

September 18, 2023

Federal Election Commission
1050 First Street, NE
Washington, DC 20463

Re: Request for Advisory Opinion

Dear Commissioners:

As a citizen of the United States, I submit this complaint to address several campaign finance violations committed by Ilhan Abdullahi Omar pursuant to 52 U.S.C. § 30124 of the Federal Election Campaign Act of 1971.

This is a request for the Federal Election Commission (FEC) to verify Congresswoman Ilhan Abdullahi Omar's U.S. citizenship. Ms. Omar claims to have derived citizenship as a minor when her father allegedly naturalized. However, she could not have derived citizenship from him because her father Nur Omar Mohamed (a.k.a. Nur Said Elmi Mohamed; Nur Said) never naturalized. According to a U.S. Citizenship and Immigration Services (USCIS) letter signed by Robert Busey, FOIA Operations Program Manager, National Records Center, there are no naturalization documents for Omar's father, Nur Omar Mohamed (a.k.a. Nur Said Elmi Mohamed; Nur Said). Omar could not have derived citizenship through her father as a 17-year-old minor in 2000 as she claims. She also could not have derived citizenship from her mother because she never immigrated to the United States. Omar is in violation of 52 U.S.C. § 30124, Fraudulent misrepresentation of campaign authority (a) In general and (b) Fraudulent solicitation of funds.¹

COMPLAINT

1. Based on a June 20th, 2023, letter from the USCIS², Congresswoman Ilhan Omar is most likely not a U.S. Citizen and has thereby violated the FECA by fraudulently declaring her U.S. Congressional candidacy which requires U.S. citizenship.
2. Somali born, Ilhan Abdullahi Omar, was first elected to represent Minnesota's Fifth Congressional District in 2018.³ Omar actively deceived the public throughout the 2022 election by fraudulently registering to vote and filing an Affidavit of Candidacy to run for the U.S. House of Representatives, falsely claiming U.S. citizenship by claiming 'derivation' through her father, Nur Omar Mohamed (a.k.a. Nur Said Elmi Mohamed; Nur Said), in 2000 as a 17-year-old minor.⁴

¹ 52 USC Ch. 301: FEDERAL ELECTION CAMPAIGNS--

<https://uscode.house.gov/view.xhtml?path=/prelim@title52/subtitle3/chapter301&edition=prelim> (Accessed 9/17/2023)

² <https://www.ajkern.com/s/CMT-1443386423.pdf> (Accessed 9/17/2023) (Exhibit A)

³ https://en.wikipedia.org/wiki/Ilhan_Omar (Exhibit B)

⁴ <https://ilhanomar.com/about/> (Exhibit C)

3. A June 20, 2023, U.S. Citizenship and Immigration Services (USCIS) letter confirms there are no records of Omar's father naturalizing⁵; therefore, Omar could not have derived citizenship through her father Nur Omar Mohamed (a.k.a. Nur Said Elmi Mohamed; Nur Said), in 2000 as a 17-year-old minor.
4. Absolutely no state or federal agency or department, including the Minnesota Secretary of States (MN SOS) office, the U.S. Congress, nor the Federal Election Commission (FEC) have verified the citizenship of Ilhan Abdullahi Omar by *official* naturalization documents from the U.S. Citizenship and Immigration Services (USCIS).

Additionally, Snopes conducted a fact check of this issue finding:

"Although Omar's account makes sense... we were unable to locate any official documentation that supports that version of events. We asked Omar's spokesperson and district director to provide any official documentation that would confirm the date of her naturalization, but we received no such evidence." Snopes⁶

5. Without documentation of naturalization, Omar deceived the public by filing a false affidavit of candidacy claiming to be a United States citizen. The U.S. Constitution Article I, Section 2, Clause 2, requires house of representatives' members to have *"been seven Years a Citizen of the United States"*.⁷
6. Omar fabricated her naturalization, including basic, unverifiable facts about her citizenship and how she obtained alleged U.S. citizenship, in violation of 18 U.S. Code § 1015 Naturalization, citizenship or alien registry.⁸
7. Additionally, Omar knowingly and willfully represented herself falsely as a United States citizen thereby obtaining a U.S. Congressional seat; subsequently using the office and title to solicit campaign funds fraudulently in violation of 52 U.S.C. § 30124⁹ and 18 U.S.C. § 1001.¹⁰
8. This complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) and is based on information and belief that Omar violated the Federal Election Campaign Act ("FECA"), 52 U.S.C. § 30101, *et seq.* According to 52 U.S.C. § 30109(a)(2) "If the Commission, upon receiving a complaint... has reason to believe that a person has committed, or is about to commit, a violation of [FECA]... [t]he Commission *shall make an investigation* of such alleged violation."¹¹ I am asking the FEC to conduct this investigation into Ms. Omar's citizenship.

