

Ms. Heuer  
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Section 204 (c) of the Immigration and Naturalization Act states, in pertinent part:

No petition shall be approved if (1) the alien has previously been accorded, or has sought to be accorded, an immediate relative or preference status as the spouse of a citizen of the United States or the spouse of an alien lawfully admitted for permanent residence, by reason of a marriage determined by the Attorney General to have been entered into for the purpose of evading the immigration laws or (2) the Attorney General has determined that the alien has attempted or conspired to enter into a marriage for the purpose of evading the immigration laws.

The record shows that Mr. El-Khader first entered the United States on December 27, 1988 as a student (F-1). Mr. El-Khader filed for political asylum in the United States, which was later denied. On January 11, 1995, Mr. El-Khader was placed into deportation proceedings before the Executive Office for Immigration Review.

While in deportation proceedings, Mr. El-Khader filed for a nonimmigrant worker visa (H1B), which was approved. Mr. El-Khader departed the United States to pick up his approved nonimmigrant visa at the U.S. Consulate in Ciudad Juarez, Mexico. Mr. El-Khader returned to the United States on this visa and attended his final deportation hearing. On August 19, 1995, his deportation proceedings were terminated due to his departure and reentry on the H1B visa. Mr. El-Khader worked for his H1B petitioner, Amcore Financial, Inc. until December 1997.

On May 9, 1997, Mr. El-Khader married Nadia Muna. Based upon this marriage, Mr. El-Khader attempted to become a legal permanent resident of the United States by filing an adjustment of status application concurrently with a Petition for Alien Relative filed on his behalf by his spouse. Mr. El-Khader and Ms. Muna divorced on October 27, 1998. Therefore his adjustment application and petition were denied on May 13, 1999 due to the divorce.

The current Immigrant Petition for Alien Worker (Form I-140) was filed on behalf of Mr. El-Khader on March 13, 1998, and was approved on August 17, 1998. Mr. El-Khader filed another adjustment application on September 17, 1998.

Mr. El-Khader's two Immigration files were consolidated and reviewed. One file contained Mr. El-Khader's application for immigration benefits based upon his marriage to Ms. Muna and the other based upon his offer of employment with your company. Upon review of the record, the Service had reason to believe that Mr. El-Khader's marriage to Ms. Muna was a sham marriage, entered into solely to procure an immigration benefit. The consolidated file was transferred to the Service's investigations branch for further review.

On March 20, 2001, INS Special Agents conducted a field investigation into the marriage between Mr. El-Khader and Ms. Muna. The agents discovered that this marriage was never consummated and that Mr. El-Khader and Ms. Muna never cohabited as husband and wife. The agents also discovered that there were no joint marital assets established to indicate that this was a bona fide marriage.

Mr. El-Khader made it appear on paper, that his spouse Nadia was living with him. Mr. El-Khader now claims that he used his address for his wife because it was her legal address. However, her legal address was with her parents, as she never lived with Mr. El-Khader even though he attempted to make it appear that she did. Mr. El-Khader furthered this deception when he made a statement and attached it to his I-140 petition in March of 1998. In this statement, Mr. El-Khader informed the Service that he had previously filed for adjustment of status based upon a petition filed by his spouse and that the application was still pending at the time. Mr. El-Khader stated:

“I have filed an adjustment of status application last year through my former US Citizen spouse. However, we are now separated and do not live together anymore, she is now filing for an annulment and a legal divorce.”

Mr. El-Khader stated, in his own words that he and his spouse were separated and were not living together anymore. Yet, they had never lived together. Mr. El-Khader was trying to convince the Service that he had a bona fide marriage and that he and his spouse had recently stopped living together.

During the investigation, Ms. Muna stated that she believed that she was participating in an engagement ceremony and not a marriage ceremony on May 9, 1997. However, rather than an engagement ceremony being conducted on this date, a marriage license was procured and the Imam of the Milwaukee Muslim Center conducted a marriage ceremony. Even the divorce decree indicates Ms. Muna's understanding that she was participating in a engagement ceremony. The Marital settlement agreement stipulated that Mr. El-Khader must return to Ms. Muna his album of the engagement party pictures, the copy of the album of the engagement party pictures with her family in Jordan, the two videocassettes of the engagement party, and all negatives of all pictures. There were no debts or property to divide as this couple never commingled their finances.

The investigation revealed that the marriage between Mr. El-Khader and Ms. Muna was not consummated and that she and Mr. El-Khader never lived together. None of the trappings of a bona-fide marriage were present. Yet, Mr. El-Khader attempted to procure immigration benefits through this marriage.

In response to the Service notice of intent to revoke the approved petition, Mr. El-Khader submitted through his attorney, the following evidence:

1. An affidavit of Hani-El-Khader

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2. Affidavits from Amin Amer, Ahmad Ali, Mary Fitzgerald, Talal Razick, Hassan Baalbaki, Emad Salem and Jawdat and Majida Muna.
3. Affidavit of Dr. Ahmad Sakr, professor of Islamic Religion.
4. Copy of H1-B visa and approval notices.
5. Photos of the marriage party and a photo of Mr. El-Khader with family in Amman.

The central question is whether the bride and groom intended to establish a life together at the time they were married. See, e.g., *Bu Roe v. INS*, 771 F.2<sup>nd</sup> 1328 (9<sup>th</sup> Cir 1985); *Bark v INS*, 511 F. 2d 1200 (9<sup>th</sup> Cir. 1975); *Matter of Soriano*, 19 I&N Dec. 764 (BIA 1988); *Matter of Lureano*, 19 I&N Dec. 1 (BIA 1983); *Matter of McKee*, 7 I&N Dec. 332 (BIA 1988). In determining whether a marriage is a sham or fraudulent for immigration purposes, the conduct of the parties before and after the marriage is relevant to their intent at the time of the marriage. *Lutwak v U.S.*, 344 U.S. 604 (1953); *Garcia-Jaramillo v. INS*, 604 F.2d 1236 (19th Cir. 1979); *Bark v INS*, supra; see *Matter of Soriano*, supra.

In visa petition proceedings, the burden is on the petitioner to establish eligibility for the benefits sought. In the *Matter of Brantigan*, 11 I&N Dec. 493 (BIA 1996). The burden on the petitioner in visa petition proceedings is usually that of a preponderance of evidence. *Matter of Soo Hoo*, 11 I&N Dec. 151 (BIA 1965).

According to the Service's investigation, the marriage between Mr. El-Khader and Ms. Muna was a sham and was entered into for the purpose of procuring an immigration benefit. The documents submitted by Mr. El-Khader have been considered. Although Islamic marriage customs may differ than those traditionally found in the United States, Mr. El-Khader has not submitted any evidence to establish a bona fide commitment to Ms. Muna during the entire course of their marriage. It is this relationship upon which Mr. El-Khader was seeking to adjust status.

Mr. El-Khader outlines in his affidavit the few times that he visited his spouse. Yet, he failed to show any level of commitment to her with the exception of a few claimed gifts, a deferred dowry and a marriage contract. Mr. El-Khader listed his spouse as living with him and claimed this information to be true on more than one occasion to the Service. Yet, they had never lived together, never consummated the marriage and had no commingling of personal property, liabilities or finances

Mr. El-Khader did not present any documentation to indicate that he and his spouse had any joint savings or checking accounts or any liabilities, such as joint credit cards. Mr. El-Khader did not even provide evidence of medical, health or car insurance for his spouse during their marriage.

Ms. Heuer  
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Mr. El-Khader simply listed Ms. Muna as his spouse, then tried to convince the Service that they were living together, had problems and then stopped living together. Now, Mr. El-Khader admits that they did not live together and that they did not consummate the marriage through a mutual agreement based upon Islamic marriage customs. Mr. El-Khader did not establish that he had any commitment to his spouse other than a few claimed visits and a marriage contract. Yet, Mr. El-Khader attempted to procure an immigration benefit through this fraudulent marriage and attempted to make it appear that he and his spouse had resided together.

The Service has considered the affidavits and information provided on the Islamic culture. However, this evidence has not overcome the Service's intent to revoke the approved petition. The bottom line is that Mr. El-Khader led the Service to believe that he and his spouse lived together and had a bona fide marital relationship. Even though the marriage was an arranged marriage, Mr. El-Khader failed to establish any commitment to his marital union other than filing for adjustment of status. The marriage was never consummated. Therefore, it is the decision of the Service that this petition be revoked as of the date of approval.

You may file an appeal on this decision. You must file your appeal within fifteen (15) calendar days from the date of this notice, (18 days if this notice was received by mail). If no appeal is filed within the time allowed, this decision is final. Enclosed is the Form EOIR 29 for your convenience.

If an appeal is desired, the Notice of Appeal shall be executed and filed with this office, together with the required fee. A brief or written statement in support of your appeal may be submitted with the Notice of Appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian R. Perryman", with a long horizontal flourish extending to the right.

Brian R. Perryman  
District Director

INS:DIDR:EXAMS:LZAMORA:10/29/02

# U.S. Postal Service

## CERTIFIED MAIL RECEIPT

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$</b>

Postmark  
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**Recipient's Name** (Please Print Clearly) (to be completed by mailer)

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City, State, ZIP+4

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- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.**

**U.S. Postal Service**

**CERTIFIED MAIL RECEIPT**

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Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$</b>

Postmark  
Here

Recipient's Name (Please Print Clearly) (to be completed by mailer)

*Ameritrust Corp.*

Street, Apt. No.; or PO Box No.

City, State, ZIP+4

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- A mailing receipt
- A unique identifier for your mailpiece
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- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.**



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1. Article Addressed to:

Attorney David Rubman  
 332 S. Michigan # 800  
 Chicago, IL 60604

2. Article Number (Copy from service label)

70993400001385990399

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

J. Puerta

B. Date of Delivery

12/13/01

C. Signature

X Jeanette Puerta

Agent

Addressee

D. Is delivery address different from item 1?

Yes

If YES, enter delivery address below:

No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

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DEC 2009

Immigration & Naturalization Service  
10 West Jackson Boulevard  
Chicago, Illinois 60604

*L. Zamora*

*A71-846-426*

**SENDER: COMPLETE THIS SECTION**

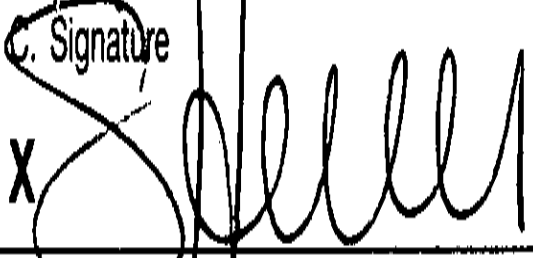
**COMPLETE THIS SECTION ON DELIVERY**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

Ameritrust Mortgage Corp  
 c/o: Sandy Heuer  
 284 Virginia Street  
 Crystal Lake, IL 60014

A. Received by (Please Print Clearly) B. Date of Delivery  
 R-11-01

C. Signature  
 X   Agent  
 Addressee

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Copy from service label)

70993400001385990392

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Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

لا اله الا الله  
L. Zamora

Immigration & Naturalization Service  
10 West Jackson Boulevard  
Chicago, Illinois 60604

Handwritten signature

A71-846-126





U.S. Department of Justice  
Immigration and Naturalization Service

A71 846 426

10 West Jackson Blvd.  
Chicago, Illinois 60604

DEC - 5 2001

Ameritrust Mortgage Corporation  
C/O: Ms. Sandy Heuer  
284 Virginia Street  
Crystal Lake, IL 60014

CC: Attorney David Rubman  
332 S. Michigan Avenue, Ste #860  
Chicago, IL 60604

**NOTICE OF INTENT TO REVOKE APPROVED PETITION FOR SKILLED  
WORKER OR PROFESSIONAL**

Dear Ms. Heuer,

On April 1, 1998, your company, Ameritrust Mortgage Corporation, filed an Immigrant Petition for Alien Worker on behalf of Hani H. El-Khader, seeking classification pursuant to Section 203(b)(3)(A)(i) or (ii) of the Immigration and Nationality Act. This petition was approved on August 18, 1998.

In accordance with Section 205.2(b) of the Act, you are hereby notified that it is the intent of the Service to revoke the approved Immigrant Petition for Alien Worker.

