

# **Exhibit A**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

_____	)	
UNITED STATES OF AMERICA,	)	Civil No. _____
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
ABDUL JABBAR NAJI SHALABI, f/k/a,	)	
ABDUL JABBAR NAJI ABDUL JABER,	)	
	)	
Defendant.	)	
_____	)	

**AFFIDAVIT OF GOOD CAUSE IN SUPPORT OF COMPLAINT**

I, Christopher Hesson, declare under penalty of perjury as follows:

1. I am a Special Agent for Homeland Security Investigations (“HSI”), U.S. Immigration & Customs Enforcement (“ICE”), within the U.S. Department of Homeland Security (“DHS”). I have access to the immigration records of DHS relating to Abdul Jabbar Naji Shalabi, f/k/a Abdul Jabbar Naji Abdul Jaber (“Shalabi”), DHS file no. A [REDACTED] 997. I have reviewed those and other pertinent records, and this Affidavit of Good Cause is based upon my review of those records and other information I have obtained during my investigation of Shalabi. The statements alleged herein are true and accurate to the best of my knowledge and belief.

2. On May 31, 2005, Shalabi submitted his Form N-400, "Application for Naturalization," with U.S. Citizenship and Immigration Services ("USCIS"). On December 6, 2005, Shalabi took an oath of allegiance in the United States District Court at Chicago, Illinois, and naturalized as a United States citizen. Contemporaneously, Shalabi legally changed his name from "Abdul Jabbar Naji Abdul Jaber" to "Abdul Jabbar Naji Shalabi."
3. Shalabi's naturalization was contrary to law because he illegally procured his naturalization and because his naturalization was procured by concealment and willful misrepresentation of material facts. His naturalization is therefore subject to revocation pursuant to 8 U.S.C. § 1451(a).

#### **SHALABI'S IMMIGRATION AND CRIMINAL HISTORY**

4. Shalabi is a native and citizen of Jordan. He was born on March [REDACTED] 1980. On June 27, 1997, he immigrated to the United States as a lawful permanent resident.
5. On an unknown date thereafter, but no later than the year 2001, Shalabi left the United States and became a student at Bir Zeit University located in the West Bank.

6. On or about October 18, 2002, Shalabi was detained in Israel during an investigation into his support of terrorist activities, specifically his concealment of acetone—an explosive component—on behalf of Hamas bomb-maker Ahmad Abu-Taha.
7. On March 19, 2003, Shalabi pleaded guilty in the Military Court in Beit-El, Israel, to two counts of Providing Service to a Hostile Entity, in violation of regulation 85(1)(c) of the Defense (Emergency) Regulations, 1945, for conduct that occurred in 2001. Shalabi was convicted and sentenced to seven months of imprisonment, 24 months of imprisonment suspended, three years of probation, and a fine of 2,000 shekels. Shalabi was incarcerated from on or about October 18, 2002, through on or about April 6, 2003.
8. Following his release from imprisonment, Shalabi returned to the United States on an unknown date.
9. On May 31, 2005, Shalabi filed a Form N-400, Application for Naturalization, pursuant to 8 U.S.C. § 1427(a).
  - a. In response to part 7, question A, requiring him to provide the “total days [he spent] outside of the United States during the past 5 years,” Shalabi answered “160.”

- b. In response to part 7, question B, requiring him to identify “[h]ow many trips of 24 hours or more [he had] taken outside of the United States during the past five years,” Shalabi answered “2.”
  - c. In response to part 7, question C, requiring him to provide information on “all the trips of 24 hours or more that [he had] taken outside of the United States since becoming a Lawful Permanent Resident,” including *inter alia* the total days for each trip, Shalabi identified two trips outside the United States. Shalabi indicated that the first trip commenced on March 20, 2003, and totaled 20 days, and the second commenced August 18, 2004, and lasted 140 days.
  - d. In response to part 10, question 9(c), which inquired whether Shalabi was ever associated, either directly or indirectly, with a terrorist organization, Shalabi answered “no.”
  - e. Finally, part 10, questions 16-18, 20, 21, of the application contained a series of questions inquiring if he had “**EVER**” been arrested or detained for any reason, charged with a crime, convicted of a crime, received a suspended sentence, placed on probation, or ever been in jail or prison. In response, Shalabi answered “no” to each question.
10. On November 16, 2005, Shalabi was interviewed by a USCIS officer about the contents of his Application for Naturalization. At that interview, the