⁵ <https://www.ajkern.com/s/CMT-1443386423.pdf> (Exhibit A)

⁶ <https://www.snopes.com/fact-check/omar-citizen-longer-melania/> (Exhibit D)

⁷ https://constitution.congress.gov/browse/essay/artI-S2-C2-1/ALDE_00013371/ (Accessed 9/17/2023)

⁸ [18 USC 1015: Naturalization, citizenship or alien registry \(house.gov\)](#) (Accessed 9/17/2023)

⁹ [52 USC 30124: Fraudulent misrepresentation of campaign authority \(house.gov\)](#)

¹⁰ <https://uscode.house.gov/view.xhtml?req=49&f=treesort&num=1262>

¹¹ [https://uscode.house.gov/view.xhtml?req=\(title:52%20section:30109%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:52%20section:30109%20edition:prelim))

FACTUAL BACKGROUND

9. Ilhan Omar's family arrived in the United States on March 8, 1995.¹²
10. Entering the U.S. March 8, 1995, Omar's father had to *show that he had been a lawfully admitted permanent resident of the U.S. for at least five years* before he was *eligible to apply* for naturalization no sooner than March 8, 2000.¹³
11. Numerous sources reference Ilhan Abdullahi Omar's claim of deriving citizenship through her father as a 17-year-old minor in 2000, including her own web page www.ilhanomar.com, the Pioneer Press and Wikipedia.^{14,15,16}
12. Omar has never claimed to have applied for naturalization as an adult, which would require her sworn allegiance to the United States of America.
13. Omar's October 4, 1981, date of birth clearly shows that she was 18, not 17, years old in March of 2000, when her father became *eligible* to apply for U.S. citizenship. Rather she was 18 years old turning 19 on her next birthdate October 4, 2000.
14. On May 17, 2019, shortly after a video was released on social media¹⁷, Omar abruptly and without explanation changed her birth year from 1981 to 1982 on her Minnesota State Legislative page, Wikipedia and her U.S. Congressional page.
15. An internet archive of the 90th legislative session (2017-2018) clearly shows a date of birth as 10/4/1981 during Omar's tenure as a Minnesota State House Representative, District 60B.¹⁸
16. The following email thread from Elizabeth Lincoln of the Minnesota Legislative Reference Library, documents that on May 17, 2019, Omar's congressional staff contacted the Minnesota Legislative Reference Library to change her biographical record date of birth from 1981 to 1982.¹⁹

From: Elizabeth Lincoln <elizabeth@lrl.leg.mn>
To: <XXXXXXXXX>
Cc: Reference Desk <refdesk@lrl.leg.mn>
Sent: Fri, May 24, 2019 10:52 am
Subject: RE: data request

¹² https://www.facebook.com/story.php?story_fbid=1951861698255780&id=780941275347834 (Exhibit E)

¹³ <https://www.uscis.gov/citizenship/learn-about-citizenship/citizenship-and-naturalization/i-am-a-lawful-permanent-resident-of-5-years>

¹⁴ <https://ilhanomar.com/about/> (Exhibit C)

¹⁵ <https://www.twincities.com/2019/03/08/a-history-of-ilhan-omars-brief-but-busy-political-career/> (Exhibit F)

¹⁶ https://en.wikipedia.org/wiki/Ilhan_Omar (Exhibit B)

¹⁷ [Omar Never Naturalized - YouTube](#)

¹⁸ <https://web.archive.org/web/20190330180454/https://www.leg.state.mn.us/legdb/fulldetail?id=15470> (Exhibit G)

¹⁹ (Exhibit H)

Hello XXXX,

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

17. On October 2019, I visited the Minnesota Secretary of States office finding that the SOS's office did not verify Ilhan Abdullahi Omar's citizenship when she registered to vote and filed to run for federal office in the U.S. House race for Minnesota's 5th Congressional District.²⁰
18. A video of my visit to the MN SOS's office confirms that the SOS's office did not verify Omar's citizenship.²¹

I asked the clerk at the MN SOS's office:

"How do you verify citizenship if they are foreign-born?"

