

**State of Minnesota**

County Hennepin
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**District Court**

Judicial District:	Fourth
Court File Number:	
Case Type:	Civil

A.J. Kern, Congressional Candidate  
Plaintiff

Vs

Ilhan Omar, Don Samuels, Congressional  
Candidates, Steve Simon, in his capacity  
as Minnesota Secretary of State  
Defendants

**MEMORANDUM**

The Plaintiff, AJ Kern, makes the following Memorandum in support of her complaint for relief:

COMPLAINT FOR THE COURT TO ORDER PRODUCTION OF OFFICIAL/CERTIFIED NATURALIZATION RECORDS OF FOREIGN-BORN CONGRESSIONAL CANDIDATES REP. ILHAN OMAR AND MR. DON SAMUELS, IF NOT VOLUNTARILY PROVIDED; AND TO ORDER THE MINNESOTA SECRETARY OF STATE, STEVE SIMON IN HIS OFFICIAL CAPACITY, TO VERIFY CITIZENSHIP OF FOREIGN-BORN CANDIDATES RUNNING FOR FEDERAL OFFICE IN ACCORDANCE WITH THE U.S. CONSTITUTION AND STATE ELECTION LAWS, IF HE DOES FAIL TO DO SO.

**INTRODUCTION**

AJ Kern for Congress hereby respectfully petitions the Court to require the candidates to provide proof of citizenship and, if they do not do so, to require the United States Citizenship and Immigration Services (USCIS) to release official naturalization records of congressional candidates, Rep. Ilhan Omar and Mr. Don Samuels, thereby, verifying and avouching the constitutional citizenship requirement of Defendants Omar and Samuels, both foreign-born candidates and residents of Minnesota’s 5<sup>th</sup> Congressional District.

Secondly, the Plaintiff respectfully moves the Court for an order for the Defendant Minnesota Secretary of State (MINNESOTA SECRETARY OF STATE), Steve Simon in his official capacity, to verify the citizenship of Ilhan Omar and Don Samuels, and to enforce the governing

election law, and/or to challenge government inaction pursuant to the United States Constitution Article 1, Section 2, Clause 2, verifying and confirming “*seven years a citizen*” of foreign-born candidates running for federal office, which provides that “No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

## **PARTIES**

**Plaintiff AJ Kern for Congress** is a candidate running in Minnesota’s 5<sup>th</sup> Congressional District 2022 DFL primary. See [www.ajkern.com](http://www.ajkern.com). **Defendants Rep. Ilhan Omar and Mr. Don Samuels** are foreign-born candidates running for Minnesota’s 5<sup>th</sup> Congressional District in the August 2022 DFL primary. Neither candidate has provided official naturalization documents to the MINNESOTA SECRETARY OF STATE or otherwise, thereby, which is needed to provide indisputable proof of citizenship in accordance with the U.S. Constitution, Article 1, Section 2, Clause 2, being “*...seven years a citizen*”.

*“Writing in THE FEDERALIST with reference to the election of Members of Congress, Hamilton firmly stated that [t]he qualifications of the persons who may . . . be chosen . . . are defined and fixed in the constitution; and are unalterable by the legislature.”<sup>1</sup>*

*See Ex 1*

**The MINNESOTA SECRETARY OF STATE’S failure to verify all U.S. Constitutional requirements are met by federal candidates is a clear-cut abuse of discretion and/or arbitrary selection of enforcement of federal law and the U.S. Constitution.**

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<sup>1</sup> [https://constitution.congress.gov/browse/essay/artI-S2-C2-1/ALDE\\_00001033/#ALDF\\_00000328](https://constitution.congress.gov/browse/essay/artI-S2-C2-1/ALDE_00001033/#ALDF_00000328)

Under color of law, MINNESOTA SECRETARY OF STATE provides the appearance of vetting federal candidates, yet is fundamentally obstructing, impeding, and preventing the American People from the ability to incontestably confirm *all* U.S. Constitutional qualifiers of federal candidates are met.

The Plaintiff's remedy at law is to request the Defendants Ilhan Omar and Don Samuels candidates provide official naturalization documents and that court require the MINNESOTA SECRETARY OF STATE to verify the documents provided, and enforce all parts of the U.S. Constitution Article 1, Section 2, Clause 2, which the MINNESOTA SECRETARY OF STATE's office is uniquely charged with administering.

### **RELIEF SOUGHT**

Plaintiff has raised the question as to the citizenship and naturalization of the other candidates. On April 1, 2022, the Plaintiff sent certified letters to Defendants Rep. Ilhan Omar and Mr. Don Samuels requesting a notarized consent letter allowing the Plaintiff to obtain naturalization records from the USCIS. The defendants have failed to respond.

The Plaintiff, *having standing as a congressional election challenger*, not being an advisory opinion nor moot, now respectfully requests the Court take action on her petition to provide official naturalization documents of both Rep. Ilhan Omar and congressional candidate Mr. Don Samuels, therefore, indisputably confirming citizenship of both candidates before their names are qualified to be placed on the August 2022 primary ballot for Minnesota's 5<sup>th</sup> Congressional District, and the November 8, 2022 ballot.

In the face of MINNESOTA SECRETARY OF STATE's inaction, Plaintiff seeks relief in an effort to compel the MINNESOTA SECRETARY OF STATE's action by applicable officials to, first, verify the status of the Defendant candidates and, second, enforce federal laws enacted by Congress as necessary.

These matters have never been decided on the merits, but rather evaded and avoided. The American people and people of Minnesota are entitled to a clear decision and confidence that the U.S. Constitution and election laws are respected and upheld.

#### **STATEMENT OF FACTS PERTINENT TO THE PETITION**

Absolutely no one in any official capacity vetted the citizenship of Minnesota Congresswoman Ilhan Abdullahi Omar. Ilhan Omar's citizenship status is currently unknown and inaccessible but widely reported to have been obtained through derivation as a minor.

To obtain citizenship through derivation the child must have a green card, must be under the age of 18 years-old, and must live with the parent at the time the parent becomes a U.S. citizen. Ilhan Omar's widely published birth date of October 4, 1981 suggests she was *over* the age of 18 years-old in 2000 when she reportedly derived citizenship through her father.

Notably the MINNESOTA SECRETARY OF STATE, Steve Simon, does not require naturalization records of foreign-born federal candidates. Naturalization records are the only documents providing unequivocal proof of citizenship of foreign-born congressional candidates in accordance with the U.S. Constitution and state election laws. Therefore, the Affidavit of

Candidacy provided by the Minnesota SOS currently provides a façade of authenticity and legitimacy.

*As a 2022 primary challenger, having standing with the court*, Plaintiff is requesting that the Defendant candidate, Ilhan Abdullahi Omar, provide proof of her naturalization, and if she fails to do so, that the the court require that she provide her official naturalization records given: 1.) Nearly six months into Rep. Omar’s first term in the U.S. Congress, Omar changed her birth year from 1981 to 1982 on her state legislative biographical page, U.S. Congressional page, and Wikipedia without explanation or documentation.<sup>2</sup> See **Ex 2**

This change in birth year by a member of Congress is historically unprecedented. 2.) There is no evidence that Ilhan Omar’s father naturalized. 3.) The MINNESOTA SECRETARY OF STATE, nor anyone in any official capacity, verified Ilhan Omar’s citizenship when she filed to run for federal office.

Upon winning a seat in Congress, credible news articles and interviews at the time provided further evidence that Ilhan Omar’s birth year was indeed 1981. As stated in the Star Tribune, Ilhan Omar won the 2018 August primary at the age of 36,<sup>3</sup> turning 37 on her following birthday October 4<sup>th</sup>,<sup>4</sup> therefore, Omar was 37 years-old going into Congress January 2019.<sup>5</sup> Meaning Omar was 18 years-old when her father become eligible to apply for citizenship on March 8<sup>th</sup>, 2000. **Ex 3 and Ex 4**

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<sup>2</sup> <https://thirddrailtalk.com/evidence-of-ilhan-omar-citizenship-fraud/>

<sup>3</sup> <https://www.startribune.com/ilhan-omar-rolls-to-victory-in-dfl-primary-to-replace-keith-ellison-in-congress/490873651/>

<sup>4</sup> <https://www.bbc.com/news/world-us-canada-47238450>

<sup>5</sup> <https://thefederalist.com/2019/05/08/everything-seth-meyers-said-about-ilhan-omar-is-wrong/>

Nearly six months into Rep. Omar's first term in Congress, providing no explanation or documentation, Ilhan Omar directed the Minnesota Legislative Reference Library to alter her state biographical record by changing her birth year from 1981 to 1982.

This change in birth year was made just a few days after a video<sup>6</sup> published on social media that confirmed Omar was indisputably 18 years-old when her father became *eligible to apply* for naturalization according to her widely published and documented birth year of 1981.