8 Code of Federal Regulations, Section 205.2 states:

(a) General. Any Service officer authorized to approve a petition under section 204 of the Act may revoke the approval of that petition upon notice to the petitioner on any ground other than those specified in Section 205.1 when the necessity for the revocation comes to the attention of the Service.

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Section 204 (c) of the Immigration and Naturalization Act states, in pertinent part:

No petition shall be approved if (1) the alien has previously been accorded, or has sought to be accorded, an immediate relative or preference status as the spouse of a citizen of the United States or the spouse of an alien lawfully admitted for permanent residence, by reason of a marriage determined by the Attorney General to have been entered into for the purpose of evading the immigration laws or (2) the Attorney General has determined that the alien has attempted or conspired to enter into a marriage for the purpose of evading the immigration laws.

The record shows that Mr. El-Khader first entered the United States on December 27, 1988 as a student (F-1). Mr. El-Khader filed for political asylum in the United States, which was later denied. On January 11, 1995, Mr. El-Khader was placed into deportation proceedings before the Executive Office for Immigration Review.

While in deportation proceedings, Mr. El-Khader filed for a nonimmigrant worker visa (H1B), which was approved. Mr. El-Khader departed the United States to pick up his approved nonimmigrant visa at the U.S. Consulate in Ciudad Juarez, Mexico. Mr. El-Khader returned to the United States on this visa and attended his final deportation hearing. On August 19, 1995, his deportation proceedings were terminated due to his departure and reentry on the H1B visa. Mr. El-Khader claims that he worked for his H1B petitioner, Amcore Financial, Inc., until December 1997.

On May 9, 1997, Mr. El-Khader married Nadia Muna. Based upon this marriage, Mr. El-Khader attempted to become a legal permanent resident of the United States by filing an adjustment of status application concurrently with a Petition for Alien Relative filed on his behalf by his spouse. Mr. El-Khader and Ms. Muna divorced on October 27, 1998. Therefore his adjustment application and petition were denied on May 13, 1999 due to the divorce.

The current Immigrant Petition for Alien Worker (Form I-140) was filed on behalf of Mr. El-Khader on March 13, 1998, and was approved on August 17, 1998. Mr. El-Khader filed another adjustment application on September 17, 1998.

Mr. El-Khader's two Immigration files were consolidated and reviewed. One file contained Mr. El-Khader's application for immigration benefits based upon his marriage to Ms. Muna and the other based upon his employment with your company. Upon review of the record, the Service had reason to believe that Mr. El-Khader's marriage to Ms. Muna was a sham marriage, entered into solely to procure an immigration benefit. The consolidated file was transferred to the Service's investigations branch for further review.

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On March 20, 2001, INS Special Agents conducted a field investigation into the marriage between Mr. El-Khader and Ms. Muna. The agents discovered that this marriage was never consummated and that Mr. El-Khader and Ms. Muna never cohabited as husband and wife. The agents also discovered that there were no joint marital assets established to indicate that this was a bona fide marriage.

The investigation revealed that Ms. Muna was 17 years old when Mr. El-Khader and her met. According to Arabic and Islamic custom and culture, Mr. El-Khader and Ms. Muna began a relationship. Mr. El-Khader would visit Ms. Muna's residence on Saturday and would return to his home in Highland Park, Illinois on Sunday evening. However, he was never permitted to be alone with Ms. Muna.

The investigation revealed that after Ms. Muna became 18 years of age, Mr. El-Khader asked Ms. Muna's father if they could get married. The father agreed and an engagement ceremony was scheduled for May 9, 1997. However, rather than an engagement ceremony being conducted on this date, a marriage license was procured and the Imam of the Milwaukee Muslim Center conducted a ceremony.

The investigation revealed that the marriage between Mr. El-Khader and Ms. Muna was not consummated and that she and Mr. El-Khader never lived together. None of the trappings of a bona-fide marriage were present. Yet, Mr. El-Khader attempted to procure immigration benefits through this marriage.

Although the Service file contains an I-130 bearing the signature of Nadia Muna, the investigation revealed she did not fill out the application but signed it at the request of Mr. El-Khader. At the time Ms. Muna signed the I-130, she asked what the paperwork was for and was informed that Mr. El-Khader was planning to get his U.S. citizenship through her. The agents discovered that Ms. Muna was not aware of Mr. El-Khader's immigration status prior to the completion of the I-130 petition and had Ms. Muna known that he did not have lawful permanent status in the U.S. she would have resisted the wishes of her parents and would not have married Mr. El-Khader.

The agents also discovered that Mr. El-Khader has not been working for his petitioner, Ameritrust Mortgage Corporation, despite having an approved petition since 1998 and a valid employment authorization card. At the time of the investigation, Mr. El-Khader was working for FISERV Corp at 255 Fiserv Drive in Brookfield, Wisconsin. The investigation also revealed that Mr. El-Khader does not live at the address of record maintained in his Immigration file. At the time of the investigation, Mr. El-Khader was living at 4909 W. Edgerton Ave, Apt #119 in Milwaukee, Wisconsin, but was maintaining a post office box in Highland Park, Illinois.

Mr. El-Khader has failed to establish by clear and convincing evidence that his marriage was entered into in good faith and was not entered into solely to procure an immigration benefit.

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The central question is whether the bride and groom intended to establish a life together at the time they were married. See, e.g., *Bu Roe v. INS*, 771 F.2<sup>nd</sup> 1328 (9<sup>th</sup> Cir 1985); *Bark v INS*, 511 F. 2d 1200 (9<sup>th</sup> Cir. 1975); *Matter of Soriano*, 19 I&N Dec. 764 (BIA 1988); *Matter of Lureano*, 19 I&N Dec. 1 (BIA 1983); *Matter of McKee*, 7 I&N Dec. 332 (BIA 1988). In determining whether a marriage is a sham or fraudulent for immigration purposes, the conduct of the parties before and after the marriage is relevant to their intent at the time of the marriage. *Lutwak v U.S.*, 344 U.S. 604 (1953); *Garcia-Jaramillo v. INS*, 604 F.2d 1236 (19<sup>th</sup> Cir. 1979); *Bark v INS*, supra; see *Matter of Soriano*, supra.


In visa petition proceedings, the burden is on the petitioner to establish eligibility for the benefits sought. In the *Matter of Brantigan*, 11 I&N Dec. 493 (BIA 1996). The burden on the petitioner in visa petition proceedings is usually that of a preponderance of evidence. *Matter of Soo Hoo*, 11 I&N Dec. 151 (BIA 1965).

According to the Service's investigation, the marriage between Mr. El-Khader and Ms. Muna was a sham and was entered into for the purpose of procuring an immigration benefit. As Mr. El-Khader attempted to procure an immigration benefit through a fraudulent marriage renders him ineligible for any further petitions filed on his behalf.

Therefore, it is the intention of the Service to revoke the approval of the Immigration Petition for Alien Worker filed on behalf of Mr. El-Khader as of the date of approval, March 13, 1998.

The purpose of this letter is to inform you of the intent of the Service to revoke your petition and afford you the opportunity to respond. You may within the next 15 days submit written representation in support of your petition and in opposition to the proposed revocation. Should you fail to respond to this notice, or should your written response fail to overcome the basis for the proposed denial, the Service will proceed with such action, as it deems appropriate.

Sincerely,



Brian R. Perryman  
District Director

INS:DIDR:EXAMS:LZAMORA:12/5/01



RUBMAN AND COMPERNOLLE

ATTORNEYS AT LAW

SUITE 520  
53 WEST JACKSON BOULEVARD  
CHICAGO, ILLINOIS 60604

DAVID RUBMAN  
SUSAN COMPERNOLLE

TELEPHONE (312) 341-1907  
FAX (312) 341-0797

May 13, 2002

Officer Lisa Zamora  
INS Examinations Branch  
10 W. Jackson Blvd. - Rm. 323  
Chicago, IL 60604

Re: Hani El-Khader  
A71 846 426  
Notice of Intent to Revoke Visa Petition

MAY 14 2002

Dear Ms. Zamora:

As you know, this case is pending in the federal court over the issue of whether I am entitled to review the investigative file in this matter prior to responding to the Notice of Intent to Revoke (NOIR). While we stand firm in our position that we are entitled to review that investigative file prior to responding to the NOIR, in the interest of an expeditious resolution of this matter I am submitting the attached information as a response to the Notice of Intent to revoke. We reserve the right to submit additional evidence after resolution of the lawsuit should the attached evidence not be deemed sufficient to establish the *bona fides* of Mr. El-Khader's marriage.

Mr. El-Khader and Nadia Muna entered into an arranged marriage on May 9, 1997, when Ms. Muna was 17 years old. The marriage was performed by the Religious Director of the Islamic Center of Milwaukee and registered with the civil authorities in Milwaukee. A celebration with approximately 250 guests was held several weeks later. In accordance with their traditions and Moslem law, Mr. El-Khader, Ms. Muna and their families agreed that the marriage would not be consummated and the couple would not live together until after Ms. Muna turned 18 and graduated from high school the following year. The attached evidence explains in detail why this agreement was made.

This arrangement is quite common in the Islamic tradition. Included in the attached documentation is an affidavit of a scholar of Islamic religion, Dr. Ahmad Sakr, who states that it is perfectly proper for an Islamic marriage to take place and have consummation of the marriage delayed.

In your NOIR, you state that Ms. Muna stated that she thought she was attending an engagement ceremony when in fact it was a marriage contract ceremony, and that she felt pressured to file the immigration petition for Mr. El-Khader. The attached evidence shows the contrary. While it is true that the marriage was arranged by her parents when she was 17 years, Ms. Muna was a willing participant in the marriage and visa petition - and she knew all along about Mr. El-Khader's immigration status. It is understandable that a 17-year-old girl would feel that she was pushed too rapidly into an arranged marriage (please note that her 16 years old sister entered into a similar arranged marriage), but that does not mean the marriage was entered into to evade the immigration laws.

In the NOIR you make several other points that, we believe, are not relevant to the issue at hand. You point to the fact that Mr. El-Khader is not currently working for petitioner, Ameritrust Mortgage Company. This has nothing to do with whether the visa petition should be revoked under section 204(c). Moreover, the record contains a letter from Ameritrust explaining that it would not hire Mr. El-Khader until after his green card was approved because of the need to ensure that Mr. El-Khader could stay with the company permanently (I believe the Ameritrust president reiterated to you and investigator Eades her continued intention to hire Mr. El-Khader as soon as the adjustment of status was granted). In light of the extraordinary delay in this case and this attempt to prevent Mr. El-Khader from obtaining permanent residency, Ameritrust's concerns seem well-taken. There is nothing in the immigration laws requiring a visa applicant to work for the petitioner prior to approval of the permanent resident visa.

You also point to Mr. El-Khader living at a different address from the address of record contained in his immigration file. This is also not relevant to the section 204(c) issue, and in fact Mr. El-Khader has not misled the INS about his address and has provided accurate address information. His correct mailing address continues to be the Post Office Box in Highland Park.

Thank you for your consideration of this evidence.