MN SOS clerk response:

"So, that's outside of our realm. There're no authorization statutes for us to follow—Double check on people, verify their status and things like that.

²⁰ <https://www.youtube.com/watch?v=pY5yi05HW44;>

²¹ <https://www.youtube.com/watch?v=pY5yi05HW44;>

They signed the affidavit. That's their certification statement and that's just the way it is right now.

There is no law that requires us—In fact, because there is no law telling us [MN SOS] to do that, we would be violating the laws by checking up on people.

We don't verify everybody is a citizen."

19. According to the Minnesota Secretary of State (MN SOS) clerical staff, they do not verify citizenship of the foreign-born when they register to vote or file an affidavit of candidacy to run for federal office. According to the MN SOS's clerk, there is no statute requiring them to do so and, if the MN SOS required proof of citizenship or naturalization records, the state agency would be in violation of the law.
20. All Minnesota Republican members of Congress are also concerned that non-citizens are regularly registering and voting in Minnesota. The Republican congressional representatives all signed a January 31, 2023, letter²², to the MN SOS regarding their concern over voter integrity. The letter states:

"As Chairman of the U.S. House of Representatives Committee on House Administration, which has broad oversight of our nation's federal elections, and as members of Minnesota's congressional delegation, we write today to express our concern about testimony offered a January 10th hearing of the Minnesota House Transportation Finance and Policy Committee where a Deferred Action for Childhood Arrivals (DACA) recipient exclaimed, "We are voting. Our people are voting." In response, instead of any investigation of this unlawful activity whatsoever, your office responded, "noncitizen voting is [not] a problem in Minnesota or nationally."

The allegation that non-citizens are voting in Minnesota is deeply troubling for several reasons. First, federal law makes it unlawful for them to vote in federal elections. Second, Minnesota law requires every voter to certify that they are a citizen of the United States before being permitted to vote. Minnesota takes its citizen requirement so seriously that an intentional violation of it is a felony."

21. To date, the MN GOP have not posted a response letter from the Minnesota Secretary of State to their January 31 letter concerning voter integrity.
22. Currently, the citizens of Minnesota's 5th Congressional District are unable to verify their Congressional Representative Ilhan Omar's citizenship through the MN SOS's office, U.S. Congress or the USCIS. According to a fact check by Snopes.com,

"Although Omar's account makes sense... we were unable to locate any official documentation that supports that version of events. We asked Omar's spokesperson and

²²<https://www.facebook.com/photo/?fbid=723183019185540&set=pcb.723183305852178> (Exhibit I)

district director to provide any official documentation that would confirm the date of her naturalization, but we received no such evidence.” Snopes²³

23. Although the ‘Office of the Minnesota Secretary of State AFFIDAVIT OF CANDIDACY’ requires a ‘Notary public or other officer empowered to take and certify acknowledgement’ — a foreign-born candidate is not required to show official naturalization records to obtain notarization by the state when filing for federal office.²⁴

24. Omar has never verified United States citizenship which is required by the United States Constitution Article I, Section 2, Clause 2, thus qualifying to run in a federal election and legally solicit campaign funding:

*“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.”²⁵*

25. While citizens cannot submit a public data request for living foreign born, submission requests for historical immigration and naturalization records of *deceased* immigrants are accepted and processed. The USCIS states:

“If the immigrant’s date of birth is less than 100 years prior to the date of this request, you must provide documentary evidence showing the immigrant is deceased. An example of acceptable documentary proof of death includes: death certificates (uncertified copy), printed obituaries, funeral programs or photographs of gravestones, Bible records, Social Security Death Index (individual records only, not lists), or records relating to payment of death benefits.”²⁶

26. Omar’s father passed in June 2020^{27,28} and on June 2022, I submitted a request to the U.S. Citizenship and Immigration Services (USCIS) federal agency for the records of Ilhan Abdullahi Omar’s father, Nur Omar Mohamed (a.k.a. Nur Said Elmi Mohamed; Nur Said).

27. I submitted one of many news articles which included photos of Congresswoman Omar and her father Nur Omar Mohamed, documenting the passing of Nur Omar Mohamed.²⁹ There is no doubt the individual conducting the document search knew exactly who’s records I was requesting.