Shortly thereafter, an email was sent to the Director of the Minnesota Legislative Reference Library by a lady named Sally who was seeking to confirm that the congresswoman had indeed changed her birth year on her state biographical record while working to change her birth year on other sources as well. Here is the response to Sally from the Director :

*Sent: Fri, May 24, 2019 10:52 am*

*Subject: RE: data request*

*Hello Sally,*

*The Legislative Reference Library's biographical record for Rep. Ilhan Omar's term in the Minnesota Legislature has the birth date for Rep. Omar as October 4, 1982. 1982 is her correct birth year.*

*On May 17, 2019, Library staff were informed by Rep. Omar's congressional staff that her birth year was incorrect and requested that we change it to 1982. Rep. Omar's congressional staff are working with Wikipedia and with the Biographical Directory of the United States*

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<sup>6</sup><https://thirddrilltalk.com/evidence-of-ilhan-omar-citizenship-fraud/?unapproved=19079&moderation-hash=e93d9de8c6053e9856e5c882ef9314de#comment-19079>

*Congress and other sources to correct her birth year on those sites. As of today, the birth year has not been corrected on the two sites I mentioned.*

*I contacted her congressional office this morning to verify that we do have the birth year correct. They confirmed that 1982 is the correct year.*

*Sincerely, Elizabeth Lincoln*

*Elizabeth Lincoln, Director*

*Minnesota Legislative Reference Library*

*645 State Office Building*

*St. Paul, Minnesota 55155*

*651-296-0594*

It's critical to note that even if Ilhan Omar's birth year were 1982, her father had a very limited window of time to complete the entire naturalization process in order for Ilhan Omar to derive citizenship through him as a minor. According to an interview, 'Through Her Eyes' with Zainab Salbi, Ilhan Omar clearly states that her family arrived in the United States on March 8<sup>th</sup>, 1995,<sup>7</sup> and refugees having a five-year waiting period,<sup>8</sup> Ilhan Omar's father had to naturalize between March 8<sup>th</sup> and October 4<sup>th</sup>, 2000, a little under seven months. Although processing time for naturalization may vary, the current processing time frame for Minneapolis-St Paul is approximately 14.5 to 18.5 months.<sup>9</sup>

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<sup>7</sup> <https://www.youtube.com/watch?v=kc-e0dCU1h4>

<sup>8</sup> [https://www.uscis.gov/sites/default/files/document/brochures/USCIS\\_Welcomes\\_Refugees\\_and\\_Asylees.pdf](https://www.uscis.gov/sites/default/files/document/brochures/USCIS_Welcomes_Refugees_and_Asylees.pdf)

<sup>9</sup> <https://egov.uscis.gov/processing-times/>

Under the theory that the naturalization process was initiated by her father, Nur Omar Mohamed, after the family moved to the United States, on or about March 8, 1995, the naturalization process could not possibly have concluded in the year 2000. Omar's father could not have been able to naturalize within the time Ilhan Omar was under the age of 18.

Perhaps more importantly, her father attaining his green card, required prior to application for naturalization would have delayed naturalization for an additional year indicating he was not eligible to naturalize until 2001, contrary to the theory that he naturalized in 2000. According to USCIS, "U.S. immigration law requires refugees to apply for lawful permanent resident (LPR) status after they have been physically present in the U.S. for at least one year."<sup>10</sup> This effectively delays potential to apply for citizenship an additional year suggesting that if her father Nur Omar Mohamed indeed naturalized, it could not have been in 2000, but rather 2001, indicating that Ilhan Omar would have been an adult in 2001, irrespective of her actual birthdate-1981 or 1982. It was impossible for her father to have naturalized while she was a minor precluding her obtaining citizenship through derivation. See **Ex. 5, pages 4-7**

Additionally, the Court should recognize that there is absolutely no evidence that Ilhan Omar's father, Nur Omar Mohamed, naturalized and that Ilhan Omar, herself, never applied for naturalization.

Because of the unexplained abrupt change in Ilhan Omar's birth year, I made a visit to the MINNESOTA SECRETARY OF STATE's office seeking to verify Omar's U.S. citizenship necessary for her to legitimately occupy a seat in the U.S. House of Representatives. My

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<sup>10</sup> <https://www.uscis.gov/green-card/green-card-eligibility/green-card-for-refugees>



recorded visit<sup>11</sup> revealed the MINNESOTA SECRETARY OF STATE's office did *not* verify Ilhan Omar's U.S. citizenship. The MINNESOTA SECRETARY OF STATE's office does not verify citizenship of the foreign-born when issuing a driver's license, registering to vote, or when a candidate runs for federal office. In fact, the MINNESOTA SECRETARY OF STATE's office claimed it would be "*violating the law if they required proof of citizenship*" and falsely asserted that "*there is no law requiring the SOS to do so.*" Inarguably, the MINNESOTA SECRETARY OF STATE has discarded the U.S. Constitution's clearly defined eligibility requirements, specifically...

*"No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States..."*

Article I, section 2, clause 2

The MINNESOTA SECRETARY OF STATE's office did not vet Rep. Omar's citizenship through official naturalization documents from the USCIS. In adopting a 'don't ask don't tell' policy, essentially an honor system, the MINNESOTA SECRETARY OF STATE's office cannot verify that all data provided within the Affidavit of Candidacy is accurate and true, therefore, failing to make and preserve a record of their actions pursuant to Minnesota Statutes Chapter 13. The Affidavit of Candidacy is key to providing verifiable, accurate, and accessible public data.

*Minnesota statute section 15.17, subdivision 4, states that access to records containing government data is governed by sections 13.03 and 138.17. Thus, section 15.17, read in concert with section 13.03, imposes an obligation upon government entities to make and*

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<sup>11</sup> [Highly probable Ilhan Omar is a Foreign Nationalist sitting in U.S. Congress - YouTube](#)

*preserve a record of their actions so that the data in those records will be accessible pursuant to Chapter 13.*

Additionally, nothing in Chapters 204B or 205 (or the Minnesota Election Law, generally), nor the U.S. Constitution, classifies the data in the affidavit as not public. Therefore, under the general presumption in section 13.03, subdivision 1, the data in the Affidavit of Candidacy are public. In lockstep with the U.S. Constitution, this makes a foreign-born candidates naturalization records public data, particularly if they are running for a federal office.

**204B.06 FILING FOR PRIMARY; AFFIDAVIT OF CANDIDACY.**

*Subd. 4. Federal offices. (2) for United States representative, that the candidate will be an inhabitant of this state when elected and will be 25 years of age or older and a citizen of the United States for not less than seven years on the next January 3 or, in the case of an election to fill a vacancy, within 21 days after the special election.*

Under color of law MINNESOTA SECRETARY OF STATE, Steve Simon in his official capacity, is providing the appearance of vetting federal candidates, yet is fundamentally obstructing, impeding, and preventing the American people from the ability to incontestably confirm *all* U.S. Constitutional qualifiers of federal candidates are met. Failing to require proof of citizenship through naturalization records, the MINNESOTA SECRETARY OF STATE has essentially amended the U.S. Constitution by making '*citizenship*' null and void, in effect, because that data is not verifiable and accessible to the public.

There is a strong prima facie presumption that Omar did *not* derive citizenship through her father. Further, why didn't Omar apply for naturalization herself? Ilhan Omar's own citizenship status may have been invalid due to these circumstances or related events. The circumstances of

Omar acquiring U.S. citizenship remain murky in public reports. Because the basis of Omar's citizenship is unclear, the role of these events in her own naturalization as a citizen is unverifiable. However, the details disclosed warrant verification of citizenship by official naturalization records obtained from the USCIS.

Additionally, based on the fact that the MINNESOTA SECRETARY OF STATE's office does not verify the citizenship of foreign-born federal candidates, the citizenship of Don Samuels, born and raised in Jamaica, is also unknown.

Until the citizenship of Rep. Omar and congressional candidate Mr. Don Samuels have been verified, they have no legitimate right to be placed on a primary or a general election ballot for federal office.

### **GOVERNING LAW**

AUTHORITY TO ORDER CANDIDATES FOR FEDERAL OFFICE TO PROVIDE VERIFICATION OF "SEVEN YEARS A CITIZEN" FULFILLING ALL CONSTITUTIONAL AND STATE ELECTION LAW REQUIREMENTS UPON PETITION.

The Election Clause is the primary source of constitutional authority to regulate elections for the U.S. House and U.S. Senate. Fundamentally, the state cannot enact laws nor policy under the Elections Clause that violate other constitutional provisions. For example, the Constitution specifies that anyone who is 25 years of age and seven years a citizen may run for federal office. The Elections Clause does not permit the state or any official individual to override those provisions by establishing additional qualifications or ignoring clearly defined qualifications laid

out in the Constitution. When a law specifies that a federal candidate must satisfy certain criteria, in order to have their name placed on a ballot, it is reasonable for the American people to be afforded the ability to verify that those legal requirements are indeed fulfilled.

By mandating that an individual be a citizen for at least seven years, the founders attempted to strike a balance between preventing foreign interference in domestic politics and keeping the House of Representatives close to the people.

There is no evidence that either Nur Omar Mohamed nor Ilhan Omar applied for or obtained naturalization. This Court has the authority to verify naturalization records given there is no evidence or record of Ilhan Omar's father, Nur Omar Mohamed, actually naturalized.

Nur Omar Mohamed passed in June 2020. The Plaintiff is in process of attempting to obtain Mohamed's naturalization records from USCIS to no avail. These should be obtainable by candidate Ilhan Omar, or should be in her possession, if these records even exist.<sup>12</sup>

**Boyd v. Nebraska ex Rel. Thayer, 143 U.S. 135 (1892)**

In the case of *Boyd v. Nebraska*, Boyd was elected Governor of Nebraska, yet his father did not become a citizen during his son's minority and was therefore removed from office.

*Boyd was born in Ireland in 1834, of Irish parents. His father emigrated to the United States in 1844 with all his family and settled in Ohio, in which state he has since resided continuously. In 1849, the father duly declared his intention to become a citizen of the United States, but there is no record or other written evidence that he ever completed his*

*naturalization by taking out his naturalization certificate after the expiration of the five years.... Boyd's predecessor filed against Boyd in the Supreme Court of Nebraska, in which were set forth the facts... the son, never having himself been naturalized, was not, at the time of his election, a citizen of the United States, and was not, under the constitution and laws of Nebraska, eligible to the office of governor of that State.*

As is the case of Ilhan Omar, there is no evidence that Ilhan Omar's father naturalized. And according to her Minnesota state legislative/biographical page, U.S. Congressional page, and Wikipedia, as well as numerous credible sources, provided Omar was born October 4<sup>th</sup>, 1981<sup>13</sup> until she changed her birth year on those sources at the end of May 2019.

And given the MINNESOTA SECRETARY OF STATE did not fulfill his official duties of his office, requiring naturalization records for foreign-born federal candidates, warrants the court to provide the documents in question.

### **RELIEF SOUGHT**

The Plaintiff now respectfully requests the court to require the candidates and/or USCIS to provide official naturalization records of congressional candidates Ilhan Omar and Don Samuels to the AJ Kern for Congress campaign. To ensure ballots only include qualified candidates, I am requesting to receive the documents prior to the MINNESOTA SECRETARY OF STATE creating ballots before the early voting begins for the August 2022 primary which is June 24<sup>th</sup>.