Sincerely,

  
David Rubman

cc: Sheila Entenman, Asst. U.S. Attorney

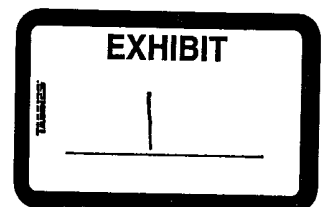
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7. Affidavit of Emad Salem
8. Affidavit of Jawdat and Majida Muna
9. Affidavit of Dr. Ahmad Sakr, professor of Islamic Religion
10. Letter from Elizabeth Yock of AMCORE Financial, Inc.
11. Copy of H-1B visa
12. H-1B approval notice, 06/07/1995
13. Photos of wedding party
14. Photo of Hani El-Khader and family in Amman with Nadia's grandmother and aunt

## AFFIDAVIT OF HANI EL-KHADER

---

1. I am submitting this affidavit in support of the response to the Notice of Intent to Revoke Visa Petition.
2. I was born on [REDACTED] 1969 in Kuwait. My parents are Palestinians who now live in Jordan, but they had lived in Kuwait for many years before my birth. Because of my parents' place of birth, I am a Jordanian citizen and travel on a Jordanian passport.
3. I first came to the United States on December 27, 1988 to attend school. I attended Cuyahoga Community College in Cleveland, Ohio from January 1989 to May 1989. I then transferred to Kishwaukee College in Malta, Illinois, where I received an Associate of Science Degree in June 1991. I then transferred to Northern Illinois University, from which I received a Bachelor's degree in Finance in May 1993. I also hold a Master of Business Administration degree from Rockford College in Rockford, Illinois. I had I-20 forms and a student visa allowing me to study and live in the United States.
4. While I was in school, the Gulf War erupted, and my family was forced to leave Kuwait. They advised me to stay in the United States. I talked to various people, including the International Student Advisor at Kishwaukee College, Larry Aperson, who advised me to apply for political asylum in the U.S. I filed the application in August 1991 and was interviewed by an INS officer on November 18, 1991. Because of my asylum application, I received work permits allowing me to work in the United States while the application was pending.
5. I heard nothing on the asylum application for several years. On November 22, 1994, INS issued a Notice of Intent to Deny my asylum application, and then on January 10, 1995 my asylum request was denied and I was placed in deportation proceedings. I then consulted with attorney David Rubman. He reviewed my asylum claim and advised me that it did not appear that asylum would be granted. He suggested that I leave the country voluntarily, apply for an H-1B visa at the U.S. Consulate in Mexico, and then return to the country on the new visa.
6. Based on that advice, my employer, AMCORE Financial, Inc. filed a petition on my behalf asking for H-1B status, and after that petition was approved I left the United States and obtained an H-1B visa from the U.S. Consulate in Ciudad Juarez.
7. I returned to the United States on July 31, 1995 in H-1B status, valid until June 1, 1998. I remained employed by AMCORE and continued to reside in Rockford, Illinois.
8. As I became older and more settled, and because most of my friends were married, I decided that it was time to start a family. In my tradition, marriages are often arranged, and many of my friends had tried to set me up with prospective dates. My friends Ahmad and Nada Ali told me that their cousin's daughter in Milwaukee might be a good match for me. I agreed to meet her if she and her family were interested.
9. On Friday evening, February 28, 1997, I went to Milwaukee with Ahmad and Nada Ali to visit the Muna family, with the objective of seeing Nadia Muna as a prospective wife.



10. The Muna family welcomed us into their home and was very generous. Nadia's parents introduced Nadia and told us that she just celebrated her 17<sup>th</sup> birthday on February 18<sup>th</sup>. I started the conversation with Nadia by asking her about her job at the M&I bank. She told me she was working as a bank teller through the high school program. I tried to make her feel comfortable by telling her about my past experience as a bank teller trainee and felt it was an important job. I liked Nadia and felt that she would be a good match. Her father asked me questions about my background and employment and benefits, and he specifically asked whether I was a U.S. citizen. I told him I held a working visa, and he said that was fine. During that evening we all agreed to wait a week to make a decision about marriage, to allow the families to inquire about each other.
11. On the following Wednesday, the Muna family called the Ali family and informed them that they would be interested in accepting me as a fiancé for their daughter Nadia. I learned about this news on Friday. Since my parents had also agreed to the marriage, I was thrilled. I asked Ahmad to call the Muna family, which he did, and he made arrangements for us to go to Milwaukee the following Saturday for the formal marriage proposal.
12. On March 15, 1997 I traveled to Milwaukee with a group of friends and relatives: Ahmad Ali and his family, Bashar and his fiancée, Talal Razick, Jalal Razick, Magdy Kandile, Fawaz Khader (my cousin), my brother Raed and his wife Mary. I had asked Ahmad Ali to take the lead in handling the process of asking for Nadia's hand. Nadia's father designated his brother (Ghazi Muna) to act as the representative of the Muna family. Ghazi then asked us to leave him alone with Nadia in another room, and when he returned he said "congratulations" and may Allah bless both of you during this marriage.
13. Later that week I called Nadia's father to arrange a visit with Nadia. Nadia's father suggested that I talk to Nadia directly, which I did. I also arranged to visit the Muna family the following Sunday. On that day, I visited Nadia and her family and Nadia's father drove us around Milwaukee. After they showed me the Islamic Center of Milwaukee, we stopped at the Howard Johnson Hotel on Layton Avenue so the ladies could use the restroom. While we were waiting in the car, Mr. Muna and I discussed the formal marriage contract party. He suggested that the party be held in Milwaukee, and he agreed to look for a suitable location.
14. Later that week Mr. Muna called to advise that he found a suitable location at the Holiday Inn of the Milwaukee Airport, and that he had already reserved the room and paid a deposit. I sent him a check to cover the cost of the deposit and we arranged for the Muna family to visit me in Rockford to discuss the party arrangements and dowry.
15. On March 29, 1997, Mr. and Mrs. Muna and Nadia and her siblings came to my apartment in Rockford, and we all (including my cousin Fawaz) went out to lunch. After lunch we went to Ahmad Ali's house to discuss the dowry and the details of the marriage contract. We also discussed when Nadia and I would consummate our marriage. Mr. and Mrs. Muna suggested that we wait until Nadia turns 18 and graduates from high school the following June. I suggested that we have a wedding party in Amman, Jordan with my family at that time. We all agreed to have the final celebration and consummate the marriage the summer of 1998.
16. After a number of phone calls later that week, we decided to meet with the Imam and Religious Director of the Islamic Center of Milwaukee on May 9, 1997 to establish the formal marriage

contract. Mr. Muna wanted to make sure the marriage contract was signed before he and his wife left the United States in the summer, because without the marriage contract Nadia and I would not be permitted to be alone together.

17. On May 9, 1997, I went to the Muna family along with Fawaz Khader, Talal Razick, Ahmad Ali, and Raed Al-Khader. Talal Razick was the witness who signed the contract presented by the Imam. The Imam wrote our contract in Arabic. At that time, I presented half of the \$5,000 of the pre-consummation dowry in gold jewelry (the dowry was to be paid at specified times).
18. In our tradition the marriage contract is considered a formal marriage, and the Imam requires that the marriage also be registered with the civil authorities in Milwaukee. This was done, and thus our official marriage date was May 9, 1997. When we were at the Milwaukee courthouse the official specifically asked me, in front of everyone, whether I was a U.S. citizen. I stated I held a working visa, and the official took a copy of my visa.
19. On May 25, 1997 we held the marriage contract "Nikah" party at the Holiday Inn. Over 250 guests attended the party. Attached are photos from this event. We also have a videotape of the party.
20. Because of the agreement that the marriage would not be consummated until the following year, Nadia continued to live at her parents' house and I remained in Rockford. We decided that her formal address would be listed in all official documents as mine, since we were married and we believed that the Rockford address was automatically her legal address.
21. The next week my friend Talal Razick and I went to visit the Muna family. While we were there, Nadia's parents asked me to help them complete the immigration forms for Fadal (Nadia's cousin in Jerusalem who was marrying her 16 year old sister Najwa). Since we were discussing immigration papers, they suggested that I also file for my immigration papers through Nadia, so that when we travel to Jordan the next summer, I would have my green card and could vacation and travel easily. Nadia was in the room during this discussion and she agreed with this plan.
22. At that time I had an H-1B visa through my employer, AMCORE Financial, Inc., valid until June 1, 1998, and I knew the visa could be renewed for another three years. I also had started the Labor Certification process to apply for my green card. But Nadia's parents suggested that filing through Nadia would give me more flexibility to change employers and there would be no need to wait for any certain time.
23. I wasn't sure whether it made sense to apply for my green card through Nadia, so I decided to ask the Chicago INS Office if I needed to apply for residency through my wife or whether I could just keep my H-1B status and still travel outside the country on my H-1B visa and obtain my green card through employment. After waiting for two hours, I spoke with an officer on the second floor of the INS office at 10 W. Jackson Boulevard in Chicago. The officer told me that since I was now married to a U.S. citizen I could be denied entry to the country on my H-1B visa because I now have the intent to stay in the U.S. permanently. The officer said I should apply for my green card through my wife and get an advance parole to allow me to travel freely in and out of the country.

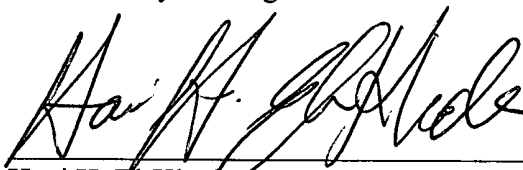
24. Based on that information, I prepared the paperwork for my green card application. I showed the forms to Nadia and her parents and she signed the forms. I didn't force her to sign the forms. She knew exactly what she was signing, and why. Nadia also completed the sections on the forms about her past employment. I listed Nadia's address as the same as my own, because that was her legal residence.
25. Nadia's family traveled overseas in June 1997 and left Nadia and her brother behind in Milwaukee. Nadia and I drove them to O'Hare Airport and one of the things we discussed during the ride was the immigration process, because Nadia and I were planning to take photos for the INS application after we returned to Milwaukee.
26. In July, 1997 I traveled to Amman to visit my parents. While I was there my family invited Nadia's grandmother who had come from the West Bank and aunts who live in Jordan for a big family lunch at our house in Amman.
27. After I returned to the United States, our relationship gradually deteriorated. There was no one event that spelled the end of the marriage, but a series of misunderstandings and jealousies that made it clear that we were not a good match.
28. One of the first bad incidents was when I returned from Jordan with gifts for Nadia and the Muna family. Her parents commented that the gold grade on the bracelets I presented to Nadia looked like it was not 100 percent genuine. I felt they were provoking me, and I was very frustrated.
29. I was also becoming upset with Nadia because she was not working hard in her first semester in college and I urged her to study harder. Nadia complained to her parents about me, and I had a big argument with her parents. Nadia and I also started to argue, which caused us to not see each other for 3 weeks.
30. Early in 1998, I was fasting and went to visit Nadia in Milwaukee to have Ramadan dinner with her family. Nadia was not talking to me during the whole visit, and she wouldn't tell me why she was silent. Her mother finally told me she had an argument with her father, and the whole family was feeling bad. I expressed my frustration that Nadia was not able to tell me about her problems.
31. That night Nadia and her mother commented that I should not pray with my shoes on in the house according to their understanding of the religion mandates. I told them my understanding that it is permissible, and that we should talk to the Imam to discuss the issue. When I later went to the Mosque with Nadia's father, the father asked the Imam about the issue of praying while keeping shoes on. The Imam stated that it is permissible unless the prayer takes place in a Mosque. After we returned from the Mosque, Nadia did not talk to me at all. Nadia called the Imam and he gave her the same answer he gave her father. I was very upset about this incident all night. When I tried to talk with her about this later on, she told me she did not want to talk about it.
32. I called her again and told her that I was not really happy about what was going on between us. She said she didn't care. I asked her to communicate with me; otherwise our relationship will go nowhere. She told me it was none of my business to know why she was upset with me.