²³ [Has U.S. Rep. Ilhan Omar Been a U.S. Citizen for Longer Than First Lady Melania Trump? | Snopes.com \(Exhibit D\)](https://www.snopes.com/fact-check/ilhan-omar-citizen/)

²⁴ <https://www.sos.state.mn.us/media/1027/affidavit-of-candidacy.pdf>

²⁵ [Article 1 Section 2 Clause 2 | Constitution Annotated | Congress.gov | Library of Congress](https://www.congress.gov/constitution/article-1/section-2/clause-2)

²⁶ [Genealogy Home \(dhs.gov\)](https://www.dhs.gov/genealogy)

²⁷ [https://time.com/5854193/ilhan-omar-father-coronavirus/ \(Exhibit J\)](https://time.com/5854193/ilhan-omar-father-coronavirus/)

²⁸ [https://www.nytimes.com/2020/06/16/us/politics/ilhan-omar-father-dead-coronavirus.html#:~:text=Representative%20Ilhan%20Omar%2C%20a%20Democratic,%2C%E2%80%9D%20she%20said%20on%20Twitter. \(Exhibit K\)](https://www.nytimes.com/2020/06/16/us/politics/ilhan-omar-father-dead-coronavirus.html#:~:text=Representative%20Ilhan%20Omar%2C%20a%20Democratic,%2C%E2%80%9D%20she%20said%20on%20Twitter.)

²⁹ [https://time.com/5854193/ilhan-omar-father-coronavirus/ \(Exhibit J\)](https://time.com/5854193/ilhan-omar-father-coronavirus/)

28. On June 20, 2023, one year after my request, I received a response letter signed by Robert Busey, FOIA Operations Program Manager, National Records Center, U.S. Citizenship and Immigration Services.³⁰
29. The letter (Case Number: CMT-1443386423) revealed that USCIS possessed no record of naturalization stating, *"We completed a thorough search for records... included all variations of the subject's name, including Nur Said Elmi Mohamed..."*³¹

"Your index search request was received in this office on June 27, 2022, regarding Nur Omar Mohamed born on January 1, 1941 in Somalia. We completed a thorough search for records based on the information you provided. Unfortunately, we found no matching index reference. Our search included all variations of the subject's name, including Nur Said Elmi Mohamed with the same results."

30. Ilhan Abdullahi Omar could not have derived citizenship through her father Nur Omar Mohamed (a.k.a. Nur Said Elmi Mohamed; Nur Said), in 2000 as a 17-year-old minor, because according to the USCIS there is no record of her father being a US Citizen.
31. Therefore, Ilhan Omar's story of naturalization cannot be true.
32. Ilhan Abdullahi Omar misrepresented herself as a constitutionally qualified candidate by filing a false affidavit 'Office of the Minnesota Secretary of State AFFIDAVIT OF CANDIDACY'; swearing that she was eligible to vote in Minnesota; and that she met U.S. Constitutional qualifications as a U.S. citizen.³²
33. Ilhan Abdullahi Omar has refused to verify her citizenship publicly after multiple attempts by me and others including Snopes, leaving the citizens of the United States no recourse other than the legal system.
34. The Federal Election Commission should not leave Omar's citizenship unverified and in doubt allowing a noncitizen to campaign and receive illegal federal campaign contributions to her congressional campaign.

SUMMARY OF THE LAW

35. Congresswoman Ilhan Abdullahi Omar has misrepresented herself as a U.S. citizen in violation of 52 U.S.C. § 30124 and 18 U.S.C. § 1001.
36. Because she is not a U.S. Citizen, Omar violated 52 U.S.C. § 30124: Fraudulent misrepresentation of campaign authority:³³

³⁰ <https://www.ajkern.com/s/CMT-1443386423.pdf> (Exhibit A)

³¹ <https://www.ajkern.com/s/CMT-1443386423.pdf> (Exhibit A)

³² <https://www.sos.state.mn.us/media/1027/affidavit-of-candidacy.pdf>

³³ <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title52-section30124&num=0&edition=prelim>

(a) In general

No person who is a candidate for Federal office or an employee or agent of such a candidate shall-

- (1) *fraudulently misrepresent himself or any committee or organization under his control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent thereof on a matter which is damaging to such candidate or political party or employee or agent thereof; or*
- (2) *willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).*