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<sup>12</sup> <https://www.uscis.gov/g-1041a>

<sup>13</sup> <https://thirdrailltalk.com/evidence-of-ilhan-omar-citizenship-fraud/>

Neither Omar nor Samuels have provided the cogency of evidence that compels the American people to accept the validity of their candidacy as delineated in the U.S. Constitution, Article 1, Section 2, Clause 2.

Additionally, in the face of the MINNESOTA SECRETARY OF STATE's inaction and failure to verify that foreign-born federal candidates meet all Constitutional criteria, in order for their names to be legitimately placed on a primary or general election ballot, the Plaintiff seeks relief under the APA and/or a writ of mandamus compelling the MINNESOTA SECRETARY OF STATE's office to fulfill its duty in enforcing the Election Clause with respect to the candidates qualifications, clearly laid out in Article 1, Section 2, Clause 2, of the U.S. Constitution, before placing the candidates name on the ballots.

Supported by this Memorandum above, Plaintiff demands the relief as provided in the Complaint:

1. That Rep. Ilhan Omar provide her official naturalization documents, indisputably confirming citizenship, and the date thereof, before her name is qualified to be placed on the August 2022 primary ballot for Minnesota's 5<sup>th</sup> Congressional District, and the November 8, 2022 ballot.
2. That Mr. Don Samuels provide his official naturalization documents, indisputably confirming citizenship, and the date thereof, before his name is qualified to be placed on the August 2022 primary ballot for Minnesota's 5<sup>th</sup> Congressional District, and the November 8, 2022 ballot.
3. That Steve Simons, in his capacity as Secretary of State, require proof of Ilhan Omar's official naturalization documents, and the date thereof, therefore, indisputably confirming her citizenship before she is qualified to be placed on the August 2022 primary ballot for Minnesota's 5<sup>th</sup> Congressional District, and the November 8, 2022 ballot.
4. That Steve Simons, in his capacity as Secretary of State, require proof of Mr Don Samuels official naturalization documents, and the date thereof, therefore, indisputably confirming his citizenship before he is qualified to be placed on the August 2022

primary ballot for Minnesota's 5<sup>th</sup> Congressional District, and the November 8, 2022 ballot.

5. For any other relief the court feels is fair and equitable.

May 6, 2022  
Date

AJ Kern  
Signature

Name: A J Kern  
P.O. Box 261  
Sartell, MN 56377  
Telephone: 320-292-1063  
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# CONSTITUTION ANNOTATED

Analysis and Interpretation of the U.S. Constitution

## Artl.S2.C2.1 Qualifications of Members of the House of Representatives

Article I, Section 2, Clause 2:

*No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.*

A question much disputed but now seemingly settled is whether a condition of eligibility must exist at the time of the election or whether it is sufficient that eligibility exist when the Member-elect presents himself to take the oath of office. Although the language of the clause expressly makes residency in the state a condition at the time of election, it now appears established in congressional practice that the age and citizenship qualifications need only be met when the Member-elect is to be sworn.<sup>1</sup> Thus, persons elected to either the House of Representatives or the Senate before attaining the required age or term of citizenship have been admitted as soon as they became qualified.<sup>2</sup>

### Exclusivity of Constitutional Qualifications Congressional Additions

Writing in *THE FEDERALIST* with reference to the election of Members of Congress, Hamilton firmly stated that “[t]he qualifications of the persons who may . . . be chosen . . . are defined and fixed in the constitution; and are unalterable by the legislature.”<sup>3</sup> Until the Civil War, the issue was not raised, the only actions taken by either House conforming to the idea that the qualifications for membership could not be enlarged by statute or practice.<sup>4</sup> But in the passions aroused by the fratricidal conflict, Congress enacted a law requiring its members to take an oath that they had never been disloyal to the National Government.<sup>5</sup> Several persons were refused seats by both Houses because of charges of disloyalty,<sup>6</sup> and thereafter House practice, and

EXHIBIT 1



Senate practice as well, was erratic.<sup>7</sup> But in *Powell v. McCormack*,<sup>8</sup> it was conclusively established that the qualifications listed in clause 2 are exclusive<sup>9</sup> and that Congress could not add to them by excluding Members-elect not meeting the additional qualifications.<sup>10</sup>

Powell was excluded from the 90th Congress on grounds that he had asserted an unwarranted privilege and immunity from the process of a state court, that he had wrongfully diverted House funds for his own uses, and that he had made false reports on the expenditures of foreign currency.<sup>11</sup> The Court determination that he had been wrongfully excluded proceeded in the main from the Court's analysis of historical developments, the Convention debates, and textual considerations. This process led the Court to conclude that Congress's power under Article I, § 5 to judge the qualifications of its Members was limited to ascertaining the presence or absence of the standing qualifications prescribed in Article I, § 2, cl. 2, and perhaps in other express provisions of the Constitution.<sup>12</sup> The conclusion followed because the English parliamentary practice and the colonial legislative practice at the time of the drafting of the Constitution, after some earlier deviations, had settled into a policy that exclusion was a power exercisable only when the Member-elect failed to meet a standing qualification,<sup>13</sup> because in the Constitutional Convention the Framers had defeated provisions allowing Congress by statute either to create property qualifications or to create additional qualifications without limitation,<sup>14</sup> and because both Hamilton and Madison in the *Federalist Papers* and Hamilton in the New York ratifying convention had strongly urged that the Constitution prescribed exclusive qualifications for Members of Congress.<sup>15</sup>

Further, the Court observed that the early practice of Congress, with many of the Framers serving, was consistently limited to the view that exclusion could be exercised only with regard to a Member-elect failing to meet a qualification expressly prescribed in the Constitution. Not until the Civil War did contrary precedents appear, and later practice was mixed.<sup>16</sup> Finally, even were the intent of the Framers less clear, said the Court, it would still be compelled to interpret the power to exclude narrowly. "A fundamental principle of our representative democracy is, in Hamilton's words, 'that the people should choose whom they please to govern them.' 2 *Elliot's Debates* 257. As Madison pointed out at the Convention, this principle is undermined as much by limiting whom the people can select as by limiting the franchise itself. In

apparent agreement with this basic philosophy, the Convention adopted his suggestion limiting the power to expel. To allow essentially that same power to be exercised under the guise of judging qualifications, would be to ignore Madison's warning, borne out in the Wilkes case and some of Congress's own post-Civil War exclusion cases, against 'vesting an improper and dangerous power in the Legislature.'<sup>17</sup> Thus, the Court appears to say, to allow the House to exclude Powell on this basis of qualifications of its own choosing would impinge on the interests of his constituents in effective participation in the electoral process, an interest which could be protected by a narrow interpretation of Congressional power.<sup>18</sup>

The result in *Powell* had been foreshadowed when the Court held that the exclusion of a Member-elect by a state legislature because of objections he had uttered to certain national policies constituted a violation of the First Amendment and was void.<sup>19</sup> In the course of that decision, the Court denied state legislators the power to look behind the willingness of any legislator to take the oath to support the Constitution of the United States, prescribed by Article VI, cl. 3, to test his sincerity in taking it.<sup>20</sup> The unanimous Court noted the views of Madison and Hamilton on the exclusivity of the qualifications set out in the Constitution and alluded to Madison's view that the unfettered discretion of the legislative branch to exclude members could be abused in behalf of political, religious or other orthodoxies.<sup>21</sup> The First Amendment holding and the holding with regard to testing the sincerity with which the oath of office is taken is no doubt as applicable to the United States Congress as to state legislatures.

### **State Additions**

However much Congress may have deviated from the principle that the qualifications listed in the Constitution are exclusive when the issue has been congressional enlargement of those qualifications, it has been uniform in rejecting efforts by the states to enlarge the qualifications. Thus, the House in 1807 seated a Member-elect who was challenged as not being in compliance with a state law imposing a twelve-month residency requirement in the district, rather than the federal requirement of being an inhabitant of the state at the time of election; the state requirement, the House resolved, was unconstitutional.<sup>22</sup> Similarly, both the House and Senate have seated other Members-elect who did not meet additional state qualifications or who

suffered particular state disqualifications on eligibility, such as running for Congress while holding particular state offices.

The Supreme Court reached the same conclusion as to state power, albeit by a surprisingly close 5-4 vote, in *U.S. Term Limits, Inc. v. Thornton*.<sup>23</sup> Arkansas, along with twenty-two other states, all but two by citizen initiatives, had limited the number of terms that Members of Congress may serve. In striking down the Arkansas term limits, the Court determined that the Constitution's qualifications clauses<sup>24</sup> establish exclusive qualifications for Members that may not be added to either by Congress or the states.<sup>25</sup> Six years later, the Court relied on *Thornton* to invalidate a Missouri law requiring that labels be placed on ballots alongside the names of congressional candidates who had “disregarded voters’ instruction on term limits” or declined to pledge support for term limits.<sup>26</sup>

Both majority and dissenting opinions in *Thornton* were richly embellished with disputatious arguments about the text of the Constitution, the history of its drafting and ratification, and the practices of Congress and the states in the nation’s early years,<sup>27</sup> and these differences over text, creation, and practice derived from disagreement about the fundamental principle underlying the Constitution's adoption.

In the dissent's view, the Constitution was the result of the resolution of the peoples of the separate states to create the National Government. The conclusion to be drawn from this was that the peoples in the states agreed to surrender only those powers expressly forbidden them and those limited powers that they had delegated to the Federal Government expressly or by necessary implication. They retained all other powers and still retain them. Thus, “[w]here the Constitution is silent about the exercise of a particular power—that is, where the Constitution does not speak either expressly or by necessary implication—the Federal Government lacks that power and the States enjoy it.”<sup>28</sup> The Constitution's silence as to authority to impose additional qualifications meant that this power resides in the states.

