Residence
(Subject to Deportation Order Executed Prior to Seeking Admission)

73. The United States incorporates by reference the allegations set forth in the foregoing paragraphs of this complaint.

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

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

76. Defendant was subject to an order of deportation under the name of Ali Magassa as of October 9, 1996, and an order of removal under the name of Mahadjou Diva as of November 26, 1997. He filed his application for adjustment of status on December 23, 1997. Because Defendant misrepresented certain facts in connection with his application for adjustment of status, INS was not aware of the deportation and removal proceedings and the outstanding deportation and removal orders, and approved his application for adjustment of status on September 15, 1998.

77. Because the immigration court had exclusive jurisdiction over Sylla's application for adjustment of status at the time it was approved by INS, he was not lawfully admitted for permanent residence; accordingly, he illegally procured his naturalization.

78. Because Defendant was ineligible to naturalize, Defendant illegally procured his citizenship.

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

COUNT III

ILLEGAL PROCUREMENT OF NATURALIZATION
Lack of Good Moral Character
Unlawful Acts

80. The United States incorporates by reference the allegations set forth in the foregoing paragraphs of this complaint.

81. As an applicant for naturalization under section 316(a) of the INA, Defendant 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." *See* 8 U.S.C. §§ 1427(a); 8 C.F.R. § 316.10(a)(1).

82. Defendant applied for naturalization on June 14, 2003; accordingly, he was required to establish that he was a person of good moral character from June 14, 2003, until the time of his admission to citizenship on July 1, 2004.

83. 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. 8 U.S.C. § 1101(f); 8 C.F.R. § 316.10(b)(3)(iii).

84. Defendant could not establish the requisite good moral character for naturalization because he committed unlawful acts during the statutory period that adversely reflect on his moral character, and there were no extenuating circumstances. *See* 8 U.S.C. § 1101(f) (catch-all provision); 8 C.F.R. § 316.10(b)(3)(iii).

85. Based on the facts alleged above, during the statutory period Defendant committed unlawful acts that adversely reflected on his moral character as he made materially false statements in conjunction with his naturalization application. Specifically, Defendant knowingly and willfully provided materially false statements regarding his identity, immigration history, and whether he had ever provided false or

misleading information to any United States Government official while applying for any immigration benefit or to prevent deportation.

86. Defendant has not established, and cannot establish, extenuating circumstances regarding his foregoing unlawful acts, and he therefore cannot avoid the regulatory bar on establishing good moral character found in 8 C.F.R. § 316.10(b)(3)(iii).

87. Because Defendant committed unlawful activity that adversely reflected on his moral character during the statutory period and he cannot demonstrate extenuating circumstances, he was barred under 8 U.S.C. § 1101(f) and 8 C.F.R. § 316.10(b)(3)(iii) from showing that he had the good moral character necessary to become a naturalized United States citizen.

88. Because he was ineligible to naturalize, Defendant's naturalization was illegally procured, and this Court must revoke his naturalization under 8 U.S.C. § 1451(a).

COUNT IV

ILLEGAL PROCUREMENT OF NATURALIZATION
Lack of Good Moral Character
False Testimony

89. The United States incorporates by reference the allegations set forth in the foregoing paragraphs of this complaint.

90. As an applicant for naturalization under section 316(a) of the INA, Defendant 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."

91. Defendant applied for naturalization on June 14, 2003; accordingly, he was required to establish that he was a person of good moral character from June 14, 1998, until the time of his admission to citizenship on July 1, 2004.

92. 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. 8 U.S.C. § 1101(f)(6).

93. Based on the facts alleged above, Defendant provided false testimony while under oath during his naturalization interview. Specifically, Defendant provided false testimony regarding:

a. His use of other names or other identities;

b. 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;

c. Whether he had ever lied to any U.S. Government official to gain entry or admission into the United States;

d. Whether he had ever been ordered to be removed, excluded, or deported from the United States; and

e. Whether he had ever applied to any kind of relief from removal, exclusion or deportation.

94. Because Defendant provided false testimony to obtain an immigration benefit during the statutory period, he was not eligible for naturalization.

95. Accordingly, Defendant illegally procured his naturalization, and this Court must revoke his naturalization under 8 U.S.C. § 1451(a).

COUNT V

PROCUREMENT OF NATURALIZATION BY WILLFUL MISREPRESENTATION OR CONCEALMENT OF MATERIAL FACTS

96. The United States incorporates by reference the allegations set forth in the foregoing paragraphs of this complaint.

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

98. Based on the facts alleged above, Defendant willfully misrepresented his identity and immigration history throughout the naturalization process.