33. After this ugly conversation, I called her on a Saturday morning. When her mother answered the phone, I asked her if she knew what was going on between Nadia and me. She said she knew everything and that I should be patient with Nadia. I explained to her mother that I was concerned about the courtesy of Nadia's way of communicating with me. I told her that I do not appreciate it when she tells me that it is none of my business on certain matters that I feel belong to our future relationship. The mother kept telling me that Nadia will learn as she grows older.
34. On Valentine's Day, Nadia was not smiling or happy to see me. She cheered up when I told her I had a gift for her. When we arrived at my brother's house, I gave Nadia a jewelry box I had planned to give her for her birthday. She asked me if this gift was supposed to be her birthday gift. I replied saying no. When I called Nadia that weekend, she sounded upset because she thought I lied to her about the gift.
35. In that same conversation I spoke with her mother, who told me Nadia was upset that I was going to give her only one gold chain at the party in Amman. She also told me that Nadia was concerned that I might not buy new furniture for our future home. I told Nadia's mother that it sounded like Nadia was only concerned about gifts and gold. Mrs. Muna was very rude to me and ended the conversation by stating that they did not want the next wedding celebration in Amman, but in Milwaukee. I told her that this conversation would eventually lead us to a dead end, but she said she did not care.
36. Needless to say, I was very upset by this conversation. My cousin Fawaz Khader and I went to visit the Muna family. After dinner, my cousin asked Nadia "what is the problem?" Nadia smiled and looked at me and said "nothing really," then Nadia's mother looked at us and said that Nadia actually wanted to make sure she knew what gifts she would get at the upcoming wedding celebration. My cousin stated that Nadia's rights will be honored 100% as written in the marriage contract, and that I would not fall short of anything that I promised. Nadia then told us that she wanted money to buy clothes, gold and furniture. My cousin told Nadia that this is not what was stated in the marriage contract as a dowry, but it was up to me whether I would do so. I told Nadia that I had no problem giving her the extra money as long as we agreed to consummate our marriage within the next 30 days; but if we were planning to consummate the marriage in June, then we had plenty of time (4 months) to go shopping.
37. Nadia and her mother spoke at the same time, stating that they wanted everything within the month, and that I should not go shopping with her. My cousin stated that the joy of getting married is also going shopping for the house before. Nadia disagreed. I then said it was OK if she went shopping without me.
38. These and other incidents caused me seriously doubt the wisdom of the marriage. The final straw came in March 1998. I had received a phone call from a bank in Saudi Arabia offering me a job opportunity. I called Nadia the same night and informed her that I wanted to come and visit her and share with her good news. I took Nadia to the lakefront in Milwaukee, but when I started talking about the job offer, she said she didn't want to go, that it was up to her father. When we returned to the Muna house, her father told me that it was either his daughter Nadia or my career in Saudi Arabia. I told him that it was not the right thing to say, that no one could impose such a mandate on me, that I had spent so many years working on my education





and building my career that the least they could do was think about it for a few days. I had told him that this was not fair and Nadia should not be influenced or brainwashed by this conduct. I complained that her parents were controlling Nadia, and that was not right.

- 39. On the next Monday, Nadia's mother called me and told me that their entire family had met and decided that they would file for divorce and no longer wanted our marriage to go forward. I suggested we try to meet with the religious director of the Islamic Society of Milwaukee, Amin Fateh, to try to reconcile our differences.
- 40. I called Mr. Fateh and he promised he would call the Muna family and see what he could do. He called me back and told me that the father was hardheaded about filing the divorce and would not give the marriage a chance for reconciliation.
- 41. That was the end of the marriage. We agreed to a divorce through the civil courts in Milwaukee, which was done over the next several months. I withdrew my application for permanent residency in the United States through the petition filed by Nadia, and instead proceeded through the approved labor certification filed by Ameritrust.
- 42. While it is true that my marriage to Nadia was never consummated, it is NOT the case that the marriage was entered into to evade the immigration laws of the United States. The marriage was a traditional arranged marriage that completely complied with our religious traditions and was entered into in good faith by me, Nadia and our families. I know it is hard for people in the United States to understand our traditions, but I truly hope this affidavit and attached documents adequately explain the good faith nature of my marriage.

  
 \_\_\_\_\_  
 Hani H. El-Khader

Sworn to and subscribed before me  
this 8<sup>th</sup> day of May, 2002.

  
 \_\_\_\_\_  
 NOTARY PUBLIC





In the name of Allah the Most Gracious, the Most Merciful

# The Islamic Society of Milwaukee

## AFFIDAVIT FROM MR. AMIN FATEH, IMAM AND RELIGIOUS DIRECTOR OF THE ISLAMIC SOCIETY OF MILWAUKEE (ISM)

1. Upon the request of Mr. Hani El-Khader, I am writing this letter to attest to the facts of the marriage between Mr. Hani El-khader and Ms. Nadia Muna. I am the Imam and the religious director of the Islamic Society of Milwaukee (ISM).
2. I conducted the Islamic marriage ceremony for Hani and Nadia at the Muna's house on May 9, 1997. The Islamic marriage contract was then registered at the Milwaukee City Hall. There were several witnesses on both sides when the contract was signed.
3. The couple decided to terminate their marriage in 1998. I personally tried to reconcile their differences, but they were determined to peacefully end their marriage by divorce.
4. I conducted the Islamic divorce for Hani and Nadia on December 13, 1998 after their civil registered divorce decree was issued and ratified by the court judge in Milwaukee.
5. Last year, Mr. Lee Eades, INS Special agent came to my office in Milwaukee, Wisconsin and asked me several questions regarding the legitimacy of the marriage between Mr. Hani El-Khader and Ms. Nadia Muna.
6. I confirmed to Mr. Eades that according to the Islamic marriage law, Hani and Nadia were legally married and their marriage contract is legitimate regardless of when they would consummate their marriage. The couple is considered husband and a wife once their marriage contract is signed.
7. Based on the given facts and my personal involvement during their marriage ceremony and divorce process; I believe that Mr. Hani El-Khader and Nadia Muna entered their marriage in good faith and genuine intention to establish an example family for life.

I declare under penalty of perjury the foregoing is true and correct.  
Dated on April 28, 2002.

Amin F. Amer

Print Full Name

Signature

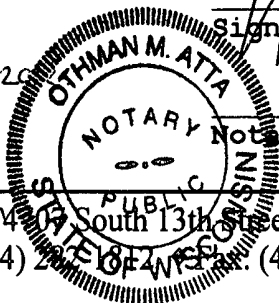
Notary Public

State of Wisconsin  
Milwaukee County

Signed & sworn to before  
me this 28th day of April, 2002

*Amin M. Atta*

Notary Public, State of Wisconsin  
My Commission is permanent



103 South 13th Street Milwaukee, WI 53221

Tel: (414) 282-9329 Fax: (414) 282-9329 www.ismonline.org

EXHIBIT

2

APR 29 REC'D

Wednesday, April 24, 2002

ATTENTION: MRS. CAROL WEINEKE  
 CONGRESSMAN DONALD MANZULLO  
 415 S MULFORD RD  
 ROCKFORD, IL 61108

Phone (815) 394-1231

VIA FACSIMILE  
 (815) 394-3930

REF: HANI EL-KHADER  
 Pending I-485 - # A71-846-426  
Advance Parole Document & EAD

Dear Carol:

I have gone to the INS Chicago office 3 weeks a go to obtain an advance parole document so I can travel and visit my elderly parents. When I was called by an INS officer, I was asked why would I need the document, I informed the officer that my father is in his 70's and is a heart patient. The officer told me the followings:

"I may sound cruel, but I am not. If your father wanted to die, he could of died yesterday, I am going to reject it because it sounds like you are taking a vacation."

The INS had sent my petitioner a notice of "Intend to Revoke" on December 5, 2001 claiming and alleging that my previous marriage was mainly for immigration purposes and they intend to revoke it. My attorney then requested to see the records of proceedings and the investigative report by the INS, but he was not allowed to do so. Thus, we have filed a lawsuit so we can get an opportunity to review the records of proceeding according to the law and the BIA precedent rulings so I can respond clearly to allegations.

My contention is that how would the INS attempt to reach their initial findings without giving me an opportunity to talk with them and present my facts. It is very clear that the matter may very much have to do with my religion and ethnic background. I hate to sound this way, but it seems like the INS officer who is handling my case has a personal animosity against me personally. Otherwise, why would the INS refuse to interview me and hear my case? Why do I have to file a lawsuit in order to see the records of proceedings? Why did the INS refuse to issue me an advance parole document since my case is still pending? There're many issues which may make me to believe that the INS maybe discriminating against me because my ethnic background. **I do have very strong and solid standings on all the claims the INS has contended in their "Intend to Revoke" letter.**

In the meantime, my EAD renewal is still pending, which expires on June 1, 2002 and I would like to obtain a travel document to visit my family. My file has been at the INS since September 1998.

Carol, would you please contact the INS Chicago Office and let me know what shall I expect? I really appreciate your prompt attention and look forward to hearing back from you.

Sincerely,  
 Hani H. El-Khader  
 PO Box 1644  
 1625 Elmwood Drive  
 Highland Park, IL 60035  
 Home (847) 579-1956

*Hani H. El-Khader*  
 4/25/02

DONALD A. MANZULLO

INTERNATIONAL RELATIONS  
VICE CHAIRMAN—INTERNATIONAL  
ECONOMIC POLICY AND TRADE

ASIA AND THE PACIFIC

SMALL BUSINESS

CHAIRMAN—TAX, FINANCE, AND EXPORTS

BANKING AND FINANCIAL SERVICES

CAPITAL MARKETS, SECURITIES

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408 CANNON BUILDING  
WASHINGTON, DC 20515  
202/225-5676

DISTRICT OFFICES:  
415 SOUTH MULFORD ROAD  
ROCKFORD, IL 61108  
815/394-1231

181 N. VIRGINIA AVENUE  
CRYSTAL LAKE, IL 60014  
815/358-9800

# Congress of the United States

## House of Representatives

Washington, DC 20515-1316

CAROL E. WIENEKE

DISTRICT REPRESENTATIVE  
IMMIGRATION

TELEFAX TRANSMISSION

(815) 394-1231 (voice)

(815) 394-3930 (FAX)

E-mail: [carol.wieneke@mail.house.gov](mailto:carol.wieneke@mail.house.gov)

6-3-02 DATE

1445 TIME

TO Rose C. NAME

Congressional Unit COMPANY

312-385-3400 FAX NUMBER

2 Number of pages transmitted, including this page

### COMMENTS

His EAD expired 6-1-02  
he tried<sup>+</sup> for travel doc + was orally denied  
(read letter)

028852  
JUN 03 2002 2:54  
FAX UNIT

## DECLARATION OF AHMAD ALI

(b)(6) 1. I am submitting this declaration to provide evidence relating to the marriage of Hani El-Khader and Nadia Muna. I am

[REDACTED]

2. I have known Hani El-Khader since he had moved to Rockford, Illinois and started working for AMCORE Financial, Inc. in 1993. At that time I was living in Rockford and was employed at [REDACTED]

(b)(6)

3. After getting to know Hani, we became friends. Because he was single and somewhat lonely, I told him I would start searching for a suitable bride for him. He agreed.

4. When I talked about Hani with my wife, she suggested we try to arrange a marriage with Nadia J. Muna, whose mother is related to my wife. It is a common practice in the Moslem community for friends and family to help arrange marriages between suitable young people.

5. When I suggested this to Hani, he agreed to meet Nadia. My wife and I then arranged a meeting for Hani and Nadia to meet at the Muna family's house in Milwaukee, Wisconsin on Friday, February 28, 1997.

6. After Hani, Nadia, and Muna family met, they all agreed to take a week to allow for both family to inquire about the each other and make a decision, which is an ordinary practice in Islam and the Arabic customs of arranged marriages.

7. On Wednesday, March 5, 1997, Nadia's mother called my house and informed my wife that they were delighted to consent to the marriage of their daughter Nadia to Hani. My wife asked to speak directly to Nadia, and Nadia told my wife that she was in agreement with the proposed marriage to Hani.

8. On Friday, March 7, 1997, I told Hani about the Muna family's decision. He told me that his family had also agreed, and he asked me to call the Muna family to advise them of his family's agreement.

9. On Saturday, March 15, 1997, we gathered a group of close friends and Hani's relatives to travel to Milwaukee to make a formal marriage proposal, which is the norm among Moslems. On that night, I had the honor to act as the representative for Hani's side to ask Nadia's father for his daughter's hand.

EXHIBIT

3

## DECLARATION OF AHMAD ALI

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10. When I asked Nadia's father, Mr. Muna pointed me to his older brother, Mr. Ghazi Muna, who would act as the representative of the Muna family. Mr. Ghazi Muna then asked me and the guests to allow him a few minutes to go to another room. He then asked Nadia in private whether she approved of the proposed marriage to Hani, which is the ordinary practice to make sure the bride is entering the marriage with her 100% consent and desire.

11. Mr. Ghazi Muna came back and told us "congratulations we approve the marriage of our daughter to your son Hani, and may God bless this marriage". I then thanked everyone in the house for accepting the honorable request and stated that the details of this marriage would be discussed at later time between the two families in private. I asked everyone to join me in a prayer to bless the marriage.

