

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Ijaz Khan — PETITIONER
(Your Name)

vs.

United States — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States court of Appeal, for Fourth circuit.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Inmate, Ijaz Khan, BOP # 90171-083
(Your Name)

Giles w. Dalby correctional Institution
805 North Avenue F.
(Address)

Post, TX 79356
(City, State, Zip Code)

806-495-2175
(Phone Number)

Question(s) Presented

Petitioner: MR. IJAZ KHAN

Case #:

1. Whether there was evidence presented at trial that petitioner was lawfully married to SHABNAM before he became naturalized?
2. Whether AN authorized Agency's finding and determination can be changed without ANY new evidence?
3. Whether Petitioner, MR. IJAZ KHAN committed bigamy, polygamy OR fraud in his first marriage to MRS. VERA ANN KHAN?

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- [] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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CASES

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Maslenjak V. United States Appendix E

STATUTES AND RULES

18 U.S.C. section 1425

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix F to the petition and is

☐ reported at No 17-4301; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix G to the petition and is

☒ reported at 1:16 CR 00130-001; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was April 4, 2018

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from state courts:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

Constitutional and Statutory Provisions Involved 3

Petitioner: MR. IJAZ KHAN

Case;

"18 U.S.C. § 1425" Citizenship and Naturalization FRAUD

Statement of The Case

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Petitioner : Mr. IJAZ KHAN

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The prosecutor was more interested in the conviction of petitioner Mr. IJAZ KHAN, than the facts and truth of the case that would have shown that petitioner did not commit any bigamy or polygamy in petitioner's marriage to Mrs. VERA Ann Khan in 2002 (Please see Appendix C-1, C-2 and C-3 "MARRIAGE certificate") or any fraud in petitioner's obtaining his U.S. Naturalization and citizenship in 2009, seven years into petitioner's marriage to Mrs. VERA Ann Khan.

Petitioner, Mr. IJAZ KHAN was charged under "18 U.S.C. § 1425" Citizenship and Naturalization Fraud; "18 U.S.C. § 371" Conspiracy; "18 U.S.C. § 545" Smuggling of Goods into the United States; "18 USC. § 1341" Mail Fraud; and "18 U.S.C. § 1512" Obstruction of an Official Proceeding.

Petitioner is challenging his charge under "18 U.S.C. § 1425" Citizenship and Naturalization Fraud. Petitioner Mr. IJAZ KHAN had been with his first wife Mrs. VERA Ann Khan for over 9 years, from 2002 until petitioner's divorce in 2011. Petitioner's marriage to Mrs. VERA Ann Khan did not produce any children. Petitioner had an extensive background check which included "MARRIAGE Fraud Verification" in 2005 which was done by the U.S. citizenship and Immigration services investigation division and was cleared and approved. (Please see Appendix B1 to B4; to remove the then conditions on petitioner's residence Form I-751). Petitioner had another extensive background investigation by the US citizenship and Immigration services in 2009 when petitioner applied for his U.S. citizenship. Petitioner was again cleared and approved. (Please see Appendix A-1 To A7; N-400 Application for Naturalization). In both investigations the following issues were looked at and investigated extensively: Whether petitioner, Mr. IJAZ KHAN's marriage to his then wife Mrs. VERA Ann Khan had been fraudulent and whether petitioner was married to the mother of his children Ms. SHABNAM, during the time that petitioner was married to his then wife Mrs. VERA Ann Khan. Petitioner was also questioned on why he did not claim his children in any of his applications, including his application for an immigrant visa. Petitioner interpetided the applications were only pertaining to his then wife Mrs. VERA Ann Khan, who over their 9 years of marriage did not produce any children. The US citizenship and Immigration investigators found in both Investigation that petitioner was