The majority’s views were radically different. After the adoption of the Constitution, the states had two kinds of powers: reserved powers that they had before the founding and that were not surrendered to the Federal Government, and those

powers delegated to them by the Constitution. It followed that the states could have no reserved powers with respect to the Federal Government. “As Justice Story recognized, ‘the states can exercise no powers whatsoever, which exclusively spring out of the existence of the national government, which the constitution does not delegate to them. . . . No state can say, that it has reserved, what it never possessed.’”<sup>29</sup> The states could not before the founding have possessed powers to legislate respecting the Federal Government, and, because the Constitution did not delegate to the states the power to prescribe qualifications for Members of Congress, the states did not have any such power.<sup>30</sup>






Evidently, the opinions in this case reflect more than a decision on this particular dispute. They rather represent conflicting philosophies within the Court respecting the scope of national power in relation to the states, an issue at the core of many controversies today.

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### Footnotes

1. ^ See S. REP. NO. 904, 74th Congress, 1st sess. (1935), reprinted in 79 CONG. REC. 9651–9653 (1935).
2. ^ 1 HINDS' PRECEDENTS OF THE HOUSE OF REPRESENTATIVES § 418 (1907); 79 CONG. REC. 9841–42 (1935); *cf.* 1 HINDS, *supra* note 2, at § 429.
3. ^ No. 60 (J. Cooke ed. 1961), 409. See also 2 J. STORY, COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES §§ 623–27 (1833) (relating to the power of the States to add qualifications).
4. ^ All the instances appear to be, however, cases in which the contest arose out of a claimed additional state qualification.
5. ^ Act of July 2, 1862, 12 Stat. 502. Note also the disqualification written into § 3 of the Fourteenth Amendment.
6. ^ 1 HINDS' PRECEDENTS OF THE HOUSE OF REPRESENTATIVES §§ 451, 449, 457 (1907).
7. ^ In 1870, the House excluded a Member-elect who had been re-elected after resigning earlier in the same Congress when expulsion proceedings were

instituted against him for selling appointments to the Military Academy. *Id.* at § 464. A Member-elect was excluded in 1899 because of his practice of polygamy, *id.* at 474–80, but the Senate refused, after adopting a rule requiring a two-thirds vote, to exclude a Member-elect on those grounds. *Id.* at §§ 481–483. The House twice excluded a socialist Member-elect in the wake of World War I on allegations of disloyalty. 6 CANNON'S PRECEDENTS OF THE HOUSE OF REPRESENTATIVES §§ 56–58 (1935). See also S. REP. NO. 1010, 77th Congress, 2d sess. (1942), and R. Hupman, *Senate Election, Expulsion and Censure Cases From 1789 to 1960*, S. Doc. No. 71, 87th Congress, 2d sess. (1962), 140 (dealing with the effort to exclude Senator Langer of North Dakota).

8. ^ 395 U.S. 486 (1969) . The Court divided eight to one, Justice Stewart dissenting on the ground that the case was moot. Powell 's continuing validity was affirmed in *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995) , both by the Court in its holding that the qualifications set out in the Constitution are exclusive and may not be added to by either Congress or the states, *id.* at 787–98, and by the dissenters, who would hold that Congress, for different reasons could not add to qualifications, although the states could. *Id.* at 875–76.
9. ^ The Court declined to reach the question whether the Constitution in fact does impose other qualifications. 395 U.S. at 520 n.41 (possibly Article I, § 3, cl. 7, disqualifying persons impeached, Article I, § 6, cl. 2, incompatible offices, and § 3 of the Fourteenth Amendment). It is also possible that the oath provision of Article VI, cl. 3, could be considered a qualification. See *Bond v. Floyd*, 385 U.S. 116, 129–131 (1966) .
10. ^ 395 U.S. at 550.
11. ^ H. REP. No. 27, 90th Congress, 1st sess. (1967); 395 U.S. at 489–493.
12. ^ *Powell v. McCormack*, 395 U.S. 486, 518–47 (1969) .
13. ^ 395 U.S. at 522–31.
14. ^ 395 U.S. at 532–39.
15. ^ 395 U.S. at 539–41.
16. ^ 395 U.S. at 541–47.
17. ^ 2 RECORDS OF THE FEDERAL CONVENTION OF 1787, at 249 (Max Farrand ed., 1937); 395 U.S. at 547–48.

18. ^ The protection of the voters' interest in being represented by the person of their choice is thus analogized to their constitutionally secured right to cast a ballot and have it counted in general elections, *Ex parte Yarbrough*, 110 U.S. 651 (1884) [↗](#), and in primary elections, *United States v. Classic*, 313 U.S. 299 (1941) [↗](#), to cast a ballot undiluted in strength because of unequally populated districts, *Wesberry v. Sanders*, 376 U.S. 1 (1964) [↗](#), and to cast a vote for candidates of their choice unfettered by onerous restrictions on candidate qualification for the ballot. *Williams v. Rhodes*, 393 U.S. 23 (1968) [↗](#).
19. ^ *Bond v. Floyd*, 385 U.S. 116 (1966) [↗](#).
20. ^ 385 U.S. at 129–31, 132, 135.
21. ^ 385 U.S. at 135 n.13.
22. ^ 1 HINDS' PRECEDENTS OF THE HOUSE OF REPRESENTATIVES § 414 (1907).
23. ^ 514 U.S. 779 (1995) [↗](#). The majority was composed of Justice Stevens (writing the opinion of the Court) and Justices Kennedy, Souter, Ginsburg, and Breyer. Dissenting were Justice Thomas (writing the opinion) and Chief Justice Rehnquist and Justices O'Connor and Scalia. *Id.* at 845.
24. ^ U.S. CONST. art. I, § 2, cl. 2, provides that a person may qualify as a Representative if she is at least 25 years old, has been a United States citizen for at least 7 years, and is an inhabitant, at the time of the election, of the state in which she is chosen. The qualifications established for Senators, *id.* at art. I, § 3, cl. 3, are an age of 30 years, nine years' citizenship, and being an inhabitant of the state at the time of election.
25. ^ The four-Justice dissent argued that while Congress has no power to increase qualifications, the States do. 514 U.S. at 845.
26. ^ *Cook v. Gralike*, 531 U.S. 510 (2001) [↗](#).
27. ^ See Sullivan, *Dueling Sovereignties: U.S. Term Limits, Inc. v. Thornton*, 109 HARV. L. REV. 78 (1995).
28. ^ 514 U.S. at 848 (Thomas, J., dissenting). See generally *id.* at 846–65.
29. ^ 514 U.S. at 802.
30. ^ 514 U.S. at 798–805. See also *id.* at 838–45 (Kennedy, J., concurring). The Court applied similar reasoning in *Cook v. Gralike*, 531 U.S. 510, 522–23

(2001) [\[link\]](#), invalidating ballot labels identifying congressional candidates who had not pledged to support term limits. Because congressional offices arise from the Constitution, the Court explained, no authority to regulate these offices could have preceded the Constitution and been reserved to the states, and the ballot labels were not valid exercise of the power granted by Article I, § 4 to regulate the “manner” of holding elections. See discussion under Legislation Protecting Electoral Process, *infra*.



June 3, 2019 [Minnesota, National](#)

# Evidence Of Ilhan Omar Citizenship Fraud?

Based on interviews and credible publications, it appears that Minnesota Congresswoman Ilhan Omar never obtained U.S. citizenship, and therefore, does not meet the constitutional qualification to serve in the U.S. House of Representatives.



*Ilhan Omar at St. Cloud University, Minnesota Oct. 9, 2018 Copyright (c) ThirdRailTalk.com*

*"No Person shall be a Representative who shall not have attained to the age of twenty-five Years, and been seven Years a Citizen of the United States..."*

-U.S. Constitution, Article I, section 2, clause 2 [1]

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Evidence Of Ilhan Omar Citizenship Fraud?

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EXHIBIT 2  
2



Ilhan Omar's Minnesota legislative page has shown her date of birth to be Oct 4, 1981, since her election to the state legislature in 2016.

Minnesota Legislative Reference Library

Omar, Ilhan

House 2017-2018 (District 40B)

Party when first elected: Democratic Farmer Labor

**As of April 13, 2019**

**BIOGRAPHICAL INFORMATION**

Date of Birth: 10/4/1981

Gender: Female

Religion: Muslim

Reported Minority: Somali American

Other Names:

City of Residence (when first elected): Minneapolis

Occupation (when first elected): Director of Policy Initiatives

**EDUCATION**

Edison High School, Secondary

University of Minnesota, B.A., Political Science and International Studies

The Archive page clearly shows October 4, 1981 as Omar's DOB going back <https://web.archive.org/web/20190330180454/https://www.leg.state.mn.us/legdb/fulldetail?id=15470>

Ilhan's Oct 4, 1981, date of birth clearly corroborates that she was not 17 years old in 2000, but rather 18 turning 19. Fully two years beyond what would be allowed for naturalization through her father.

According to a public data request, Ilhan Omar's congressional staff contacted the Minnesota Legislative Reference Library on May 17<sup>th</sup> requesting to change the congresswoman's date of birth from October 4, 1981 to 1982. [6]

Interestingly, the request was made just two days after a video was published on social media pointing out that Ilhan was not 17 years old in 2000.

Oops!

Minnesota Legislature

House • Senate • Joint • Schedules • Committees • Bills • Law • Multimedia • Publications

Minnesota Legislative Reference Library

Omar, Ilhan

House 2017-2018 (District 40B)

Party when first elected: Democratic Farmer Labor

**Date change two days after a video was published on Facebook exposing the discrepancies of Omar's narrative.**

**BIOGRAPHICAL INFORMATION**

Date of Birth: 10/4/1982

Gender: Female

Religion: Muslim

Reported Minority: Somali American

Other Names:

City of Residence (when first elected): Minneapolis

On May 17, 2019 Ilhan Omar's staff requested a date change on her official bio.

The Minnesota Legislative Reference Library cooperated with Omar's congressional staff's request to change her date of birth by making the change *without* requiring any documentation—no birth certificate and no record of naturalization.