12. On March 29, 1997, Hani and the Muna family (including Nadia and her parents) came to my house to discuss the details of the marriage process, such as the marriage contract, dowry, etc. We discussed the following issues:

- a. Mr. Jawdat Muna wanted the consummation of the marriage to take place after Nadia completed her high school in June 1998. It was agreed that the consummation of the marriage would take place after a party with Hani's family in Amman, Jordan in the summer of 1998.
- b. Mr. Jawdat Muna asked that the marriage contract be written before his family left on vacation during the summer of 1997, so that Hani and Nadia could be alone together while her family was not with her. The Muna family would start looking for a party hall in Milwaukee to hold a party after the official marriage contract (**NIKAH**) takes place at the Milwaukee Courthouse. It was decided that the Imam and Religious Director Amin Amer from the Islamic Center of Milwaukee would be asked to write the marriage contract.
- c. There was an agreement over the dowry to be paid by Hani to Nadia's family (in our tradition the groom or his family gives the dowry to the bride).

13. On Friday, May 9, 1997, the marriage contract was signed and the civil marriage was registered at the Milwaukee

**DECLARATION OF AHMAD ALI**

City Hall. On Hani's side, I was present along with Hani's brother Raed and his cousin Fawaz Khader and his friend Talal Razick. Talal Razick signed the contract as a witness. Nadia's older uncle, Mr. Ghazi Muna, signed as the second witness.

14. On Sunday, May 25, 1997, there was a huge party at the Holiday Inn in Milwaukee with about 250 guests to celebrate what we refer to as "Nikah" - the marriage contract ceremony.

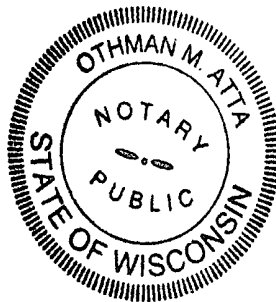
15. I know that Hani and Nadia later began having problems and decided to end the marriage, but I cannot comment on any developments after the May 25, 1997 party since I was not a personal witness to them.

I declare under penalty of perjury the foregoing is true and correct. Dated on February 15, 2002.

AHMAD T. ALI  
Print Full Name

[Handwritten Signature]  
Signature

(b)(6)

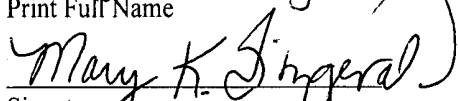


[Handwritten Signature]  
Notary Public, State of Wisconsin  
My commission is permanent

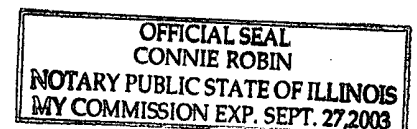
TO WHOM IT MAY CONCERN

1. I, Mary K. Fitzgerald writing this letter on behalf of Mr. Hani El-Khader to verify facts pertinent to his past marriage to Ms. Nadia Muna. My relationship to Hani is by marriage to his brother, Raed Al-Khader, since 1989. We have a close and personal relationship that allows me to attest for his personal and professional traits.
2. Hani attended Northern Illinois University, then was employed at Amcor Financial, Inc. in Rockford, Illinois in 1993. While working at Amcor he earned his Masters of Business Administration (MBA) from Rockford College and a Commercial Lending Diploma from the American Bankers Association. Hani has many friends living in Rockford who have had an influence in his life. One of his friends had introduced him to his ex-wife at the time, Ms. Nadia Muna.
3. In 1997, Hani had an arranged marriage proposal with Nadia Muna. The couple had their marriage contract registered at the civil authority after they had an Islamic marriage ceremony in Nadia's house where my husband and I were present. The couple had a marriage contract reception at the *Holiday Inn* in Milwaukee. Many friends and family members from both sides traveled great distances to attend the party (see video and photographs). The couple was planning their marriage consummation party in Amman, Jordan among their families. Hani and Nadia joined us several times for social gatherings and dinners in Chicago.
4. Approximately seven months into the marriage, Hani started to experience problems with both Nadia and her mother in particular. What started out to be a normal, happy beginning to a life Hani had worked so hard to enjoy became a difficult period filled with emotional hardships. Hani realized that his marriage was failing due to extreme involvement of Nadia's mother and a quick change in affections from his bride. Hani was urging Nadia to improve her college performance, but she was not receptive to his suggestions and had informed him that she had no plans to finish college since she is married.
5. Hani had informed us that Nadia and her family had misled him because they told him that Nadia was an honor student and will definitely complete her college studies while married. This issue became the central dispute between Hani and Nadia. Nadia's mother then got too involved between the couple.
6. Hani began to realize that Nadia did not really care for him and her main focus was having a husband who could only afford her -life style that did not require her to pursue her education or a career. When Hani tried to discuss the matter with Nadia and her family about their involvement in the relationship, they refused to hear his concerns and solutions. Hani proposed moving to another state or country to pursue his career, but Nadia's parents opposed any moves and gave Hani an ultimatum to choose his career or Nadia. Hani then had a conversation with Nadia to see what she thought about her parent's ultimatum. Nadia strongly sided with her family. Hani finally realized that the divorce was the only solution for them.
7. Hani had informed his friend who introduced him to Nadia to inform the Muna's family of his intention to file for divorce. When Nadia's mother received the news through Hani's friend, she called Hani and told him that Nadia will first file for the divorce and was not polite during her conversation with Hani.
8. Hani's experience has definitely strengthened his understanding of marriage and its implications. Hani realized how difficult it is to marry someone both through an arranged marriage and with a different education level than him. He will forever question this stigma as it relates to his culture and religious customs.
9. Hani entered his marriage in good faith. Hani and my husband share many things in common, and I will tell you that the allegations documented in the INS reports that he had married Nadia to only get his permanent residency are 100% false. Hani always considered marrying someone from the same religious background as his; but unfortunately his experience with Nadia was bad; and ended in a divorce.

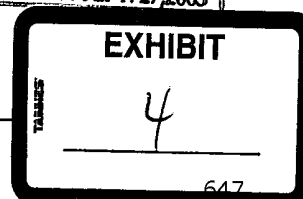
I declare under penalty of perjury the foregoing is true and correct. Dated on May 22, 2002.

Mary K. Fitzgerald  
 Print Full Name  


 (b)(6)



  
 Notary Public





**AFFIDAVIT FROM TALAL RAZICK**

- 1) I am submitting this declaration to provide evidence relating to the marriage of Hani El-Khader and Nadia Muna [REDACTED]
- 2) I have known Hani El-Khader since he had moved to Rockford, Illinois and started working for AMCORE Financial, Inc. in 1993. I manage my own insurance agency business in Rockford, Illinois. (b)(6)
- 3) On Saturday, March 15, 1997, I attended the formal marriage proposal for Mr. El-Khader and Ms. Muna.
- 4) After Hani, Nadia and family agreed on the details of their marriage in private, on Friday, May 9, 1997, the marriage contract was signed and the civil marriage was registered at the Milwaukee City Hall. On Hani's side, I was present along with Hani's brother Raed and his cousin Fawaz Khader and his friend Ahmad Ali. I signed the contract as a witness. Nadia's older uncle, Mr. Ghazi Muna, signed as the second witness.
- 5) Hani and I drove to Bridgeview, Illinois and purchased gold sets before their marriage contract party. Hani also arranged for Middle Eastern sweets.
- 6) On Sunday, May 25, 1997, there was a huge party at the Holiday Inn in Milwaukee with about 250 guests to celebrate what we refer to as "Nikah" – the marriage contract ceremony. Hani was always excited about his marriage to Nadia.
- 7) I visited the Muna family in Milwaukee with Hani one week after the "Nikah" party. At that time, Nadia's sister and her parents asked Hani to help them fill out an immigration petition for their other future son in law (Mr. Fadel Muna).
- 8) After Hani completed the INS petition for Nadia's sister, Nadia and her father told Hani that he should also fill out a petition for himself so he can get his permanent residency through Nadia.
- 9) When Hani heard the Muna family suggesting to him to file an INS petition through Nadia, he then reminded them that he is expecting his permanent residency status through employment. But, Mr. Jawdat Muna explained to Hani that he should file through Nadia to make sure that his petition get promptly approved and any other petition through employment would usually take longer.
- 10) Hani suggested to Nadia's father that he would first inquire about such opportunity with the INS Chicago Office.
- 11) Sometime in September 1997, Hani started to complain to me that Nadia's mother was too much involved between him and Nadia. Hani was totally frustrated on several occasions.
- 12) Hani had informed me once that him and Nadia had a major dispute over the refusal of Nadia to complete her college courses at that time and maintain a better grade average above D grade.

**EXHIBIT**

5

**AFFIDAVIT FROM TALAL RAZICK**

- 13) Hani had discussed with me that Nadia's mother got too involved in that argument and made him too irritated.
- 14) By February 1998, Hani had told me that they began having major problems and decided to end the marriage.
- 15) When Hani used to live in Rockford, he was like my son to me. He used to ask me to give him personal advises when faced with personal challenges in his marriage with Nadia and her mother.
- 16) Throughout Hani's entire marriage experience, I believe that Hani had entered his marriage to Nadia in good faith and genuine intention to start a family.
- 17) Hani was introduced to Nadia through his other friend, Mr. Ahmad Ali. All of Hani's friends in Rockford are married and had influenced him to seek to get married so he can start a family like others.
- 18) I also asked Hani to meet other prospects from the same religion and ethnic background before the Ali family introduced him to Nadia. Hani never ever shared with me that he would marry anyone for immigration purposes. Hani was so dedicated to his graduate studies at the time and so ambitious about his future career aspirations.
- 19) I will not believe the allegations that Hani had married Nadia to evade the immigration for permanent residency benefits. I will serve as a personal witness to Hani's entire experience to show INS and the US Court the truth that Hani's marriage to Nadia was genuine and according to our Islamic teachings.

I declare under penalty of perjury the foregoing is true and correct. Dated on April 29<sup>th</sup>, 2002.

TALAL A. RAZICK  
Print Full Name

*Talal Razick*  
Signature



(b)(6)



Helena Francis  
Notary Public

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## AFFADAVITE

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(b)(6)

I, the undersigned, **HASSAN BAALBAKI**  attest under penalty of perjury of the followings are true and correct:

1. I used to volunteer some of my time as a teacher and a principal for the Sunday school at the Islamic Society of Milwaukee (ISM). I have had met Mr. Jawdat Muna during those days when he used to bring his daughters to school at that time.
2. I was invited by Mr. Jawdat Muna in 1997 to attend a formal marriage proposal for his older daughter Ms. Nadia Muna to Mr. Hani El-Khader. I attended the entire event until the final proposal was mutually approved as accustomed by our Muslim and Arabic tradition.
3. When the representative of Mr. El-Khader asked the hands of Ms. Muna from her father, Ms. Muna's uncle requested to go inside into another room to confirm the acceptance of Ms. Muna to the marriage proposal. When the uncle came back, he informed the representative of Mr. El-Khader that the Muna family would be please to accept the marriage proposal presented from Hani to Nadia.
4. I was invited by Mr. Jawdat Muna to attend the marriage contract party later in 1997 at the Milwaukee Holiday Inn, but due to my busy schedule I was not able to attend.
5. I later learned from Mr. El-Khader that the couple started to develop differences between them. Mr. El-Khader had complained to me that Ms. Nadia Muna's mother was too much involved in their affairs and the marriage ended in a divorce.
6. According to what I have seen and observed, I believe that the couple entered their marriage in good faith.

FULL NAME Hassan Baalbaki

Signature Hassan Baalbaki

Address

(b)(6)

Phone

**EXHIBIT**

6

December 10, 2001

To Whom It May Concern:

I, the undersigned, **Emad Salem**, had received two invitations from Mr. Jawdat Muna (father of Nadia J. Muna) back in 1997. I am one of Mr. Muna's neighbors living in Milwaukee, Wisconsin. I had received the first invitation on Friday, March 14, 1997 to attend the ceremony of his daughter's initial engagement and the asking of her hands.


Mr. Muna came to me and informed me that people would be coming from Rockford, Illinois to ask for his older daughter's hand (Nadia Muna). He had expressed his excitement over the matter and had told me that the prospect husband named Hani El-Khader was a banker at Rockford largest bank. I witnessed the first ceremony and believe that Mr. Hani El-Khader entered that relationship in good faith and genuine intentions.

I had received the second invitation on Friday 23, 1997 to attend the large engagement party on Sunday, May 25, 1997 at the Milwaukee Airport Holiday Inn after the couples had written their marriage contract--both at Milwaukee courthouse and the Milwaukee Islamic Center, and they decided to publicize it among close friends and family members. While at the party, I enjoyed dancing with both families. Also, after talking with Mr. Jawdat Muna, I learned that Nadia's deferred dowry was \$25,000, which is really common among Arab-American families.

