

Judge overrules immigration authorities, orders Va. Muslim be naturalized

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ALEXANDRIA, Va. — A nearly five-year legal saga will conclude Thursday for Falls Church resident Jamal Abusamhadaneh when he takes the oath of citizenship at a federal courthouse, after a federal judge ruled that immigration authorities wrongly drew sinister conclusions about aspects of his Muslim faith.

Abusamhadaneh's naturalization follows last month's unusual ruling that overturned the denial of his application by U.S. Citizenship and Immigration Services.

USCIS had denied the application and expressed concerns about Abusamhadaneh's association with a prominent Virginia mosque and a purported link to the Muslim Brotherhood.

U.S. District Judge James Cacheris, who heard three days of evidence at trial earlier this year and issued an unusually detailed 90-page ruling, will personally administer the oath Thursday. He said USCIS' concerns on all counts were either unfounded or overblown.

"Mr. Abusamhadaneh is a person of good moral character and meets the requirement for naturalization," Cacheris wrote.

Abusamhadaneh, who first applied for citizenship in February 2008, did not respond to an email seeking an interview. Through his lawyers, he provided a statement: "I am thankful that Judge Cacheris vindicated me in this long and heart-wrenching process. For me citizenship is not just a process but a concept of justice, freedom and happiness."

"He's happy that the judge ruled in his favor," said one of his attorneys, Denyse Sabagh. "He's happy that, as a matter of law, a judge determined he's a person of good moral character."

A finding of good moral character is a requirement for citizenship, and that's where USCIS contended the former IT worker with the Fairfax County Police Department fell short. Immigration officers contended that Abusamhadaneh lied by denying to interviewers his associations with the Dar al-Hijrah mosque in northern Virginia and the Muslim Brotherhood, an Islamist group that is banned in some countries.

The mosque that's among the largest and most prominent in the region has been a subject of controversy for more than a decade, primarily because a former imam there, Anwar al-Awlaki, later left the country for Yemen and became a high-profile al-Qaida leader before he was killed in a drone strike.

A judge, though, found that Abusamhadaneh was truthful about his associations. In his initial interview, Abusamhadaneh followed advice from his first attorney, Ashraf Nubani, that he

shouldn't discuss his religious affiliations. When it became clear, though, that his interviewers had questions about his religious affiliations, Abusamhadaneh told USCIS that he is not an official member of Dar al-Hijrah but worships there regularly because he lives nearby.

The supposed links to the Muslim Brotherhood were even more tenuous. Abusamhadaneh said he has never been a member of the Muslim Brotherhood.

USCIS, meanwhile, had an FBI report that linked Abusamhadaneh to the Brotherhood. At trial, it was revealed that the source of the FBI report was Abdurahman Alamoudi, who was Abusamhadaneh's boss for several years at the American Muslim Council. Alamoudi, a prominent U.S. Muslim activist, is currently serving a prison sentence for participating in a Libyan plot to assassinate Saudi Arabia's King Abdullah.

Alamoudi testified that, in his view, Dar al-Hijrah is linked with the Muslim Brotherhood and that the Muslim American Society — which organized community events in which Abusamhadaneh and his family participated — is essentially the U.S. branch of the Muslim Brotherhood. But Alamoudi also testified that the FBI reports did not accurately reflect what he told the bureau agents about Abusamhadaneh, and that there is a lot of confusion in the Muslim community about whether Muslim American Society is connected to the Brotherhood.

Cacheris found the purported links to the Muslim Brotherhood to be essentially nonexistent: "Mr. Abusamhadaneh credibly testified that he is not, and never has been, a member of the Muslim Brotherhood," he wrote in the ruling. "Not here and not in Jordan. Nor has he ever been associated with the Muslim Brotherhood in any formal way."

While the details are convoluted, the bottom line as it relates to Abusamhadaneh is simple, said his lawyer, Thomas Ragland: USCIS overreacted to unsubstantiated accusations that his client was "linked" to a controversial Islamic group, and nothing Abusamhadaneh could do or say would overcome the taint that came with it.

"There are a lot of misconceptions out there about what it means to be a Muslim in America," Ragland said. Mentions of Muslim Brotherhood "are equivalent to "throwing a Molotov cocktail, verbally," he said, noting the furor that resulted after Rep. Michelle Bachmann, R-Minn., recently accused a top aide of Secretary of State Hillary Clinton of having family ties to the Muslim Brotherhood.

A USCIS spokesman declined comment on the case.

Crystal Williams, executive director of the American Immigration Lawyers Association, said it's rare for a judge to grant citizenship outright after USCIS rejects a naturalization application. More often, applicants turn to the courts seeking action on long-delayed applications.

Sabagh and Ragland hope Abusamhadaneh's case will provide some hope to Muslim and Arab immigrants that they can ultimately receive fair treatment in the courts.

“Hopefully, this decision will encourage the DHS and Immigration Service to revamp their process and attitude in adjudicating the cases of Moslems and Arabs,” Sabagh said in an email interview.

http://www.washingtonpost.com/local/judge-overrules-immigration-authorities-orders-va-muslim-be-naturalized/2012/07/25/gJQAlsh68W_story.html