The legislative reference library responded as follows:

"Hello \*\*\*\*\*,

*The Legislative Reference Library's biographical record for Rep. Ilhan Omar's term in the Minnesota Legislature has the birth date for Rep. Omar as October 4, 1982. 1982 is her correct birth year.*

*On May 17, 2019, Library staff were informed by Rep. Omar's congressional staff that her birth year was incorrect and requested that we change it to 1982. Rep. Omar's congressional staff are working with Wikipedia and with the Biographical Directory of the United States Congress and other sources to correct her birth year on those sites. As of today, the birth year has not been corrected on the two sites I mentioned.*

*I contacted her congressional office this morning to verify that we do have the birth year correct. They confirmed that 1982 is the correct year.*

*Sincerely, Elizabeth Lincoln*

*Elizabeth Lincoln, Director*

*Minnesota Legislative Reference Library*

*645 State Office Building*

*St. Paul, Minnesota 55155*

*651-296-0594*

*[elincoln@lr.lrl.leg.mn](mailto:elincoln@lr.lrl.leg.mn)*

*<https://www.leg.state.mn.us/lrl/lrl>*

One has to wonder why the Somali born congresswoman never made any effort to correct the public record before May 17<sup>th</sup> 2019, because this type of discrepancy is not inconsequential.

As of this writing, the *Biographical Directory of the United States Congress* [7] also provides the Congresswoman's date of birth to be October 4, 1981. Is the Congressional record a slip up as well?

#### **No 'Oath of Allegiance' to the U.S.**

Bear in mind that voter fraud is an ongoing concern in the state of Minnesota. Without a clearly defined step ensuring that the growing community of refugees are, in fact, gaining U.S. citizenship before participating in elections most certainly negatively impacts voter integrity.

It wouldn't be a far leap to imagine that the Minnesota Secretary of State did not verify citizenship nor voter eligibility for a foreign-born legislative candidate.

Additionally, **there currently exists no record or interview by Omar stating she applied for U.S. citizenship as an adult, passing required exams, and having taken the 'Oath of Allegiance' to the United States of America.** (Where are the exuberant photos celebrating such an occasion?)

#### **Ilhan Omar's Age**

Even if Ilhan Omar successfully changes her date of birth on a handful of public sources, such as the Minnesota legislative page, Omar's widely published age of 37 also poses a problem.

Multiple sources and interviews establish Ilhan Omar's age to be 37 years old as she gained a seat in the U.S. Congress this year. Which, by the way, after a little math... also makes Ilhan's date of birth to be 1981.

How will Ilhan's congressional staff correct the interviews and multitude of credible sources consistently referencing her age to be 37 years old as she took office in the U.S. House of Representatives including the *Biographical Directory of the United States Congress*?<sup>[8]</sup>

A March 2019, BBC article, "*The 37-year-old mother of three is the first Somali-American, first African-born American...*"<sup>[9]</sup>

Did a May 2019, Federalist publication also get the congresswoman's age wrong as well? "*Omar is a 37-year-old educated woman who was elected to the U.S. Congress, not a middle schooler playacting in the Model U.N.*"<sup>[10]</sup>

Or the May 2019, Huff Post? "*The newly elected 37-year-old had returned to her home district to speak to and hear from community leaders and constituents.*"<sup>[11]</sup>

### Reasonable Doubt

As both, Ilhan Omar's date of birth and age, cause reasonable doubt to her U.S. citizenship she must provide her naturalization records. 'We the People' have a right to constitutional clarification.

It is of utmost importance that Congresswoman Omar provide authenticated documentation of naturalization records leaving no doubt that she actually meets all constitutional qualifications to sit in the U.S. House of Representatives.

However, there is a legal snag. Ilhan Omar's U.S. citizenship cannot be verified in a timely manner through a Freedom of Information Act (FOIA) request to the U.S. Citizenship and Immigration Service (USCIS) *without her permission*.<sup>[12]</sup>

5 U.S.C. § 552a(b) *No agency shall disclose any record... except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains.*

6 CFR § 5.3(a)... *If you are making a request for records about another individual, either a written authorization signed by that individual permitting disclosure of those records to you or proof that that individual is deceased (for example, a copy of a death certificate or an obituary) must be submitted.*

6 CFR § 5.21(f): *If you are making a request for records concerning (a living) individual (other than yourself)... You must also provide a statement from the individual certifying the individual's agreement that records concerning the individual may be released to you.*

Without Ilhan Omar's cooperation the American people, and states such as Minnesota, are unable to verify her U.S. citizenship. (Think about that!)

In light of the national security risk posed by Ilhan Omar's association with Muslim Brotherhood front group the Council on American Islamic Relations (CAIR), an unindicted co-conspirator organization in the largest terrorist fundraising trial in American history—the Holy Land Foundation Trial—*and* sitting on the Foreign Affairs Committee where top-level national security briefings are provided, it is imperative that the Congressional Ethics

Committee and/or State Department take the necessary steps in verifying Ilhan Omar's U.S. citizenship.

The onus is on Congress and Ilhan Omar to prove, *without a shadow of a doubt*, that she meets all constitutional qualifications, or she must step down.

Otherwise, the United States faces not only an immeasurable national security risk, but ultimately, a Constitutional crisis.

[1] <https://history.house.gov/Institution/Origins-Development/Constitutional-Qualifications/>

[2] <https://www.uscis.gov/us-citizenship/citizenship-through-naturalization>

[3] <https://www.alllaw.com/articles/nolo/us-immigration/options-get-citizenship-for-child.html>

[4] <https://www.nytimes.com/2018/12/30/us/politics/ilhan-omar-minnesota-congress.html>

[5] <https://www.twincities.com/2019/03/08/a-history-of-ilhan-omars-brief-but-busy-political-career/>

[6] <https://www.leg.state.mn.us/legdb/fulldetail?ID=15470>

[7] <http://bioguide.congress.gov/scripts/biodisplay.pl?index=O000173>

[8] <http://bioguide.congress.gov/scripts/biodisplay.pl?index=O000173>

[9] <https://www.bbc.com/news/world-us-canada-47238450>

[10] <https://thefederalist.com/2019/05/08/everything-seth-meyers-said-about-ilhan-omar-is-wrong/>

[11] [https://www.huffpost.com/entry/ilhan-omar-profile\\_n\\_5ccc987ae4b0548b7359ee0f](https://www.huffpost.com/entry/ilhan-omar-profile_n_5ccc987ae4b0548b7359ee0f)

[12]

[https://www.uscis.gov/sites/default/files/files/natedocuments/USCIS\\_FOIA\\_Request\\_Guide.pdf](https://www.uscis.gov/sites/default/files/files/natedocuments/USCIS_FOIA_Request_Guide.pdf)



**AJ Kern** lived in Iran as a teenager and rejects other cultures bringing a misogynist and anti-Christ ideology-governance system to our country. She joined the U.S. Army Reserves and attended Fort Huachuca for Intelligence Analyst. After military school, AJ attended Montana State University. After graduating with a Political Science degree, emphasis in Public Administration, AJ attended the University of Wyoming where she received a Master's degree in Land Use Planning. AJ has written for the St. Cloud Times and brings to Third Rail Talk a wealth of knowledge in areas such as refugee resettlement. You can contact AJ through her website [ajkern.com](http://ajkern.com)



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## POLITICS

## Ilhan Omar wins in DFL contest for Minneapolis congressional seat

The Fifth District, which includes all of Minneapolis and several of its neighboring suburbs, has a long history of voting heavily Democratic.

By Maya Rao (<https://www.startribune.com/maya-rao/6370441/>) and Katie Galioto Star Tribune

AUGUST 15, 2018 — 9:14AM

State Rep. Ilhan Omar won the DFL primary Tuesday for the Minneapolis-area Fifth District congressional seat, making the Somali refugee and relative political newcomer a likely member of Congress come January.

“We’re going to Washington,” Omar said at her victory party at Safari Restaurant in south Minneapolis, to roars from the crowd.

The Fifth District, which includes all of Minneapolis and several of its neighboring suburbs, has a long history of voting staunchly Democratic. That makes Omar a heavy favorite in the November election to replace outgoing U.S. Rep. Keith Ellison. The Republican candidate is Jennifer Zielinski, who works in health care and who easily won her party primary on Tuesday.

Omar, who lives in Minneapolis, defeated five other candidates in the DFL race. Margaret Anderson Kelliher, a former state House speaker, finished second, and state Sen. Patricia Torres Ray came in third. All three candidates had focused their campaign message on fighting the agenda of President Donald Trump.

As supporters cheered under billowy white hangings, crystal chandeliers and a disco ball, Omar laid out a vision for her campaign.

“We believe that together — together we can organize around the politics of hope and make sure that not only do we have the America we believe in, but the America we deserve,” said Omar, 36.

Omar was the first Somali-American elected to the Legislature in 2016. If she wins in November, she would likely join Palestinian-American Rashida Tlaib, who recently won a Democratic primary in Michigan, as the first Muslim women members of Congress. She would also become the first woman of color from Minnesota to join Congress.

Omar’s profile has made her a national political celebrity of sorts, with an appearance on “The Daily Show” and other national coverage.

Speakers blasted the Maroon 5 song “Girls Like You” as Omar entered her campaign party Tuesday night. Omar appeared in the music video for the song.



MARK VANCELEAVE, STAR TRIBUNE

Rep. Ilhan Omar celebrated with supporters

**EXHIBIT 3**

As a Muslim and refugee, she said she would be a strong voice on immigration issues at a time when the Trump administration has sought to limit travel from Muslim countries and drawn criticism for separating parents and children of undocumented immigrants arriving on the Mexican border. after her primary victory.

A first-term state legislator, Omar has less experience in office than the other leading candidates and has attracted some controversy with negative comments about Israel and acceptance of speaking fees in violation of statehouse ethics rules. In 2016, she adamantly denied reports by conservative bloggers that she married her brother in order to help him obtain U.S. citizenship.

As she voted Tuesday in downtown Minneapolis, Sharon Mallery said candidates like Omar gave her hope in fighting back against Trump. "I saw new blood," said Mallery, 64. "I saw more people who have heart for a fight. And that's what we need — someone to fight for us."

Cindy Purdy, 60, of Fridley, decided to go with experience. "I voted for Margaret Anderson Kelliher because Omar is young and, maybe, less experienced," Purdy said.