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Not married at the time to his children's mother Mrs. SHABNAM and concluded and determined that petitioner MR. IJAZ KHAN was not committing any bigamy, polygamy or fraud against any US laws and that petitioner was legally married only to Mrs. VARA ANN KHAN (Please see Appendix C-1 to C-5; MARRIAGE certificate) and was cleared and legally qualified to be Naturalized as a United States Citizen. Petitioner had another background investigation done in 2010 by the US citizenship and Immigration Services, when petitioner applied for his children to become US citizen. Again, this investigation was regarding his children's mother Mrs. SHABNAM when petitioner obtained his citizenship back in 2009. This investigation took approximately 2 years to be completed. Again the result of this investigation found that petitioner was not married to his children's mother Mrs. SHABNAM and had only been married to petitioner's then wife Mrs. VARA ANN KHAN (Please see Appendix C-1 to C-5; MARRIAGE certificate). Even though the US citizenship and Immigration Services investigated petitioner MR. IJAZ KHAN on three different occasions, once when petitioner applied to remove the then conditions on petitioner's residence Form I-751 in 2005 (Please see Appendix B-1 to B-4; Form I-751), second, when petitioner applied for his citizenship back in 2008 and a third time in 2010 when petitioner applied for his children's citizenship. In all three investigations petitioner was found to be married to only one individual Mrs. VARA ANN KHAN and was cleared and approved (Please see Appendix A-1 to A-7 and B-1 to B-4; N-400 Application for Naturalization and Form I-751, Petition to Remove the Conditions on Residence).

The government in this case has charged petitioner under "18 U.S.C. § 1425" Citizenship and Naturalization Fraud without any material evidence to support their allegations to denaturalization of petitioner which had prompted the trial judge during trial to comment on the government lack of any evidence that would show a "polygamous situation or as to the marital status an issue that would disqualified the defendant from being naturalized" (Please see copy of court transcript, Appendix D2). In petitioner's country of birth, Pakistan, the government of Pakistan does not recognize common law marriages

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(Please see Appendix D-1; court transcript). MARRIAGES ARE REGISTERED and performed in Pakistan. Jinnah Institute, an NGO and think tank based in Pakistan (Jinnah Institute N.d.), states that without a marriage registration certification, individuals are not entitled to receive (Computerized National) Identity cards (CNIC), vote or obtain state entitlements (ibid 27 July 2011). The U.S. Department of State's International Religious Freedom Report for 2011 also reports that in the absence of marriage registration, women "Faced difficulties in getting a share of their parents and husbands' property, Accessing health services, voting, obtaining a passport and buying or selling property" (US 2012, 16). Petitioner was investigated by the US citizenship and Immigration three times, once when petitioner applied to Remove the then conditions on petitioner's residence Form I-751 in 2005, again in 2008 when petitioner applied for his citizenship and finally in 2010 when petitioner applied for his children's US citizenship. It was discovered and concluded in all three investigations that there was NO evidence OR marriage certificate to show that petitioner was ever married to his children's mother Ms. SHABNAM at the time he was married to his then wife Mrs. VERA Ann Khan. Petitioner was cleared of any bigamy or polygamous situation in all three investigations and was approved to receive his U.S. naturalization citizenship back in 2008 and naturalization citizenship for his children in 2013 (Please see Appendix A-1 to A-7 and B-1 to B-4; N-400 Application for Naturalization and Form I-751, Petition to Remove the Conditions on Residence).

Nikah NAMA, a "MARRIAGE certificate" for muslims (us n.d.; BBC 17 Feb. 2011) OR "MARRIAGE contract" (Academic 5 Dec. 2012; Pakistan Jurist 5 Apr. 2012), is issued by Nikah Registrar. Nikah Registrar OR "MARRIAGE Registrar" is appointed by the municipality, Panchayat Committee, Cantonment Board OR Union Council. The Union Council is located in every municipality. The Pakistan Jurist, a website created by Pakistani legal firm AHS - Advocates & legal Consultants (Pakistan Jurist N.d.a.), explains that Nikah NAMA is a "legal document certifying the solemnization of marriage between a husband and a wife" (ibid. 5 Apr. 2012). The Pakistan Jurist points out that, according to the Muslim Family Laws Ordinance