99. As alleged above, throughout the naturalization process, Defendant willfully misrepresented and concealed, among other things: (i) his use of another identity, including a different name, date of birth, and country of birth; (ii) his prior application for an immigration benefit; (iii) that he had given false or misleading information to a U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal; (v) that removal, exclusion, rescission, or deportation proceedings were pending against him; (vi) that he had lied to a U.S. Government official to gain entry or admission into the United States; (vii) that he had been ordered to be removed, excluded, or deported from the United States; (viii) and that he had previously applied for relief from removal, exclusion, or deportation.

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

101. Defendant's misrepresentations were material to his naturalization because the disclosure of his multiple identities, prior applications for an immigration benefit, prior orders of deportation and removal, and prior representations to U.S. Government officials while applying for an immigration benefit would have had a natural tendency to influence USCIS's decision whether to approve Defendant's application for naturalization. Indeed, had USCIS been aware of this information, it would have denied his naturalization application.

102. In fact, Defendant 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.

103. Accordingly, Defendant procured his naturalization by willful misrepresentation and concealment of material facts, and this Court must revoke his naturalization under 8 U.S.C. § 1451(a).

PRAYER FOR RELIEF

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

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

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

(3) Judgment revoking and setting aside the order admitting Defendant to citizenship and canceling Certificate of Naturalization No. [redacted], effective as of the original date of the certificate, July 1, 2004;

(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 July 1, 2004, 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 his 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 Driver's License, and other relevant documents), whether current or expired, and any copies thereof in his possession or control—and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession or control of others—to the Attorney General, or his representative, including undersigned counsel; and

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

Respectfully submitted,

DAVID METCALF
United States Attorney

/s/ Gregory B. David
GREGORY B. DAVID
Assistant United States Attorney
Chief, Civil Division

/s/ Mark J. Sherer
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Dated: September 29, 2026

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)*
Mark J. Sherer, AUSA/US Attorney's Office EDPA, 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106/ (215) 861-8445

DEFENDANTS

MAMADOU SYLLA, a/k/a Ali Magassa, a/k/a Mahadjou Diva

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

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

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

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
Sep 29, 2026

SIGNATURE OF ATTORNEY OF RECORD
/s/ Mark J. Sherter, 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	)	AFFIDAVIT OF GOOD CAUSE
of the Naturalization of	)	
	)	
Sylla, Mamadou, [redacted]	)	
a/k/a Magassa, Ali, [redacted]	)	
a/k/a Diva, Mahadjou, [redacted]	)	
	)	

I, Charles Ruberson, declare under penalty of perjury as follows:

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

I have examined records relating to Sylla, including but not limited to, his immigration files. Based upon my review of records relating to Sylla, 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 Sylla and to cancel his Certificate of Naturalization.

The last place of residence for Sylla 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 Sylla is the same person who was previously ordered deported under the name Ali Magassa and ordered removed under the name Mahadjou Diva.

Immigration History as Ali Magassa
D.O.B [redacted], 1967, [redacted]

1. On April 27, 1996, the individual in question, using the name Ali Magassa and a birth date of [redacted] 1967, filed an application for an immigration benefit with the Immigration and Naturalization Service (INS). He was assigned alien registration number (A-Number) [redacted]. On the application, he represented that:
   - His name was Ali Hassana Magassa.
   - He was born on [redacted] 1967 in Mauritania.
   - He arrived in the U.S on July 26, 1993 without inspection at Miami, Florida.
   - His father was Abas Magassa, and his mother was Aissatou Cisakho.
   - He was arrested in 1989.
2. Included with the application was a Mauritanian identity card. On September 5, 1996, the INS Forensic Document Laboratory determined that the Mauritanian identity card was fraudulent.
3. He appeared for an interview on August 21, 1996 with INS regarding his application.
4. On September 10, 1996, he was personally served with a Form I-221, Order to Show Cause and Notice of Hearing In Deportation Proceedings under former section 242B(a)(2) of the INA. He was charged as subject to deportation under former section 241(a)(1)(B) of the INA, as an alien who entered the United States without inspection.
5. On October 9, 1996, he failed to appear for a deportation hearing. The immigration judge ordered him deported *in absentia*.
6. On February 4, 1998, INS sent him a Form I-166, Notice to Deportable Alien to Surrender, by certified mail, to his last known address. It instructed him to report to the INS office located at 26 Federal Plaza, 12th Floor, New York, NY 10278 at 9:00 A.M. on March 16, 1998, for departure to Mauritania. He did not provide any notice of a change of address.