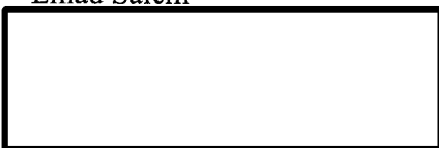
I was totally shocked when I learned that Mr. Hani El-khader and Nadia Muna had filed for divorce. I had known about the divorce matter back in May 1998 after I had met Mr. El-Khader while he was meeting with religious director of the Islamic Society of Milwaukee, Mr. Amin Fateh.

Should you need more information, please do not hesitate to contact me at the address listed below.

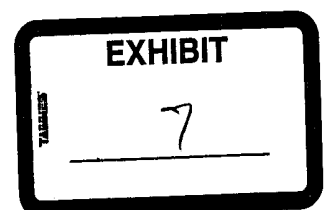
Sincerely,



Emad Salem



(b)(6)



**Jawdat & Majida Muna**

[Redacted]

(b)(6)

June 13, 1997

To Whom It May Concern:

We are writing this letter to certify *that Nadia Muna and Hani El-Khader* were married with our consent on May 9, 1997. The marriage ceremony was held by Mr. Amin F. Amer, the Imam & Religious Director of the Islamic Center of Milwaukee. Also, a party was held at the Milwaukee Holiday Inn Hotel on May 25, 1997.

If you have any questions, please feel free to contact either one of us

[Redacted]

(b)(6)

Sincerely,

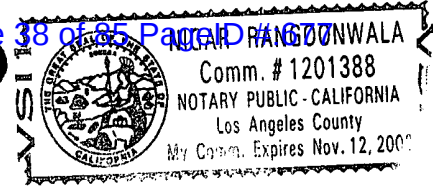
**Jawdat Muna (Father)**

*Jawdat Muna*

**Majida Muna (Mother)**

*Majida Muna*

EXHIBIT  
8



I, Dr. AHMAD SAKR a professor of ISLAMIC RELIGION at the ISLAMIC EDUCATION CENTER, WALNUT, CALIFORNIA being duly sworn and have been asked to answer several specific questions relating to Islamic marriages in the modern-day in the United States. Attached to this document is my C.V. outlining my credentials.

**QUESTION #1: Would it be out of the ordinary for a marriage contract to be signed and a civil marriage registered in the United States within several months of a marriage being arranged and the couple having met only several times?**

**ANSWER TO QUESTION #1:**

It is necessary to have a civil marriage. It is important to have a marriage registered with the civil authority so that it would be recognized. There are many legal implications as a result of such a registration. First, it is the recognized marriage in this country. The civil marriage if it is attended by at least two male Muslim witnesses amounts to a correct Islamic marriage. It is only the social aspect, which leads to another ceremony in a mosque with an imam officiating. Second, without the civil marriage, the entitlement to inheritance, the authority does not accept pension and legal documentation. For the sake of legality it must be registered. In Muslim countries nowadays they have made it an administrative obligation to register the marriage. This is to officiate and recognize all aspects that come from the marital relationship. So, if for nothing else, it is a must for the sake of the children. Also, Imams across the United States nowadays mandate the couples to register their marriages with their local civil authorities.

Thus, it is common for a marriage contract to be signed and a civil marriage registered in the USA within several months of a marriage being arranged and the couple having met only several times. Islam recommends that a man see and talk to the woman he wants to marry, but in the presence of her Mahrams<sup>1</sup>. However, engagement to a woman does not give a man permission to do more than see her and talk to her in a safe Islamic environment; the laws of decency in Islam must be strictly followed. Current practices in which a man is alone with the woman he wants to marry or touches her are against Islam. The man and the woman are not allowed at all to do such things before the marriage covenant is signed.

**QUESTION #2: Would it be out of the ordinary for a couple to enter into a marriage contract and civil marriage and also decide not to consummate the marriage until a time in the future? What circumstances could lead to a decision to enter into a marriage contract and civil marriage when the marriage will not be consummated until a time in the future?**

**ANSWER TO QUESTION #2**

Often families postpone the consummation of marriage for a later time. They may do it for various social or personal reasons. Sometimes the consummation is delayed because the family wants to have a big party to invite many relatives and friends to celebrate their marriage. Sometimes couple decide to delay consummation because one or both spouses want to finish their studies or would like to make better arrangement for their residence etc. There could be many reasons for the postponement of consummation and it could be for few months or years. This is permissible in Islam and is not out of the ordinary. As a matter of fact these days, the majority of Muslim and Arab couples postpone the

<sup>1</sup> Mahrams: is the guardian who can be one of the followings: father, uncle, grandfather, or her adult brother.

EXHIBIT

9

consummation of their marriages at later time so the couples can enhance their social and economic conditions. This can be attributed to several factors as mentioned earlier. Therefore, in Islam marriage can take several steps:

1. **KHITBAH:** This is the engagement whereby the couples decide to get engaged for marriage at their convenient time. During this time they and their families try to know each other. Engagement is not married and the couples are not allowed to be alone with each other. It is forbidden for them to have intimate relations during this time. The parties can break the engagement without going through the process of divorce. They should return the engagement ring and other gifts. But they may not if there is mutual agreement and understanding.
2. **NIKAH:** This is a formal marriage contract, official and legal marriage. The Imam, the official religious authority or any recognized person, performs the Nikah. It requires the presence of at least two witnesses, the dowry (marital gift from the groom to his bride), the writing of Nikah to join the couple together in the name of Allah. The girl has to have a guardian and it should be her father. In the absence of her father it is the uncle, grandfather, or the brother. After Nikah, the couple becomes husband and wife. In case the couple wants to break they have to have proper procedure of divorce. If the groom divorces, he has to pay the half of the dowry and return any gifts that he received from the bride's family unless they do not want him to do so. There might be other marriage expenses and matters that they have to resolve with mutual agreement or through legal proceedings. The bride does not have to do any "Iddah" (post divorce waiting period) if the marriage was not consummated. **The Quran affirms how a divorce should be handled under the circumstances of not consummating a marriage.**

QURAN (236) SURAT - 2. AL-BAQARAHP, PROOF THAT THE MARRIAGE EXISTS EVEN THE CONSUMMATION IS POSTPONED.

QURAN (236)

لَا جُنَاحَ عَلَيْكُمْ إِن طَلَقْتُمْ النِّسَاءَ مَا لَمْ تَمْسُوهُنَّ أَوْ تَفْرِضُوا  
 لَهُنَّ فَرِيضَةً وَمِمَّا يُوعَىٰ ظَهْرُ الْفُؤَادِ عَلَى الْفُؤَادِ مَا لَمْ يَكُنْ مِن بَيْنِكُمْ  
 مِن نَّكاحٍ فَالْمُؤْتَىٰ فَالْمُؤْتَىٰ ۚ فَمَا عَلَى الْمُحْسِنِينَ ﴿٢٣٦﴾

La junaha AAalaykum in tallaqtumu alnnisaa ma lam tamassoohunna aw tafriidoo lahunna fareedatan wamattiAAoohunna AAala almoosiAAi qadaruhu waAAala almuqtiri qadaruhu mataAAan bialmaAAaroofi haqqan AAala almuhsineena

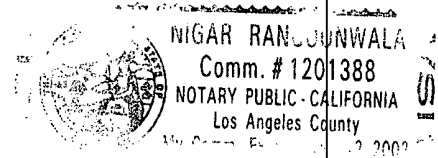
There is no sin on you, if you divorce women while yet you have not touched (had sexual relation with) them, nor appointed unto them their *Mahr* (bridal money given by the husband to his wife at the time of marriage). But bestow on them (a suitable gift), the rich according to his means, and the poor according to his means, a gift of reasonable amount is a duty on the doers of good.

QURAN (237)

وَإِن طَلَقْتُمْهُنَّ مِن قَبْلِ أَنْ تَمْسُوهُنَّ وَقَدْ فَرَضْتُمْ لَهُنَّ  
 فَرِيضَةً فَيَصِفْ مَا فَرَضْتُمْ إِلَّا أَنْ يُعْمُونَ أَوْ يُعْمُوا الَّذِي بِيَدِهِ عَقْدَةُ  
 النِّكَاحِ وَأَنْ تَعْمُوا أَقْرَبُ لِلتَّقْوَىٰ وَلَا تَنسُوا الْفَضْلَ بَيْنَكُمْ إِنَّ اللَّهَ  
 بِمَا تَعْمَلُونَ بَصِيرٌ ﴿٢٣٧﴾

Wa-in tallaqtumoohunna min qabli an tamassoohunna waqad faradtum lahunna fareedatan fanigfu ma faradtum illa an yaAAfoona aw yaAAfuwa allathe biyadihi AAuqdatu alnnikahi waan taAAfoo aqrabu lilttaqwa wala tansawoo alfadla baynakum inna Allaha biima taAAmaloona baseerun

And if you divorce them before you have touched (had a sexual relation with) them, and you have appointed unto them the *Mahr* (bridal money given by the husbands to his wife at the time of marriage), then pay half of that (*Mahr*), unless they (the women) agree to forego it, or he (the husband), in whose hands is the marriage tie, agrees to forego and give her full appointed *Mahr*. And to forego and give (her the full *Mahr*) is nearer to *At-Taqwa* (piety, righteousness, etc.). And do not forget liberality between yourselves. Truly, Allāh is All-Seer of what you do.





3. **ZIFAF**: Literally it means “sending off”. In Shari’ah/Islamic Law it is called “Zifaf”. In Arab countries it is commonly called “Dukhul” or “Dukhlah”. **It means the consummation of marriage.** Where the spouses can be alone and can have their intimate conjugal relations. Dukhlah takes place after the Nikah. After Dukhlah the spouses begin living together as husband and wife. **In most cases the Dukhlah takes place within a few hours after Nikah, but sometimes families postpone the consummation of marriage or Dukhlah for a later time. They may do it for various social or personal reasons. Sometimes the consummation is delayed because the family wants to have a big party to invite many relatives and friends to celebrate their marriage. Sometimes couple decide to delay consummation because one or both spouses want to finish their studies or would like to make better arrangement for their residence etc. There could be many reasons for the postponement of consummation and it could be for few months or years. This is permissible in Islam.**

4. **WALIMAH**: This is a special feast to which the groom and his family invite their relatives and friends as well as the bride’s family and friends and they celebrate the marriage. Walimah is a kind of formal announcement of the formation of this new family. The gifts are exchanged. In various countries, Muslims have different customs of Walimah. It is not required to have the Walimah after Dukhlah. It can be done before Dukhlah or at the time of Dukhlah.

In some Muslim countries and communities there are some other customs but these four are the most common Muslim traditions in marriage. **It should be explained that after the Nikah the bride and groom are formally and legally husband and wife. Because Dukhlah or consummation did not take place, it does not mean that the couple is not legally married. The couple is considered legally married persons from the time their Nikah took place.**

**QUESTION #3: If it has been determined that the couple will not consummate the marriage until after a period of time, would it be out of the ordinary for the couple to enter into a marriage contract and civil marriage rather than an engagement?**

**ANSWER TO QUESTION #3:**

It is not out of the ordinary to enter into a marriage contract if it has been determined that the couple will not consummate the marriage until a period of time. Islam does not permit a grown up boy and grown up girl to meet and spend time together before their marriage. The Prophet (PBUH)- not only permitted but also encouraged the young people to see their prospective spouses before engagement. It is reported that the Prophet (PBUH)- said, "When one of you make a proposal of marriage to a woman, if you can see what can invite you to marry her then do so. On the basis of this and other similar narrations, the jurists have said that it is allowed for a boy and girl who are considering marrying each other to see and meet each other in the presence of their adult relatives. The meetings should be supervised and with proper Islamic dress and etiquettes. **They are not allowed to go out alone or to spend time together alone. Even after engagement they should not have any unsupervised meetings.** They may talk to each other on telephone occasionally or they may write to each other, but they should observe modesty in their conversations and must always remember that they are still unmarried and whatever is allowed for married couples is not yet allowed to them.-In the past some Muslims used to take an extreme position in this matter. They would not allow their boys and girls to see their prospective spouses at all. The first time they would see and meet each other would be on the night of their union and after the “Nikah/marriage contract” is registered. Furthermore, secret marriages are not allowed without parental consent, knowledge or approval. The word secret is anathema to the concept of marriage which is a relationship built to secure peace, happiness and tranquility. There are many rights and obligations resulting from agreement of marriage. These include



the honor and integrity of the woman concerned, her family and relations and most importantly, offspring. In so many instances, even with use of precautions, women get pregnant. How can they face this situation? Where lies the blame? And what if the young couple tires of one another after taking what they want from one another? Who loses in such situations? That is why Muslim scholars frown upon secretive arrangements even though other basic formalities were satisfied. They argue that the Islamic Law has made it mandatory to publicize marriage in every available way. They quote a number of statements of the Prophet (PBUH) to that effect. For example the statement, "There is no valid marriage without a guardian and two witnesses. Any arrangement short of that is invalid, invalid, invalid." Another statement quoted by the Islamic texts, "Any marriage not attended by four people is not a marriage, it is a fornication. They are: the suitors, the guardian and two witnesses."