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1961, which applies to all Muslim Pakistani citizens (ibidi. n.d.b.) (Please see appendix C-1; MARRIAGE certificate). A Nikah NAMA form includes the following: Address where the marriage took place, Name of bride and groom and their addresses, Name of their fathers and their addresses, Age of the bride and her National Identification card number, Information on whether the bride and groom have been married before, Names of the representatives of the bride and groom, if any, and of the witnesses of the appointment of the representatives, date of the marriage registration, Name of the person who solemnized the marriage and his or her signature, Registration fee paid, signatures of bride, the groom and their representatives and their witnesses, and seal and signature of the Nikah registrar. After three extensive background investigations which was done by the U.S. Naturalization and citizenship service back in 2005, 2008 and 2010, No marriage registration was discovered on petitioner prior to his marriage to his first wife Mrs. Vera Ann Khan. There has been no material evidence presented by the government to prove or show that petitioner Mr. IJAZ Khan should have been charged with Citizenship and Naturalization Fraud "18 U.S.C. § 1425". The government has not produced any new material evidence to disprove the extensive investigations and background checks that the US Naturalization and Citizenship service did on petitioner back in 2005, 2008 and 2010. Which in all three investigations petitioner Mr. IJAZ Khan was found to have been married to only his then wife Mrs. Vera Ann Khan and was legally eligible and approved for his citizenship. Due to the above reasoning and facts, petitioner Mr. IJAZ Khan is humbly requesting that the court drop and remove the charge "18 U.S.C. § 1425" Citizenship and Naturalization Fraud, and reinstate petitioner Mr. IJAZ Khan's U.S. Naturalization Citizenship.

Reason for Granting the Petition

Petitioner: MR. IJAZ KHAN

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Petitioner MR IJAZ Khan was investigated three different times by the US Citizenship and Immigration Services, for marriage fraud. The first in 2005 when petitioner petition to Remove the conditions on Residence (Please see Appendix - B1 to B4). The second time was in 2008, when petitioner applied for his U.S. citizenship (Please see Appendix A-1 to A-7; N-400 Application for Naturalization) and the third investigation was done in 2010 when petitioner applied for his children to become U.S. Naturalized citizens. All three investigations shows that there was no fraud, bigamy or polygamous findings and petitioner was approved and cleared in all three US citizenship and Immigration Services investigations.

At no time did prosecutor/government produce any new material evidence to contradict and disprove the findings of the US citizenship and Immigration services investigations, that would have warrant petitioner to be charged under "18 U.S.C. § 1425" to denaturalization of petitioner. (Please see appendix ^{E-3}, E-9, E-10, E-11 and E-12; DIUNA Maslenjak, Petitioner v. United States Supreme court of The United States).

Conclusion

Petitioner: Mr. IJAZ Khan

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Petitioner, Mr. IJAZ Khan was investigated three times by the U.S. Citizenship and Immigration Services back in 2005, 2008 and 2010 and was cleared and approved in all three investigations, which concluded that there was no fraud, bigamy or polygamy in petitioner's marriage to Mrs. VERA Ann Khan and at the time was not married to his children's mother Mrs. SHABNAM. The government did not produce any new material evidence to disprove the findings of the U.S. citizenship and Immigration services investigations results. The prosecutor erred when the prosecutor charged petitioner under "18 U.S.C. § 1425" Citizenship and Naturalization Fraud. The Judge at Petitioner's trial had questioned the prosecutor stating, "But it has no relevance to the issues you're raising about whether there is a polygamous situation or a -- as to the marital status, an issue that would disqualify the defendant from being Naturalized" (Please see copy of court transcript, Appendix D-2). Due to the above reasoning and facts, Petitioner Mr. IJAZ Khan is humbly requesting that the court drop and remove the charge "18 U.S.C. § 1425" and reinstate Petitioner Mr. IJAZ Khan's Naturalization of U.S. citizenship. (Please see Appendix E-9, E-3, E-10, E-11 and E-12; DIUNA MASLENJAK, Petitioner v. United States Supreme Court of The United States).

Respectfully Submitted

Ijaz Khan

Date: 06-25-2018