7. On March 16, 1998, he did not appear for deportation, as instructed on his Form I-166.
8. USCIS has no record that he departed pursuant to his deportation order.

Immigration History as Mahadjou Diva, D.O.B [redacted], 1969, [redacted]

9. On July 22, 1997, the same individual, using the name Mahadjou Diva and birthdate of [redacted] 1969, filed an application for an immigration benefit. He was assigned A-Number [redacted]. On the application, he represented that:
   - His name was Diva Mahadjou.
   - He was born on [redacted] 1969 in Kigembe, Butare, Rwanda.
   - He arrived in the U.S on October 10, 1995 without inspection at New York, New York.
   - His father was Batara Diva, and his mother was Foureta Kona.
10. Included with the application was a Rwandan identity card. On September 8, 1997, the INS Forensic Document Laboratory determined that the Rwandan identity card was not authentic, and probably fraudulent.
11. He appeared for an interview on August 26, 1997 with INS regarding his application.
12. On September 9, 1997, INS personally served him with a Form I-862, Notice to Appear In removal proceedings under section 240 of the INA. He was charged as subject to removal under Section 212(a)(6)(A)(i) of the INA, as an alien present in the United States without being admitted or paroled, or who has arrived in the United States at any time or place other than designated by the Attorney General.
13. On November 26, 1997, he failed to appear for a removal hearing. The immigration judge ordered him removed *in absentia*.
14. On October 8, 1999, INS sent him a Form I-166, Notice to Deportable Alien to Surrender, by certified mail to his last known address. It instructed him to report to the INS office, located at 26 Federal Plaza, 12th Floor, New York, NY 10278, on November 29, 1999. He did not provide any notice of a change of address.
15. The envelope was received by INS by the U.S. Postal Service; the envelope bears a "Return to Sender" stamp. He did not appear for removal, as instructed.
16. USCIS has no record that he departed pursuant to his removal order.

Immigration History as Mamadou Sylla
D.O.B [redacted] 1961, [redacted]

17. On December 23, 1997, the same individual, using the name Mamadou Sylla and a birthdate of [redacted], 1961, filed a Form I-485, Application to Register Permanent Residence or Adjust Status (Form I-485), based upon registration in the 1998 Diversity Visa Program. INS assigned him A-Number [redacted]. On his Form I-485, he represented that:
    - His name was Mamadou Sylla.
    - He was born on [redacted], 1961 in Bamako, Mali.
    - He was admitted to the U.S. with a B-2 visa on September 27, 1995, but overstayed.
    - His mother was Assitou; his father was Bamba.
    - His spouse was Demou Sissako.
    - He had never been arrested, cited, charged, indicted, fined, or imprisoned for breaking any law or ordinance, excluding traffic violations;
    - 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 immigration benefit.
18. Sylla on Part 4 of the I-485, certified on December 9, 1997, on penalty of perjury, that the contents of his application and the evidence are all true and correct. Sylla failed to disclose his prior applications for immigration benefits, his aliases, alternate birthdates and countries of birth, his deportation and removal proceedings, and deportation and removal orders, as found in the secondary and tertiary files.
19. Sylla appeared for an interview with INS regarding his Form I-485, on July 14, 1998. INS approved his Form I-485 on September 15, 1998.
20. On June 14, 2003, Sylla filed a Form N-400, Application for Naturalization (Form N-400) with USCIS, based on having been a lawful permanent resident for a period of five years. On his N-400, signed under penalty of perjury, Sylla represented that:
    - His name was Mamadou Sylla.
    - He was born on [redacted], 1961 in Mali.
    - He had not committed any crimes 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 any false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion or removal.
- He had never lied to any U.S. 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.
- He had never applied for any kind of relief from removal, exclusion or deportation.