officer placed Shalabi under oath and Shalabi orally affirmed certain answers on his application. At the end of the interview, Shalabi again signed his Application for Naturalization, certifying under penalty of perjury that his responses to the questions therein, as corrected or confirmed during the interview, were true and correct. Based on the information contained in Shalabi's Application for Naturalization and his testimony at the naturalization interview, USCIS approved his application the same day.

11. On December 6, 2005, Shalabi took the oath of citizenship at a ceremony conducted by the U.S. District Court, Northern District of Illinois, and thereby became a naturalized United States citizen.
12. As explained below, the foregoing facts establish good and sufficient cause to revoke Shalabi's naturalization.

#### **REVOCAION OF SHALABI'S NATURALIZATION**

13. Shalabi is subject to denaturalization for five independently sufficient reasons. First, Shalabi illegally procured his naturalization because he provided false testimony under oath to obtain an immigration benefit, and therefore, did not have the requisite good moral character to naturalize. Second, Shalabi illegally procured his naturalization because committed unlawful acts during the statutory period, and therefore, did not have the

requisite good moral character to naturalize. Third, Shalabi illegally procured his naturalization because he was inadmissible at the time he was admitted to the United States upon his return from Israel following his conviction and incarceration there. Fourth, Shalabi illegally procured his naturalization because he was ineligible to naturalize because he had been affiliated with Hamas within ten years of naturalizing. Fifth, Shalabi procured his naturalization by willfully misrepresenting and concealing material facts to USCIS during his naturalization process.

**I. Shalabi Illegally Procured His Naturalization Because He Was Ineligible to Naturalize Due to a Lack of Good Moral Character, Affiliation with Hamas, and Lack of Lawful Admission**

14. A naturalized citizen who did not meet the strict requirements for naturalization may have that naturalization revoked as illegally procured under 8 U.S.C. § 1451(a). *See Fedorenko v. United States*, 449 U.S. 490 (1981).
15. Shalabi illegally procured his naturalization because he was ineligible to naturalize due to a lack of good moral character during the statutory good moral character period. As an applicant for naturalization, Shalabi was required to establish that he was, and continued to be, a person of good moral character from May 31, 2000 (five years before he filed his

Application for Naturalization), through December 6, 2005 (the date he became a naturalized citizen). 8 U.S.C. § 1427(a)(3).

16. Shalabi could not have established that he was a person of good moral character because, during the statutory period, he gave false testimony in order to receive an immigration benefit.
  - a. An applicant for naturalization who has given false testimony for the purpose of obtaining an immigration benefit cannot establish good moral character. 8 U.S.C. § 1101(f)(6).
  - b. On November 16, 2005, Shalabi provided testimony, under oath, about the contents of his Application for Naturalization.
  - c. Part 7, question C, of his Application for Naturalization, required Shalabi to detail the total days outside of the United States and the total number of trips of more than 24 hours outside of the United States within the preceding five years. In response, Shalabi listed two trips: (1) the first trip allegedly commenced on March 20, 2003, and lasted 20 days, and (2) the second trip allegedly commenced on August 18, 2004, and lasted 140 days. Question C further inquired whether the trips lasted more than six months, to which Shalabi answered “No.” During his naturalization interview, Shalabi orally affirmed that neither trip lasted longer than six months. Those written



and oral answers were knowingly false. Shalabi had been incarcerated in Israel from at least on or about October 18, 2002, through on or about April 6, 2003, and therefore, his incarceration alone lasted for approximately 169 days. Furthermore, Shalabi's unlawful conduct occurred approximately one year prior to his October 2002 detention, during which time he was a student at Bir Zeit University in 2001, significantly adding to his time outside of the United States during that period. Thus, both his answers of "20" days and "140" days out of the United States were false. Moreover, his representation that he had not taken any trips over six months was also false.