Scholars differentiate between two types of what is known as common marriage. Common, here, stands in contrast to a well documented marriage. The first is when marriage takes place without being officially recorded. But it takes place within the family, is known among the friends and neighbors but for other reasons it is not registered. Maybe the couple is drawing unmarried benefits or whatever. This is an acceptable religious marriage even though there are unethical motives behind it. The other type is the one when the two parties agree to keep it secret. They ask two friends to witness the marriage with the understanding that they do not talk about it. And they did not, I repeat, they did not register it. This does not amount to a secure, tranquil marriage. It is simply satisfying their physical need. The comment of a scholar, who was a judge before taking the chair of the Islamic Shari'ah in the Faculty of Law, Cairo University, is that "We do not condone, nor accept such an arrangement. It is far from the real concept of marriage. Families and girls' honor should not be treated so flippantly. In my life as a judge I came across so many miserable, depressing cases resulting in acrimonious disputes. Allah's Shari'ah has to be respectfully followed. Any so called legal fictions in this particular matter must be shunned." And Allah says the Truth and guides to the right way. "Guardianship in Marriage" by Sheikh Darsh Available from Amanah Publications FAO Ashfaq Ali, 841 Barkerend Road, Bradford, BD3 8QJ

**QUESTION #4: What considerations could lead a family to decide to have a marriage contract instead of an engagement when it is agreed the marriage will not be consummated for a period of time? What are the advantages of having a marriage contract under such circumstances?**

**ANSWER TO QUESTION #4:**

Allowed relationship in Islam-Islam shows, quite clearly in the Qur'an and the Hadith (practice of the Prophet (PBUH)) that **all intimacies outside the legal marriage are prohibited**. Among the prohibited acts are adultery, fornication, homosexual acts, incest, child molestation, sodomy with animals, and masturbation. Furthermore, marriage in Islam is a divine bond between two legitimate parties to enjoy social and intimate relationship with each other and to have children. It is one of the most sacred divine contracts because the subject matter is a human being i.e., "the would be wife". Hence not only among the Muslims but also among the Jews and Christians marriage is treated in a very sacred manner by Imam's, Rabbi's and Priests respectively in Islam marriage is part of the social system which lays down the detailed guidelines about the relationship between the opposite gender i.e. What is the nature of their meeting together, their relationship and the consequences and/or results or outcome of such relationships.

Marriage is a recommended act in Islam and a divine rule, which organizes the relationship between two mature, sane parties in the absence of any divine prevention. Verily marriage is half the Islamic religion for it is the fundamental pillar of the social system. In addition to civil registered marriage contract, the couple families usually ask the religious authority or the Imam to write an Islamic Marriage Contract prescribing the Islamic conditions and prerequisites for a marriage. A civil marriage is a contract registered in the local council or civil authorities in order for a man and a woman to have a relationship governed by the marriage laws of the state.



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

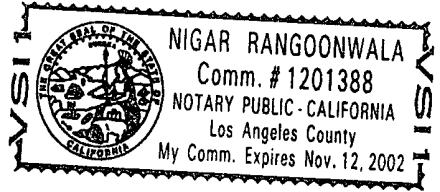
Ahmad H. Sakr

Ahmad Sakr, Ph.D.

Sworn to before me on this 6 day of January 2002.

Nigar Rangoonwala

Notary Public



Attachment to the 5 pages of question & Answers.

**Ahmad H. Sakr, Ph.D**

Dr. Ahmad H Sakr obtained his Ph.D. from the University of Illinois. While studying in America, he was a founding member and president of the Muslim Students' Association of the U.S.A and Canada, currently known as the Islamic Society of North America (or ISNA), a mother organization in North America. Dr. Sakr was also a founding member of the World Council of Mosques whose headquarters is in Makkah. He was the first director and representative of the Muslim World League to the U.N.

Furthermore, Dr. Sakr is an educator and has taught in several universities. In 1973, he was selected as an Outstanding Educator of America. He is also an administrator and has served in numerous capacities at various American universities, the last of which was the Acting President of the American Islamic College in Chicago. In 1976/1977 he was selected as a Community Leader and a Noteworthy American.

Currently, he is the president of the Foundation for Islamic Knowledge. Director of the Islamic Education Center in Walnut, California, a member of Operation Safe Community, a member of the Walnut Interfaith Council in California, and a board member of the Islamic food and Nutrition Council of America (IFANCA).

Dr. Sakr has appeared on ABC's Nightline as well as the Canadian Broadcasting Corporation (CBC). In addition, he has made numerous radio and television appearances. He has also organized and coordinated many national and international conferences. Additionally, he is a well known writer and has written a series of books and booklets on Islam, food, health, behavior, terrorism, fundamentalism, Khutab, and orations. At last count, he had written over forty five (47) books and booklets not counting the innumerable articles he has authored.

Dr. Sakr's approach is to build a bridge of understanding through commonalities with Muslims and non-Muslims. The latest visit was to the Vatican in Italy where he participated in a Dialogue with the Bishops, Cardinals and the Pope.

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## PUBLICATIONS

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### I. BOOKS ON HEALTH, FOOD AND NUTRITION:

1. Dietary Regulations & Food Habits of Muslims
2. Overeating and Behavior
3. Islam on Alcohol
4. Alcohol in Beverages, Drugs, Foods and Vitamins
5. Cheese
6. AFTO and FAO
- \* 7. Fasting in Islam
8. Food and Overpopulation
9. Honey: Food and a Medicine
- \* 10. Gelatin
11. Shortening in Foods
12. A Manual on Food Shortenings
- \* 13. Pork: Possible Reasons for its Prohibition
14. Food Supplementation
15. World Health Organization for Muslim Nations
- \* 16. A Muslim Guide to Food Ingredients
17. Natural Therapeutics of Medicine in Islam  
(co-authored)
18. Islamic Dietary Laws & Practices (co-authored)
19. Food and Nutrition Manual (co-authored)
20. A Handbook of Muslim Foods
- \* 21. Understanding Halal Foods: Fallacies and Facts

### II. BOOKS ABOUT FRIDAY KHUTAB:

- \* 1. Book of Al-Khutab
- \* 2. Islamic Orations
- \* 3. Orations from the Pulpit
- \* 4. Chronicle of Khutab
- \* 5. Friday Khutab

Publications

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- \* 6. A Manual of Friday Khutab
- \* 7. Khutab Al-Masjid
- \* 8. Khutab From Mihrab

**III. GENERAL SUBJECTS:**

- \* 1. Islamic Fundamentalism (co-authored)
- \* 2. Du 'a' After Completing the Recitation of Qur'an
- \* 3. Introducing Islam to non-Muslims (co-authored)
- 4. Prostration – Sujood (new edition)
- 5. Guidelines of Employment by Muslim Communities (co-authored)
- \* 6. Farewell Khutbah of the Prophet – Its Universal Values
- 7. Understanding Islam and Muslims
- \* 8. Muslims and non-Muslims: Face to Face
- \* 9. Matrimonial Education in Islam ( New Edition)
- \* 10. Life, Death and the Life After
- \* 11. The Golden Book of Islamic Lists
- \* 12. Al-Jinn
- \* 13. Islam and Muslims: Myth or Reality
- 14. Islamic Awareness
- \* 15. Death and Dying
- \* 16. Family Values in Islam
- \* 17. Book of Inquiries
- \* 18. The Adolescent Life
- \* 19. Social Services and Counseling
- \* 20. A Course on Islamic Shari'ah
- \* 21. Da'wah Through Dialogue
- \* 22. Understanding the Qur'an
- \* 23. Themes of the Qur'an
- \* 24. Book of Knowledge
- \* 25. Reflections from a Flying Falcon

Publications

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\* 26. Feasts, Festivities and Holidays

\* These publications are available from:

**Foundation for Islamic Knowledge**  
**P.O. Box 665**  
**Lombard, IL 60148**  
**Phone: (630) 495-4817 / Fax: (630) 627-8894**

**NEWSLETTER**

The Foundation has a newsletter called Perspectives, it is published bi-monthly, and distributed free. If you wish to have a copy of the newsletter, please write to the address below.

**Virginia Office**  
**(Newsletter/Perspectives)**  
**P. O. Box 65250**  
**Hampton, VA 23665**



Light over Light

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## BOOKS TO BE PUBLISHED

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1. Islamic Perspectives
2. Islamic Understanding
3. Islam vs. Muslims
4. The Book of Healing
5. Speakers Bureau Guide Book
6. Health, Hygiene and Nutrition
7. Halal – Haram book of Khutab
8. Book of Du ‘a’
9. The Book of Targheeb
10. Scientific Reflections from the Qur’an
11. Biological Terms in the Qur’an
12. Educational Institutions in Islam
13. Writing an Islamic Will
14. Qur’an Commentary in Summary
15. Book of Wisdom
16. Welcome to the World of Islam
17. A Lifetime Journey
18. Arafa of the Hereafter
19. Al-Insaan: The Human Being

These and other books will not be published unless someone like you comes forward and extend a hand of help. You may sponsor any of the above books, or any number of copies of a particular book. Your help in any capacity is greatly needed even to pay the previous debts to the printers. The foundation is tax-exempt from the IRS and your donations are tax-deductible. The employer I.D. number with the I.R.S. is 36-352-8916.

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contact:*

**Foundation for Islamic Knowledge  
P.O. Box 665, Lombard, IL 60148, USA  
Phone: (630) 495-4817 / Fax: (630) 627-8894**

**ALL-PURPOSE ACKNOWLEDGMENT**

State of California  
County of LOS ANGELES } ss.

On JAN. -06-2002 before me, NIGAR RANGOONWALA,  
(DATE) (NOTARY)  
personally appeared DR. AHMAD SAKR.  
SIGNER(S)

personally known to me - OR-  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Nigar Rangoonwala  
NOTARY'S SIGNATURE

**OPTIONAL INFORMATION**

The information below is not required by law. However, it could prevent fraudulent attachment of this acknowledgment to an unauthorized document.

**CAPACITY CLAIMED BY SIGNER (PRINCIPAL)**

- INDIVIDUAL
- CORPORATE OFFICER
- \_\_\_\_\_ TITLE(S)
- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: \_\_\_\_\_

**DESCRIPTION OF ATTACHED DOCUMENT**

Question & Answer Final Document  
TITLE OR TYPE OF DOCUMENT

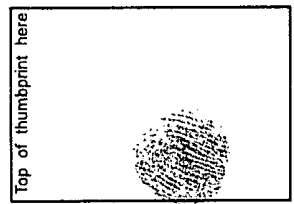
5 (five)  
NUMBER OF PAGES

Jan - 03 - 02  
DATE OF DOCUMENT

OTHER \_\_\_\_\_

**SIGNER IS REPRESENTING:**  
NAME OF PERSON(S) OR ENTITY(IES)  
\_\_\_\_\_  
\_\_\_\_\_

RIGHT THUMBPRINT  
OF  
SIGNER







March 9, 1998

Hani El-Khader  
544 Michigan Avenue  
Chicago, IL 60035

**RE: Employment Status**

Dear Hani:

This letter is to confirm that you were an employee in good standing with AMCORE Financial, Inc. from 7/12/93 through 11/28/97. At your time of resignation, your title was Business Process Review Officer.