Like the other leading DFL candidates, Omar supported Medicare for all, stronger gun control and the abolition of U.S. Immigration and Customs Enforcement (ICE).

Kelliher was a state representative for a dozen years, serving four years as speaker. Ray has been a state senator since 2007.

Khalid Mohamed danced and sang at Omar's victory party, an American flag draped around his shoulders and a Somalia flag in hand.

"This is back home," the 25-year-old said as he gestured to the small light blue flag with a white star. "And this is home now," he added, wrapping the Star-Spangled Banner tighter around his torso.

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Maya Rao covers race and immigration for the Star Tribune.

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US & Canada

# Ilhan Omar: Who is Minnesota's Somalia-born congresswoman?

By Toby Luckhurst  
BBC News

🕒 7 March 2019



EPA

| Ilhan Omar won election to the US House of Representatives in November 2018

**"I stand here before you tonight, as your Congresswoman-elect, with many firsts behind my name."**

**EXHIBIT 4**

4

Supporters greeted Ilhan Omar's emotional victory speech with rapturous applause when the Democrat won Minnesota's fifth congressional district in November 2018.

The 37-year-old mother of three is the first Somali-American, first African-born American, and one of the first two Muslim American women to serve in the US Congress.

Ms Omar has drawn adoration and criticism since that election success as one of a new generation of young politicians shaking up the status quo in Washington DC.

She recently clashed with the US envoy to Venezuela, in a clip that has since gone viral.

But while she has won support for her approach on Capitol Hill, she has also faced repeated accusations of anti-Semitism, and even allegations of campaign finance violations in Minnesota.

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## Who is Ilhan Omar?

Ms Omar was born the youngest of seven siblings in Somalia's capital **Mogadishu** in **1981**. Her mother died when she was two years old.

Raised by her father and grandfather, the family fled the country during the Somali Civil War and spent four years in a Kenyan refugee camp before moving to the US in 1995.







| Ilhan Omar: Reaction to first Somali-American elected to Congress

Originally working in education, she began her political career managing city council campaigns and working as a senior policy aide for Minnesota politicians.

In 2016 she won election to the state's legislature - unseating a 44-year incumbent in the process.

**Ms Omar told the BBC in a 2017 interview** that young people who "believed more in my platform, my ideas, and the merit of what I stood for" drove her to run.

"A lot of the elders and mainly the women in the community thought it would be better... if I took a back seat," she said.

## What do her fans think?

"A refugee girl came here and achieved the American dream," Somali refugee Awmam Mahdi told the BBC.

"I think it's very positive for everyone who is an immigrant," the Ohio resident said, calling her a "role model".

- [Migrant success stories in the US](#)
- [The Somali family divided by Trump's travel ban](#)

Ms Omar supports policies like greater healthcare coverage, more background checks for gun buyers, and abolishing the Immigrations and Customs Enforcement (ICE) agency.

During her victory speech she gave a powerful rebuke to the Trump administrations immigration stance, declaring: "Here in Minnesota, we don't only welcome immigrants - we send them to Washington".

The president had previously told Minnesotans **Somali immigrants there were "spreading their extremist views"** and joining the so-called Islamic State group.

She drew praise for fighting to change a 181-year ban on headwear in the House of Representatives, **allowing her to wear a hijab for her oath of office**, and holds a place on the House Foreign Affairs Committee.

Politicians and analysts have identified her with a number of young Democratic politicians disrupting the status quo on Capitol Hill.

Both 29-year-old Alexandria Ocasio-Cortez and Palestinian-American woman Rashida Tlaib - one of the first Muslim women in Congress, alongside Ms Omar - were also elected in November 2018.



EPA

Alexandria Ocasio-Cortez, left, is the youngest current member of the House of Representatives

**Ms Ocasio-Cortez tweeted her support for Ms Omar** after a testy exchange with US special representative for Venezuela, Elliott Abrams, went viral.

During a House Foreign Affairs Committee hearing Ms Omar brought up Mr Abrams role in the Iran-Contra scandal, in which the US secretly sold weapons to Iran and funnelled the proceeds to Nicaraguan anti-Communist groups.

She also questioned Mr Abrams comments on US policy in El Salvador, including when he seemingly downplayed a massacre in the town of El Mozote in 1981.

"Watching her question Trump's envoy... feels like justice," Ms Ocasio-Cortez wrote.

Mr Abrams called the exchange "ridiculous" and said he would not respond to a "personal attack".

"I don't think this entire line of questioning is meant to be real questions and so I will not reply," he said during the hearing.

## What do critics say?

But for all her fans, Ms Omar has not had the easiest start in Washington DC.

She has been repeatedly embroiled in controversy over remarks critics have called anti-Semitic.

A 2012 post of hers resurfaced in which she claimed Israel had "hypnotised the world", provoking outrage for what many saw as an offensive characterisation of Jewish people.

Israel has hypnotized the world, may Allah awaken the people and help them see the evil doings of Israel. [#Gaza](#) [#Palestine](#) [#Israel](#)  
— Ilhan Omar (@IlhanMN) [November 16, 2012](#)

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[View original tweet on Twitter](#)

The controversy deepened when she attacked the American Israel Public Affairs Committee (AIPAC), claiming the lobby group is paying politicians to vote for pro-Israel policies.

Republicans and Democrats condemned her comments. House Speaker Nancy Pelosi attacked Ms Omar's "prejudicial accusations" and demanded an immediate apology.

She later did so, tweeting a statement saying she had colleagues "educating me on the painful history of anti-Semitic tropes".

- [US lawmaker sorry for 'anti-Semitic' tweet](#)

But the controversy continued when Ms Omar, speaking at a Washington DC event in March, questioned what she termed "the political influence in this country that says it is OK for people to push for allegiance to a foreign country" - in reference to pro-Israel lobbying.

People from both parties again criticised the remarks, saying they played on anti-Semitic tropes of Jewish Americans having divided loyalties - though Democratic presidential candidates Bernie Sanders, Kamala Harris and Elizabeth Warren all spoke out in her defence amid the furore.

Mr Sanders in a statement said people should not "equate anti-Semitism with legitimate criticism of the right-wing, Netanyahu government in Israel".

President Trump has called on her to resign from Congress and "certainly" from the House Foreign Affairs Committee, calling the congresswoman "terrible".

The BBC is not responsible for the content of external sites.

[View original tweet on Twitter](#)

Ms Omar, like her colleague Ms Tlaib, has also previously expressed support for the pro-Palestinian Boycott, Divestment and Sanctions (BDS) movement, which urges a complete boycott of Israel over its policies towards the Palestinians.

Israel says BDS opposes Israel's very existence and is motivated by anti-Semitism.

- [Israel orders HRW representative to leave](#)
- [Israel looks for answers to boycott campaign](#)

But investigative journalist **Alex Kotch**, who wrote an opinion piece in **The Guardian** after Ms Omar's comments, argues that her criticism of AIPAC and support for the BDS movement are justified.

"What she did in calling out AIPAC is an important thing," he told the BBC, saying it is "almost forbidden" to say anything critical of Israel in US politics and that Ms Omar was exercising her right to criticise a powerful lobby group.



REUTERS

| Ms Omar has apologised for the tweets

"We have to be able to distinguish between real anti-Semitism and criticism of Israel," he said. "Her critics are blowing this way out of proportion."

## And the campaign finance claims?

Ms Omar's time in state government was not without controversy either.

Minnesota Representative Steve Drazkowski alleges Ms Omar used campaign funds in her local election run to pay her personal lawyer, as well as to take multiple trips around the US and one trip abroad to Estonia which were unrelated to her election campaign.

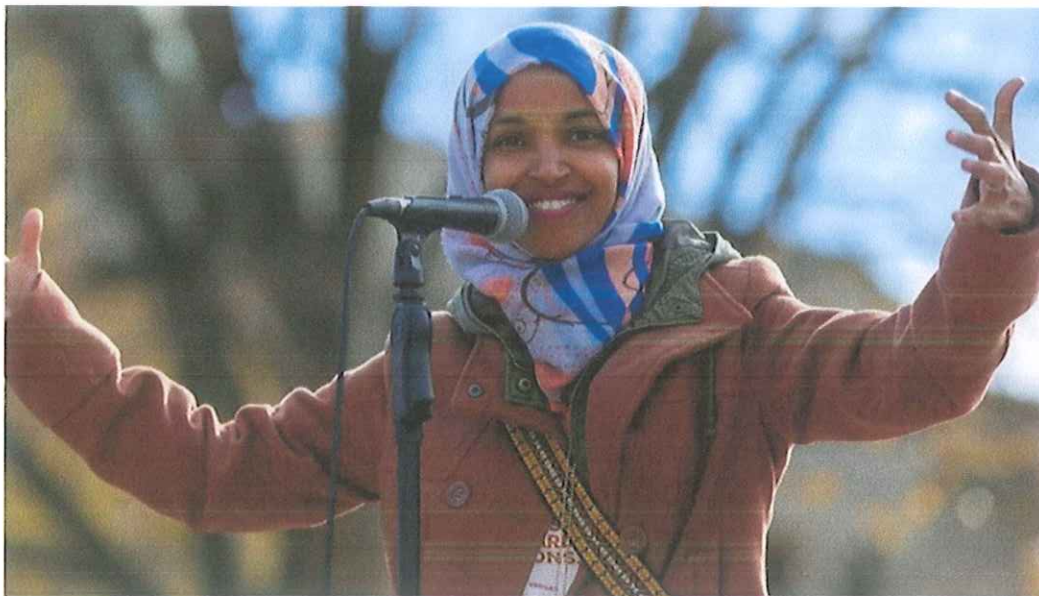
"She just doesn't respect the law," Mr Drazkowski told the BBC.

The Republican lawmaker says both complaints are now under full investigation by Minnesota's Campaign Finance Board, although a spokesperson for the board told the BBC it does not confirm or deny any complaints or investigations.

But **Ms Omar told the local StarTribune newspaper** that Mr Drazkowski has "an insane obsession with what is in my files".