- d. In response to part 10, question 9(c), of the application, which inquired whether Shalabi had ever associated, either directly or indirectly, with a terrorist organization, Shalabi checked the box next to "No." Shalabi orally affirmed this answer during his naturalization interview. As Shalabi pleaded guilty to two counts of Providing Service to a Hostile Entity – Hamas – in an Israeli military court on March 19, 2003, this answer was false.
- e. Part 10, questions 16-18, 20, 21, of the application contained a series of questions inquiring if he had "**EVER**" been arrested or detained for

any reason, charged with a crime, convicted of a crime, placed on probation, or ever been in jail or prison, to which Shalabi checked the boxes next “No” for each question. Shalabi orally affirmed these answers during his naturalization interview. In truth, given his arrest, guilty plea, conviction, and imprisonment in Israel, Shalabi should have answered “yes” to each of those questions.

- f. Finally part 10, question 23, asks whether Shalabi has “**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,” to which Shalabi answered “No.” Shalabi orally affirmed that answer during his naturalization interview on November 16, 2005. As Shalabi had provided false information listed *supra* in section I, paragraph 3 (c-e), when he signed the Application for Naturalization under penalty of perjury, and then submitted the application on May 30, 2005, this answer was false.
- g. Because Shalabi provided this false testimony orally and under oath, within the statutory period, for the purpose of obtaining an immigration benefit, he was precluded from establishing good moral character, and was therefore ineligible for naturalization. Consequently, Shalabi illegally procured his naturalization.

17. Shalabi could not have established that he was a person of good moral character because, during the statutory period, he committed acts (noted in paragraph 16, above) that constitute the essential elements of perjury, in violation of 18 U.S.C. § 1621(1); false swearing in an immigration matter, in violation of 18 U.S.C. § 1546(a); and making false statements, in violation of 18 U.S.C. § 1001(a). All of these adversely reflect on his moral character, and the undersigned is aware of no extenuating circumstances. *See* 8 U.S.C. § 1101(f); 8 C.F.R. § 316.10(b)(3)(iii).
18. Shalabi was also ineligible to naturalize because he was affiliated with Hamas. An alien who is “affiliated with any organization that advocates or teaches . . . the duty necessity, or propriety of the unlawful assaulting or killing of any officer . . . of any . . . organized government because of their official character; or the unlawful damage, injury, or destruction of property” is ineligible to naturalize for a period of ten years from such affiliation. 8 U.S.C. § 1424(a)(4), (c). Affiliation is defined to include “the giving . . . of support . . . or any other thing of value . . . for any purpose to any organization.” 8 U.S.C. § 1101(e)(2). Shalabi therefore became affiliated with Hamas in 2001—and within ten years of his 2005 naturalization—when he concealed acetone, a bomb-making component, on behalf of Hamas bomb-maker Ahmad Abu-Taha. Because Hamas

advocates or teaches . . . the duty necessity, or propriety of the unlawful assaulting or killing of any officer . . . of any . . . organized government because of their official character,” specifically those of Israel, and also advocates or teaches the “unlawful damage, injury, or destruction of property,” to include terrorist attacks, Shalabi was ineligible to naturalize in 2005 due to his 2001 affiliation with Hamas.