(b) *Fraudulent solicitation of funds*

No person shall-

- (1) *fraudulently misrepresent the person as speaking, writing, or otherwise acting for or on behalf of any candidate or political party or employee or agent thereof for the purpose of soliciting contributions or donations; or*
- (2) *willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).*

37. Ms. Omar violated 18 U.S. Code § 1001. Statements or entries generally:

Whoever, in any matter within the jurisdiction of *any department or agency of the United States* knowingly and willfully falsifies, conceals or covers up by any trick scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under this title or imprisoned not more than five years, or both.³⁴

38. Ms. Omar violated 18 U.S. Code § 1015. Naturalization, citizenship, or alien registry.³⁵

- a. *Whoever knowingly makes any false statement under oath, in any case, proceeding, or matter relating to, or under, or by virtue of any law of the United States relating to naturalization, citizenship, or registry of aliens; or*
- b. *Whoever knowingly, with intent to avoid any duty or liability imposed or required by law, denies that he has been naturalized or admitted to be a citizen, after having been so naturalized or admitted; or*
- c. *Whoever uses or attempts to use any certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship or other documentary evidence of naturalization or of citizenship, or any duplicate or copy thereof, knowing the same to have been procured by fraud or false evidence or without required appearance or hearing of the applicant in court or otherwise unlawfully obtained; or*
- d. *Whoever knowingly makes any false certificate, acknowledgement or statement concerning the appearance before him or the taking of an oath or affirmation or the signature, attestation or execution by any person with respect to any application, declaration, petition, affidavit, deposition, certificate of naturalization, certificate of*

³⁴ <https://uscode.house.gov/view.xhtml?req=49&f=treesort&num=1262>

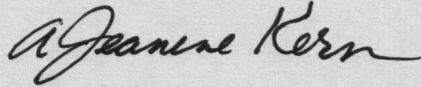
³⁵ https://www.govregs.com/uscode/expand/title18_partI_chapter47_section1031#uscode_13

citizenship or other paper or writing required or authorized by the laws relating to immigration, *naturalization*, citizenship, or registry of aliens; or

- e. *Whoever knowingly makes any false statement or claim that he is, or at any time has been, a citizen or national of the United States, with the intent to obtain on behalf of himself, or any other person, any Federal or State benefit or service, or to engage unlawfully in employment in the United States; or*
- f. *Whoever knowingly makes any false statement or claim that he is a citizen of the United States in order to register to vote or to vote in any Federal, State, or local election (including an initiative, recall, or referendum)—Shall be fined under this title or imprisoned not more than five years, or both.*

39. Wherefore, the Commission should find reason to believe that Respondents have violated 52 U.S.C. § 30101 *et seq.*, and conduct an immediate investigation under 52 U.S.C. § 30109(a)(2).³⁶
40. Further, the Commission should seek appropriate sanctions for any and all violations, including applicable criminal and civil penalties sufficient to deter future violations, injunctive relief to remedy these violations and prohibit any and all future violations, and such additional remedies as are necessary and appropriate to ensure compliance with FECA.

Respectfully submitted,



A Jeanene Kern
P.O. Box 503
Houghton, MI 49931
(320) 292-1063

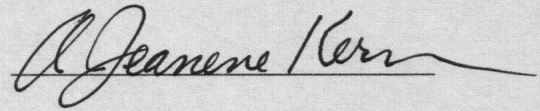
³⁶ <https://uscode.house.gov/view.xhtml?path=/prelim@title52/subtitle3/chapter301&edition=prelim>

VERIFICATION

The complainants listed below hereby verify that the statements made in the attached Complaint are, upon their information and belief, true.

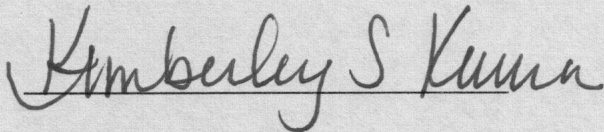
Sworn pursuant to 18 U.S.C. § 1001.

For Complainant A. Jeanene Kern



A Jeanene Kern

Sworn to and subscribed before me this 18 day of September 2023.



Notary Public

KIMBERLEY S. KAURA

Notary public, Keweenaw County, Michigan

My commission expires August 14, 2025.