21. Sylla signed on Part 11 of the N-400 on June 11, 2003, certifying on penalty of perjury, that the contents of his application were true and correct. Sylla failed to disclose his prior applications for immigration benefits, his aliases, alternate birthdates and countries of birth, his deportation and removal proceedings and deportation and removal orders, as found in the secondary and tertiary files.
22. On April 27, 2004, Sylla appeared for his naturalization interview with an Immigration Services Officer (ISO) at the Philadelphia Field Office to determine his eligibility for naturalization. During the course of the interview, Immigration Services Officer Gail Burroughs placed Sylla under oath and any reaffirmations, additions and/or corrections were made in red ink. The ISO asked Sylla the following relevant questions under oath:
    - Current Legal Name?
    - Date of Birth?
    - Country of Birth?
    - 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 USCIS or former INS and military officers) for any reason?
    - Were removal, exclusion, recission, or deportation proceedings pending against you?
23. In response, Sylla testified that his name was Mamadou Sylla, and that he was born on [redacted], 1961 in Mali. He verbally answered "no" to the remaining questions above. During the course of the naturalization interview, two corrections were made to the written answers initially provided on his Form N-400.

24. At the conclusion of the interview, Sylla affirmed that the contents of his Form N-400 were true and correct. On the basis of Sylla's written application and his oral testimony during his naturalization interview, Sylla's Form N-400 was approved on April 27, 2004. On July 01, 2004, Sylla took the Oath of Allegiance and was admitted as a citizen of the United States. He was issued Certificate of Naturalization No. [redacted].

ILLEGAL PROCUREMENT OF NATURALIZATION

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

1. 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.
2. Among the INA provisions applicable at the time of Sylla'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).
3. 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).
4. Based on the information contained above, Sylla willfully misrepresented material facts, specifically, his identity and immigration history.
5. Because Sylla misrepresented material facts, he was inadmissible to the United States at the time of his adjustment of status and was not lawfully admitted for permanent residence; accordingly, he illegally procured his naturalization.

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

6. 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.
7. Under the law in effect at the time of Sylla's adjustment of status to permanent resident, as today, the immigration court generally had exclusive jurisdiction over applications for adjustment of status filed by applicants (other than certain arriving aliens) in deportation or removal proceedings, including applicants with a final order of deportation or removal. 8 C.F.R. § 1245.2(a)(1).
8. Sylla was subject to an order of deportation under the name of Ali Magassa as of October 09, 1996, and under the name of Mahadjou Diva as of November 26, 1997. He filed his application for adjustment of status on December 23, 1997. Because Sylla misrepresented certain facts in connection with his application, INS was not aware of the proceedings and the outstanding orders, and approved his application for adjustment of status on September 15, 1998.
9. Because the immigration court had exclusive jurisdiction over Sylla's application for adjustment of status at the time it was approved by INS, he was not lawfully admitted for permanent residence; accordingly, he illegally procured his naturalization.

Illegal Procurement of Naturalization
Lack of Good Moral Character
Unlawful Acts

10. As an applicant for naturalization under section 316(a) of the INA, Sylla 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."
11. Sylla filed his application for naturalization on June 14, 2003; accordingly, he was required to establish that he was a person of good moral character from June 14, 1998, until the time of his admission to citizenship on July 1, 2004.
12. 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).

13. Based on the facts contained above, during the statutory period he committed unlawful acts that adversely reflected on his moral character and, based on his knowing and willful material false statements regarding his identity and immigration history contained in his Form N-400, he could not establish extenuating circumstances; accordingly, he was not eligible for naturalization and illegally procured his naturalization.

Illegal Procurement of Naturalization
Lack of Good Moral Character
False Testimony

14. As an applicant for naturalization under section 316(a) of the INA, Sylla 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."
15. Sylla filed his application for naturalization on June 14, 2003; accordingly, he was required to establish that he was a person of good moral character from June 14, 1998, until the time of his admission to citizenship on July 1, 2004.
16. 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).
17. Based on the facts contained above, Sylla provided false testimony while under oath during his naturalization interview. Specifically, Sylla provided false testimony regarding

- His name;
- His date of birth;
- His country of birth;
- His country of nationality;
- Whether he ever committed a crime or offense for which he was not arrested;
- Whether he had ever been arrested, cited or detained by any law enforcement officer (including USCIS or former INS and military officers) for any reason.

18. Because Sylla 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

19. A naturalized citizen is subject to revocation of naturalization if he procured naturalization by willfully misrepresenting or concealing material facts.
20. Based on the facts contained above, Sylla willfully misrepresented his identity and immigration history throughout the naturalization process.
21. The misrepresentations made by Sylla 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, Sylla 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.
22. Sylla 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 9/24/2026 at Lawrence, Massachusetts.

Charles Ruberson
Immigration Services Officer
United States Citizenship and Immigration Services
Department of Homeland Security