19. Shalabi was also ineligible to naturalize because he was not lawfully admitted to the United States for permanent residence, as required by 8 U.S.C. § 1427(a)(1) & 1429. Although Lawful Permanent Residents are not generally deemed to be arriving aliens when entering the United States, because Shalabi engaged in criminal activity while abroad, he was an arriving alien. 8 U.S.C. § 1101(a)(13)(C). As an arriving alien, Shalabi could only be lawfully admitted to the United States if he was admissible. Aliens who have committed an act that the actor knows, or reasonably should know, affords material support to a designated Foreign Terrorist Organization (“FTO”), *see* 8 U.S.C. § 1189, or to any member of such organization, is inadmissible. Hamas is a designated FTO, and has been continuously since prior to 2001. Ahmad Abu-Taha is a member of Hamas. Thus, as a result of having concealed acetone, a bomb-making component, on behalf of Ahmad Abu-Taha, Shalabi provided material

support to a designated FTO and was therefore inadmissible to the United States under 8 U.S.C. § 1182(a)(3)(B)(iv)(VI)(cc). Because Shalabi was not lawfully admitted to the United States, he was ineligible to naturalize.

**II. Shalabi Procured His Naturalization by Willful Misrepresentation and Concealment of Material Facts.**

20. An individual who conceals or willfully misrepresents material facts during the naturalization process is subject to denaturalization. *See* 8 U.S.C § 1451(a).
21. Shalabi made willful misrepresentations and concealed numerous material facts during his naturalization proceedings. Specifically:
  - a. In response to part 7, questions B and C, Shalabi indicated that he had taken two trips out of the United States in the five years before he submitted his Application for Naturalization. Shalabi indicated the first trip he took outside the United States was “20” days in “West Bank – Jordan” from March 20, 2003, through April 10, 2003. Shalabi indicated the second trip had been “140” days in “West Bank – Jordan.” These responses were false because Shalabi had been incarcerated in Israel from approximately October 18, 2002, through approximately April 6, 2003, and therefore could not have taken two separate trips from the U.S. to West Bank-Jordan during that period. Furthermore, Shalabi was a student at the Bir Zeit University, located

in the West Bank, since at least early 2001, well over a year before his arrest, and therefore his answer denying that he had taken any trips longer than six months outside of the U.S. was false.

- b. In response to part 10, question 9(c), of the application, which inquired whether Shalabi had ever associated, directly or indirectly, with a terrorist organization, Shalabi answered “no”. Shalabi orally affirmed this answer during his naturalization interview. As Shalabi pleaded guilty to two counts of Providing Service to Hostile Entity – Hamas – in an Israeli military court on March 19, 2003, this answer was false.
- c. Part 10, question 16, asked whether Shalabi had “**EVER** been arrested, cited, or detained by any law enforcement officer (including INS and military officers) for any reason,” to which Shalabi answered “no.” Shalabi orally affirmed this during his naturalization interview. As Shalabi was arrested and detained from on or about October 18, 2002, to on or about April 6, 2003, this answer was false.
- d. Part 10, question 17, inquired whether Shalabi had “**EVER** been charged with committing any crime or offense.” Shalabi answered “no,” and orally affirmed this answer during his naturalization interview. As Shalabi had been charged with two counts of Providing

Service to an Unlawful Association – Hamas – in an Israeli military court on March 19, 2003, this answer was false.

- e. Part 10, question 18, asked whether Shalabi had “**EVER** been convicted of a crime or an offense. Shalabi answered “no,” and orally affirmed this answer during his naturalization interview. As Shalabi pleaded guilty to two counts of Providing Service to Hostile Entity – Hamas – in an Israeli military court on March 19, 2003, this answer was false.
- f. Part 10, question 20, asked whether Shalabi had “**EVER** received a suspended sentence, been placed on probation, or been paroled.” Shalabi answered “no,” and orally affirmed this answer during his naturalization interview. As Shalabi was convicted and sentenced to seven months of imprisonment, 24 months of imprisonment suspended, three years of probation, and a fine of 2,000 shekels, this answer was false.
- g. Part 10, question 21, asked whether Shalabi had “**EVER** been in jail or prison.” Shalabi answered “no,” and orally affirmed this answer during his naturalization interview. As Shalabi was incarcerated from on or about October 18, 2002, to on or about April 6, 2003, this answer was false.