Her campaign at the time said Mr Drazkowski's allegations are politically motivated and told the Associated Press that "it should be concerning to his constituents that he is using taxpayer dollars to harass a Muslim candidate".

### More on this story



#### My campaign to allow hijabs in US Congress

1 December 2018





### Joy at first hijab-wearing Congresswoman

7 November 2018



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12 January 2018

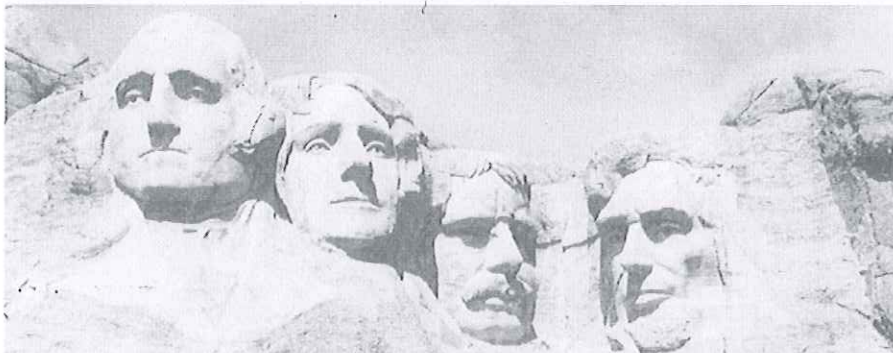
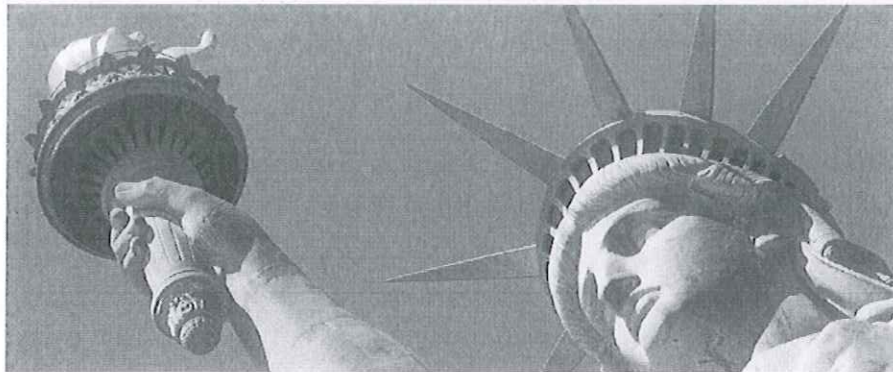
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U.S. Citizenship  
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M-1186 (11/19)

EXHIBIT **5**

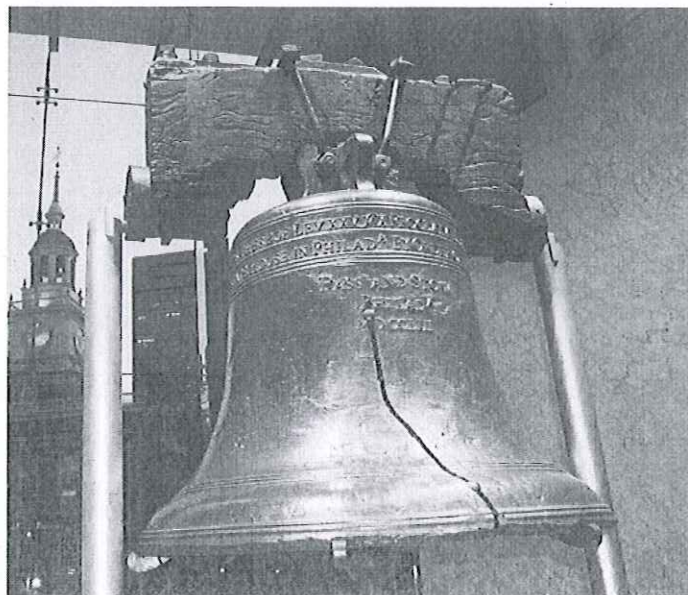
# **USCIS Welcomes Refugees and Asylees**

U.S. Citizenship and Immigration Services (USCIS), part of the U.S. Department of Homeland Security (DHS), welcomes you to the United States as a refugee or asylee. We value your skills and talents, and we want to help you settle into your community and be successful in your life in the United States. We also want to share information about how you can become a U.S. citizen.

This brochure will help you learn about getting settled in the United States and about the rights, responsibilities, and importance of U.S. citizenship. Becoming a U.S. citizen gives you the same rights as all Americans and builds a sense of shared belonging for you and your fellow citizens.

## **Rights and Responsibilities**

As a refugee or asylee living in the United States, you have many rights, just like others living here. Some of these rights include freedom of speech, freedom of religion, and freedom of assembly.





You also have responsibilities. In the United States, everyone must follow the law. You need to understand U.S. laws because they may be different from the laws in other places you have lived. Learning about American history, government, and culture will help you feel at home here.

**You have the right to:**

- Live anywhere in the United States
- Work in the United States
- Leave and return to the United States under certain conditions
- Attend public school until a certain age, according to state laws
- Apply for an unrestricted Social Security card
- Apply for a driver's license or other form of government identification in your state or territory
- Apply to become a lawful permanent resident and U.S. citizen once you are eligible
- Request that your spouse or unmarried children receive asylum or refugee derivative status to live in the United States
- Report crimes or abuse to law enforcement and receive their assistance

**You have the responsibility and are required to:**

- Request permission to return to the United States before you leave by applying for a refugee travel document, even if you are an asylee
- Obey all federal, state, and local laws
- Pay federal, state, and local taxes, if applicable

- Register with the Selective Service if you are a male between 18 and 26 years old
- Inform USCIS of your new address no later than 10 days after you move
- Send your minor children to school
- Apply for lawful permanent resident status after 1 year in the United States if you are a refugee

## Getting Settled in the United States

In the United States, each level of government plays a different role in helping you get settled. You may come in contact with local, state, and federal government offices during your resettlement process.



Contact your state refugee coordinator, state refugee health coordinator, resettlement agency or a local community-based organization that works with immigrants to help direct you to the appropriate government assistance program. Many government assistance programs have time-limited eligibility periods that begin from the date you were granted asylum or admitted as a refugee.

If you need help learning English, you can enroll in an English class. Check with your resettlement agency, public library, social service agency, or place of worship to get information on English classes and other classes and services.

## The Next Steps in Your Immigration Process

If you entered the United States as a refugee within the past 2 years or were granted asylum status within the past 2 years, you may petition for certain family members to join you here. You may petition for the following family members:

- Spouse
- Child (unmarried and under 21 when you first applied for asylum or refugee status)

You must submit Form I-730, Refugee/Asylee Relative Petition, to USCIS within 2 years of being granted asylum or admitted as a refugee, or demonstrate humanitarian reasons for extending the 2-year period. This form is available at [uscis.gov/i-730](https://uscis.gov/i-730).

## Lawful Permanent Residence

A lawful permanent resident (Green Card holder) is someone who has been granted authorization to live and work in the United States on a permanent basis. As proof of that status, a person is given a Permanent Resident Card, commonly called a Green Card. Acquiring a Green Card also puts one on the path to being able to apply for full U.S. citizenship (more on that below).

- Refugees **must** apply for a Permanent Resident Card 1 year after arriving in the United States. Refugees must have 1 year of physical presence in the United States at the time they file the application.
- Asylees **may** apply for a Permanent Resident Card 1 year after being granted asylum. Asylees must have 1 year of physical presence as an asylee in the United States at the time they file the application.

To apply for lawful permanent resident status and get a Permanent Resident Card, file Form I-485, Application to Register Permanent Residence or Adjust Status. This form is available at [uscis.gov/i-485](https://uscis.gov/i-485). While there is a fee for asylees to file Form I-485, there is no fee for refugees to file Form I-485. Community-based organizations, including your local resettlement agency, can help you with this process.

## Refugees

If you are a refugee, you are required by law to apply for lawful permanent resident status 1 year after being admitted to the United States as a refugee.

### **Apply for lawful permanent residence**

File Form I-485, Application to Register Permanent Residence or Adjust Status. Refugees do not pay fees to file Form I-485 or for biometric services.

You are eligible to apply if you:

- Have been physically present in the United States for at least 1 year after being admitted as a refugee;
- Are physically present in the United States at the time you file your Form I-485;
- Are admissible to the United States as an immigrant; and
- Have not had your refugee status terminated.

Visit [uscis.gov/i-485](https://uscis.gov/i-485) and [uscis.gov/greencard/refugees](https://uscis.gov/greencard/refugees) for more information.

### **Apply for U.S. citizenship**

You may qualify for naturalization if you have been a lawful permanent resident for a certain number of years and meet all other eligibility requirements. Please visit [uscis.gov/citizenship](https://uscis.gov/citizenship) for more information.

## Asylees

If you are an asylee, you are eligible to apply for lawful permanent resident status 1 year after being granted asylum if you have maintained residence the entire time, but you are not required to apply.

### **Apply for lawful permanent residence**

File Form I-485, Application to Register Permanent Residence or Adjust Status, and pay the appropriate filing and biometric services fees.

You are eligible to apply if you:

- Have been physically present in the United States for at least 1 year after being granted asylum;
- Are physically present in the United States at the time you file your Form I-485;
- Continue to meet the definition of a refugee or be the spouse or child of a refugee;
- Are not firmly resettled in any foreign country;
- Are admissible to the United States as an immigrant; and
- Have not had your asylee status terminated.

Visit [uscis.gov/i-485](https://uscis.gov/i-485) and [uscis.gov/greencard/asylees](https://uscis.gov/greencard/asylees) for more information.

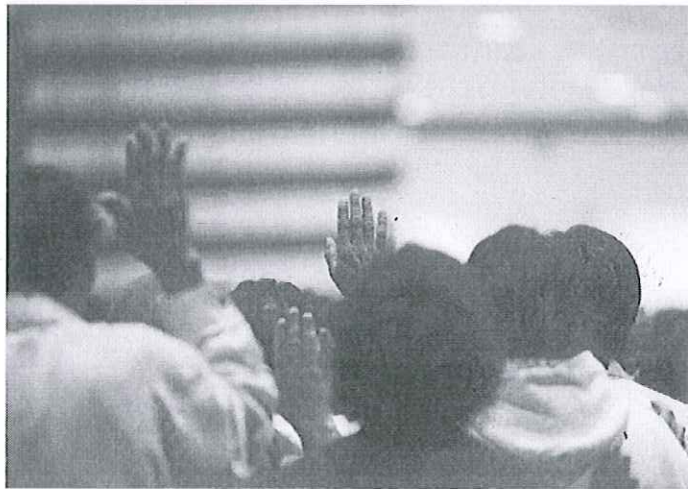
### **Apply for U.S. citizenship**

You may qualify for naturalization if you have been a lawful permanent resident for a certain number of years and meet all other eligibility requirements. Please visit [uscis.gov/citizenship](https://uscis.gov/citizenship) for more information.

## Citizenship

Citizenship is the common thread that connects all Americans. We are a nation bound not by race or religion but by the shared values of freedom, liberty, and equality. By becoming a U.S. citizen, you will have a voice in how our nation is governed.

Your conduct as a lawful permanent resident can affect your ability to become a U.S. citizen later. The process of becoming a U.S. citizen is called naturalization. You must meet all of the eligibility requirements to naturalize as a U.S. citizen.

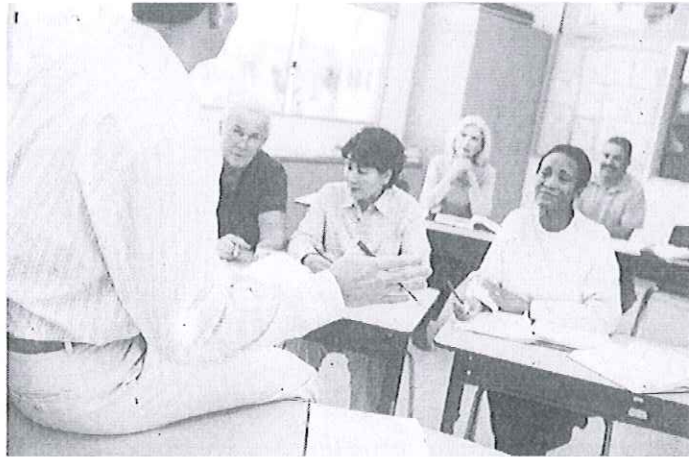


In general, after a certain number of years as a lawful permanent resident, you can apply for naturalization. Refugees and asylees may apply for naturalization 5 years after the date of their admission to lawful permanent residence. Asylees are admitted to lawful permanent resident status as of the date 1 year before the approval of their Form I-485. Upon the approval of their Form I-485, refugees are admitted to lawful permanent residence as of the date of their arrival in the United States.

For a list of all naturalization eligibility requirements, visit [uscis.gov/citizenship](https://uscis.gov/citizenship). Some of the requirements include the following:

- You need to be physically present in the United States for a certain period of time.
- You need to have continuous residence in the United States.
- You need to have good moral character.
- You need to be able to speak, read, write, and understand basic English and have an understanding of U.S. history and government (civics).
- You need to support the principles and ideals of the U.S. Constitution and be willing to take an oath of allegiance to the United States.

To apply for naturalization, file Form N-400, Application for Naturalization, online at [uscis.gov/n-400](https://uscis.gov/n-400). You may also pay for Form N-400 and your biometric fee online. There are exceptions and modifications to the naturalization requirements for those who qualify. USCIS also provides accommodations for individuals with disabilities. Many community organizations, such as local resettlement agencies, can help you prepare for naturalization.



Certain benefits, rights, and responsibilities come with U.S. citizenship, including the ability to vote in federal elections, serve on a jury, travel with a U.S. passport, compete for federal jobs, and become an elected official.

## Contact USCIS

Visit [uscis.gov](http://uscis.gov) for additional information, to check your case status, or to find a USCIS office. You can call USCIS toll-free at 800-375-5283. For people who are deaf, hard of hearing or have a speech disability, call TTY 800-767-1833. Service is available in English and Spanish. You can also visit [uscis.gov/contactcenter](http://uscis.gov/contactcenter) for the USCIS Contact Center.

### USCIS Resources

#### **U.S. Citizenship and Immigration Services (USCIS)**

USCIS oversees lawful immigration to the United States. Learn how to apply for your Green Card, pursue U.S. citizenship, reunite with family, get permission to travel overseas, and more.

Resources for refugees and asylees

[uscis.gov/howdoi/refugeesasylees](http://uscis.gov/howdoi/refugeesasylees)

#### **Welcome to the United States: A Guide for New Immigrants**

This guide introduces the basic information you and your family need for everyday life in the United States. It describes your rights and responsibilities, suggests ideas for getting involved in your local community, and helps you plan for applying for U.S. citizenship once you become a lawful permanent resident.

[uscis.gov/newimmigrants](http://uscis.gov/newimmigrants)

#### **Settling in the U.S.**

This webpage provides you with information about the United States, education and child care, emergencies and safety, traveling outside of the United States, employment, getting settled in the United States, government benefits, health care, and money and finance.

[uscis.gov/tools/settling-us](http://uscis.gov/tools/settling-us)



## USCIS Resources

### Citizenship Resource Center

This website provides educational tools and information to help you prepare for U.S. citizenship.

[uscis.gov/citizenship](http://uscis.gov/citizenship)

### Avoid Scams

If you need legal advice on immigration matters, make sure the person helping you is authorized to give legal advice. Only an attorney or an accredited representative working for an organization recognized by the U.S. Department of Justice can give you legal advice.

[uscis.gov/avoid-scams](http://uscis.gov/avoid-scams)

[uscis.gov/avoid-scams/find-legal-services](http://uscis.gov/avoid-scams/find-legal-services)

### Forms

Use **Form I-765** to apply for work authorization, renew your authorization, or to replace your document.

[uscis.gov/i-765](http://uscis.gov/i-765)

Use **Form I-730** to bring your spouse or children to the United States.

[uscis.gov/i-730](http://uscis.gov/i-730)

Use **Form I-131** to request permission to return to the United States by obtaining a refugee travel document.

[uscis.gov/i-131](http://uscis.gov/i-131)

Use **Form I-485** to apply for lawful permanent resident status if you are in the United States.

[uscis.gov/i-485](http://uscis.gov/i-485)

Use **Form N-400** to apply for U.S. citizenship.

[uscis.gov/n-400](http://uscis.gov/n-400)

Use **Form AR-11** to ensure your address is updated with USCIS.

[uscis.gov/ar-11](http://uscis.gov/ar-11)

## Federal Government Resources

### State programs and resources

[acf.hhs.gov/orr/state-programs-annual-overview](http://acf.hhs.gov/orr/state-programs-annual-overview)

### Health insurance resources

[acf.hhs.gov/orr/health](http://acf.hhs.gov/orr/health)

### Affordable housing resources

[acf.hhs.gov/orr/resource/finding-affordable-housing](http://acf.hhs.gov/orr/resource/finding-affordable-housing)

### Employment resources

[acf.hhs.gov/orr/employment-resources](http://acf.hhs.gov/orr/employment-resources)

### U.S. Department of State Bureau of Population, Refugees, and Migration

#### Reception and Placement Program

If you were approved for refugee status in the United States, you were sponsored by a resettlement agency participating in the Reception and Placement Program, which is run by the U.S. Department of State. The sponsoring agency is responsible for placing you with one of its local offices and for providing initial services, such as housing, essential furnishings, food, clothing, orientation and assistance with access to other social, medical, and employment services during your first 30 to 90 days in the United States. ***When you first arrive in the United States as a refugee, your local resettlement agency will be the first place you should turn for help getting settled.***

[state.gov/refugee-admissions/reception-and-placement](http://state.gov/refugee-admissions/reception-and-placement)

### U.S. Department of State Bureau of Population, Refugees, and Migration Cultural Orientation Resource Exchange (CORE)

Funded by the U.S. Department of State, CORE offers numerous cultural orientation resources for U.S.-bound refugees. This

## Federal Government Resources

website includes materials in languages such as Arabic, Farsi, Kinyarwanda, Kiswahili, and Somali. CORE will help you get culturally oriented in the United States. **Explore CORE now to learn more about employment, housing, healthcare, money management, and more to help you adjust to life in the United States.**

corenav.org

### U.S. Department of Labor (DOL)

DOL fosters, promotes, and develops the welfare of wage earners, job seekers, and retirees of the United States; works to advance opportunities for profitable employment; and assures work-related benefits and rights.

**Take a look at [careeronestop.org](http://careeronestop.org). It can help you find jobs and training in your community.**

Workers' rights resources

dol.gov

American Job Centers (sponsored by DOL)

careeronestop.org

877-US2-JOBS (877-889-5627 (TTY))

### U.S. Department of Justice Immigrant and Employee Rights Section

The Immigrant and Employee Rights Section of the U.S. Department of Justice enforces the anti-discrimination provision of the Immigration and Nationality Act. This statute prohibits employers from discriminating based on citizenship status and national origin discrimination when hiring, firing, or recruiting or referring for a fee. It also prohibits unfair documentary practices and retaliation or intimidation. **If you think you are being treated unfairly as you try to get a job or at a job you already have because of where you come from, or because you are an asylee or refugee, the Immigrant and Employee Rights Section may be able to help.**

## Federal Government Resources

Resources about employment discrimination based upon citizenship or immigration status

[justice.gov/crt/immigrant-and-employee-rights-section](http://justice.gov/crt/immigrant-and-employee-rights-section)

800-255-7688 (800-237-2515 (TTY))

### **Social Security Administration**

A Social Security number is needed to get a job, collect Social Security benefits, and apply for other government services.

***You need to get a Social Security number and card. Go to this website for specific information for refugees and asylees.***

[ssa.gov/people/immigrants](http://ssa.gov/people/immigrants)

800-772-1213 (800-325-0778 (TTY))

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