h. Finally part 10, question 23, asked whether Shalabi has “**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,” to which Shalabi answered “no.” Shalabi orally affirmed that answer during his naturalization interview on November 16, 2005. As Shalabi had provided false information listed *supra* in section I, paragraph 3 (c-e), when he signed the Application for Naturalization under penalty of perjury, and then submitted the application on May 30, 2005, this answer was false.

22. Shalabi’s misrepresentations and concealments outlined in paragraph 18 were knowingly false and misleading and were made voluntarily and thus willfully.

23. Shalabi’s misrepresentations and concealments outlined in paragraph 18 were material to his Application for Naturalization. Specifically:

a. Shalabi’s travel history was material to determining his eligibility for naturalization because the law required Shalabi to be physically present within the United States for at least two and a half years preceding the date of his Application for Naturalization. 8 U.S.C. § 1427(a)(1). In addition, the law required Shalabi to have maintained continuous residence in the United States for the five years



immediately preceding the date on which he filed his naturalization application, and after having been granted permanent resident.

Finally, concealing foreign travel precludes any inquiry into the reasons for the travel and conduct while abroad. By concealing his prior trip of unknown duration, Shalabi cut off a relevant line of inquiry and concealed material facts that had the natural tendency to influence USCIS' decision on his Application for Naturalization.

- b. Shalabi's criminal history was material to determining his eligibility to naturalize because it would have had the natural tendency to influence USCIS's decision to allow him to proceed to the naturalization oath ceremony. Shalabi's conviction for providing assistance to Hamas could have precluded him from establishing that he was a person of good moral character, attached to the principles of the Constitution of the United States, and well-disposed to the good order and happiness of the United States, each of which are independent statutory prerequisites to naturalization. *See* 8 U.S.C. § 1427(a)(3). By concealing his criminal history, Shalabi cut off a relevant line of inquiry and concealed material facts that had the natural tendency to influence USCIS' decision on his Application for Naturalization.

c. Likewise, Shalabi's association with Hamas had a natural tendency to influence USCIS' decision. Since October 8, 1997, Hamas has been designated a Foreign Terrorist Organization pursuant to 8 U.S.C. § 1189. *See Foreign Terrorist Organizations*, Bureau of Counterterrorism, U.S. Dept. of State, <https://www.state.gov/j/ct/rls/other/des/123085.htm> (last visited Sept. 27, 2017). Prior organizational affiliation, particularly with a terrorist organization, is relevant to determining whether an applicant for naturalization is eligible for citizenship. *See* 8 U.S.C. § 1424. By answering "no" when asked if he had any direct or indirect association with a terrorist organization, Shalabi cut off a line of relevant inquiry and concealed material facts that had the natural tendency to influence USCIS' decision on his Application for Naturalization.

24. By concealing and misrepresenting material facts regarding his travel and criminal history, Shalabi was able to procure his naturalization.

25. For these three reasons, Shalabi's naturalization is subject to revocation for concealing material facts and making willful misrepresentations pursuant to 8 U.S.C. § 1451(a).

26. Based on the facts outlined above, good cause exists to institute proceedings pursuant to 8 U.S.C. § 1451(a) to revoke Shalabi's citizenship and to cancel his certification of naturalization.
27. Shalabi's last known place of residence is [REDACTED] Ypsilanti, MI 48197.

**DECLARATION IN LIEU OF JURAT**

(28 U.S.C. § 1746)

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

Executed on 9-4-2019.

  
\_\_\_\_\_  
Christopher Hesson, Special Agent  
Homeland Security Investigations  
U.S. Immigration & Customs Enforcement  
U.S. Department of Homeland Security