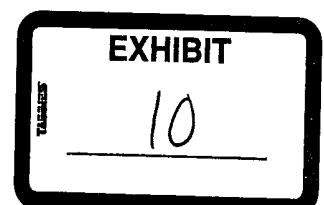
Please let me know if you require any additional information . My phone number is (815)961-7788.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Yock".

Elizabeth Yock  
Assistant Vice President and  
Employee Relations Manager

cc: Employee File





U.S. Department of Justice  
Immigration and Naturalization Service

Notice of Action



LIN-95-166-50628		PETITION FOR A NONIMMIGRANT WORKER
RECEIPT DATE May 26, 1995	PRIORITY DATE	PETITIONER AMCORE FINANCIAL INC
NOTICE DATE June 7, 1995	PAGE 1 of 1	

DAVID RUBMAN LAW OFFICE OF DAVID RUBMAN 332 S MICHIGAN AVE STE 860 CHICAGO IL 60604	<b>Notice Type:</b> Approval Notice <b>Class:</b> H1B Valid from 06/06/95 to 06/01/98
--	---

The above petition has been approved, and cable notification has been sent to the listed consulate. You may also send the tear-off bottom part of this notice to the worker(s) to show the approval. Please contact the consulate with any questions about visa issuance. **THIS FORM IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA.**

Petition approval does not authorize employment. When the workers are granted status based on this petition they can then work for the petitioner, but only as detailed in the petition and for the period authorized. Please contact the IRS with any questions about tax withholding.

If circumstances change, the petitioner can file Form I-824 to have us notify another consulate of this approval. If any of the workers are already in the U.S. the petitioner can file a new Form I-129 to seek to change or extend their status based on this petition. Changes in employment also require a new petition. Include a copy of this notice with any other required documentation.


If any of the worker(s) included in this petition do not actually enter the United States, substitutions of different workers are not made, the petitioner must notify this office so the allocated nonimmigrant visa numbers can be re-used.

Number of workers: 1

Name	DOB	COB	Class	Consulate or POE	OCC Code
EL KHADER, HANI H	11/14/69	KUWAIT	H1B	CIUDAD JUAREZ	014

Please see the additional information on the back. You will be notified separately about any other cases you filed.

NORTHERN SERVICE CENTER  
 U. S. IMMIG. & NATZ. SERVICE  
 P.O. BOX 82521  
 LINCOLN NE 68501-2521  
 Customer Service Telephone: 402-437-5218



Form I797B (Rev. 09/07/93)N

Please tear off portion below and forward it to the alien worker.

The alien may use this portion when applying for a visa at an American consulate abroad, or if no visa is required, when applying for admission to the U.S.

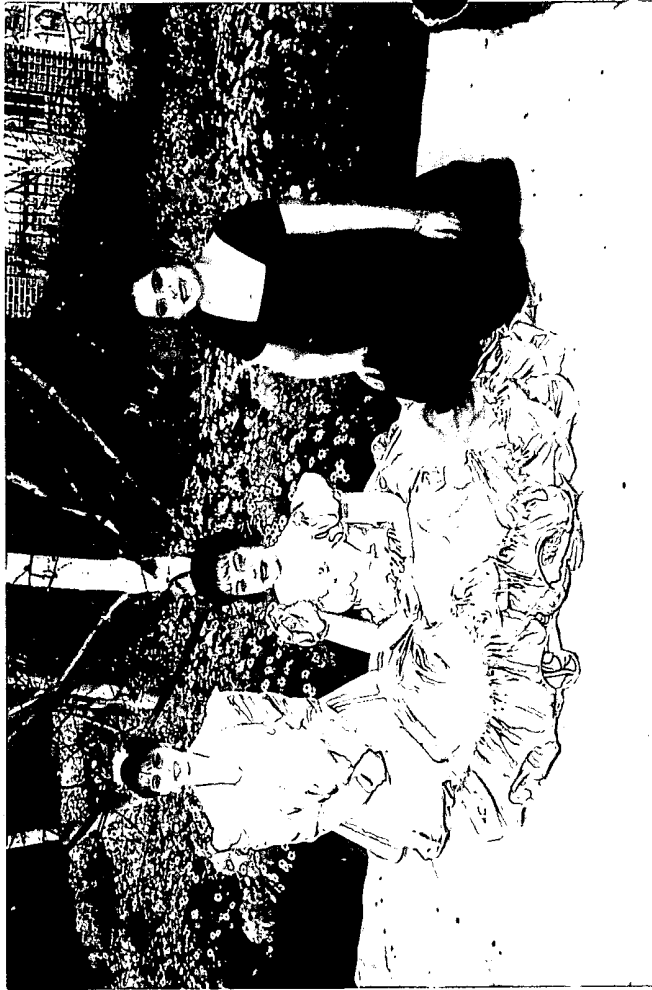
Receipt#: LIN-95-166-50628	Case Type: I129
Notice Date: June 7, 1995	Petitioner:
Petition Validity Dates: 06/06/95 through 06/01/98	Number of Workers: 1
Name: EL KHADER, HANI H	DOB: [REDACTED]
COB: 69 KUWAIT	Class Consulate or POE: H1B CIUDAD JUAREZ
	OCC Code: 014

**EXHIBIT**  
12



EXHIBIT  
13  
667









AT HANI'S PARENTS HOUSE IN AMMAN  
WITH NADIA'S GRANDMOTHER AND AUNT



*EAM*  
*L. Zamora*

RUBMAN AND COMPERNOLLE

ATTORNEYS AT LAW

SUITE 520  
53 WEST JACKSON BOULEVARD  
CHICAGO, ILLINOIS 60604

TELEPHONE (312) 341-1907  
FAX (312) 341-0797

RECEIVED

2001 DEC 20 A 1:20

DAVID RUBMAN  
SUSAN COMPERNOLLE

December 19, 2001

Officer Lisa Zamora  
INS Examinations Branch  
10 W. Jackson Blvd. - Rm. 323  
Chicago, IL 60604

Re: Hani El-Khader  
A71 846 426  
Notice of Intent to Revoke Visa Petition

Dear Ms. Zamora:

Thank you for arranging my review of the Record of Proceedings in the above-referenced matter on December 17, 2001. As I advised you on that day, however, I believe I was not permitted to review the entire record of proceedings. I asked to review the part of the file relating to the investigation of the bona fides of Mr. El-Khader's marriage that is the basis of the Notice of Intent to Revoke. You advised me that it is INS policy to not release documents relating to an investigation prior to the issuance of a final decision. Since there is no final decision, you advised me that I could not review any document relating to the investigation.

I am writing to request that you reconsider your position based on the attached BIA decision, Matter of Estime, (Interim Decision 3029, BIA 1987). That decision indicates that my client has the right to review the record of proceedings prior to responding to the Notice of Intent to Revoke. The decision further indicates that any decision to revoke a petition "is not valid unless based on evidence contained in the record of proceedings."

We are thus faced with a conundrum. If you are denying me access to the documents relating to the investigation because they are not part of the record of proceedings, then those same documents cannot be used as a basis to revoke the petition. If they are part of the record of proceedings, then I clearly have a right to review them.

I understand your point that under the FOIA, investigative

reports are not releasable until after a final decision is issued. But this is not an FOIA request. This is a request to review the evidence on which you base your contention that this visa petition is revocable. Under your position, we have no right to review the evidence upon which you base your contention that the visa petition should be revoked. Matter of Estime clearly holds that we have the right to review the evidence prior to responding to the Notice of Intent to Revoke.

I would appreciate your reviewing this matter with your supervisors and advising me of your final position. We cannot respond to the Notice until this issue is resolved.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "David Rubman". The signature is stylized with a large initial "D" and a long horizontal stroke.

David Rubman

cc: Brian R. Perryman, District Director  
Sheila Entenman, Asst US Attorney

Interim Decision #3029

MATTER OF ESTIME

In Visa Petition Revocation Proceedings

A-24522688

*Decided by Board August 12, 1987*

- (1) Pursuant to section 205 of the Immigration and Nationality Act, 8 U.S.C. § 1155 (1982), a notice of intention to revoke approval of a visa petition is not properly issued unless there is "good and sufficient cause" and the notice includes a specific statement not only of the facts underlying the proposed action, but also of the supporting evidence.
- (2) "Good and sufficient cause" for issuing such a notice exists when the evidence of record at the time of issuance, if unexplained and un rebutted, would warrant a denial.
- (3) There is "good and sufficient cause" within the meaning of section 205 of the Act to revoke approval of a visa petition if the evidence of record at the time of the decision, including any explanation or rebuttal submitted by the petitioner, warrants a denial based on the petitioner's failure to meet his or her burden of proof.
- (4) A decision to revoke approval of a visa petition will not be sustained where the notice of intention to revoke was not properly issued.
- (5) A decision to revoke approval of a visa petition will be sustained where a petitioner fails to make a timely explanation or submission of evidence to the Immigration and Naturalization Service after receipt of a properly issued notice of intention to revoke.

ON BEHALF OF PETITIONER: **Domenic J. Mizio, Esquire**  
Suite 1105  
350 Broadway  
New York, New York 10013

BY: **Milhollan, Chairman; Dunne, Morris, Vacca, and Heilman, Board Members**

The lawful permanent resident petitioner applied for preference status for the beneficiary as her husband under section 203(a)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(a)(2) (1982). In a decision dated February 13, 1986, the Immigration and Naturalization Service Regional Adjudications Center ("RAC") director revoked his prior approval of the visa petition on the ground that the petitioner's marriage to the beneficiary is not valid. The petitioner

## Interim Decision #3029

has appealed. The record will be remanded to the RAC director for further proceedings.

The record reflects that the Service approved the visa petition on April 29, 1982, and that it was forwarded to the American consulate at Montreal. The consul returned the visa petition to the RAC director, noting a number of discrepancies between the parties' answers during a September 11, 1985, interview. In a letter dated January 2, 1986, the RAC director advised the petitioner that he intended to deny the petition, concluding on the basis of these discrepancies that there was substantial reason to doubt the bona fides of the petitioner's marriage to the beneficiary. See *Matter of McKee*, 17 I&N Dec. 332 (BIA 1980). That letter granted the petitioner 15 days to submit evidence to overcome the grounds for revocation of the visa petition because the petitioner apparently had not submitted any evidence or response.

On appeal, counsel for the petitioner contends that the petitioner did timely respond to the RAC director's notice of intention to deny. The petitioner submitted a copy of a January 13, 1986, letter, which was properly addressed to the Service. The date of notarization of the response establishes that it was prepared in a timely manner. This response addresses the discrepancies relied on by the RAC director in denying the petition.

Under section 205 of the Act, 8 U.S.C. § 1155 (1982), the Attorney General may, at any time, for what he deems "good and sufficient cause," revoke the approval of any visa petition. Those portions of the regulations relating to evidentiary requirements in visa petition proceedings apply, of course, to the revocation of approved visa petitions. Thus, with exceptions relating to classified information, the petitioner must be permitted to inspect the record of proceedings, must be advised of derogatory evidence of which he is unaware, and must be offered an opportunity to rebut such evidence and to present evidence in his behalf. Any such explanation, rebuttal, or evidence must be included in the record of proceedings. A determination of statutory ineligibility is not valid unless based on evidence contained in the record of proceedings. 8 C.F.R. §§ 103.2(b)(2), 205.2(b) (1987); *Matter of Mata*, 15 I&N Dec. 524 (BIA 1975) (construing 8 C.F.R. §§ 205.3, now 205.2(b), and 103.2(b)(2)); see also *Matter of Holmes*, 14 I&N Dec. 647 (BIA 1974); *Matter of Artega-Goday*, 14 I&N Dec. 226 (BIA 1972).

In determining what is "good and sufficient cause" for the issuance of a notice of intention to revoke, we ask whether the evidence of record at the time the notice was issued, if unexplained and un rebutted, would have warranted a denial based on the petitioner's failure to meet his or her burden of proof. Further, pursu-

## Interim Decision #3029

ant to 8 C.F.R. § 103.2(b)(2) (1987), the notice of intention to revoke must include a specific statement not only of the facts underlying the proposed action, but also of the supporting evidence (e.g., the investigative report).<sup>1</sup> Similarly, with respect to a decision to revoke, we ask whether the evidence of record at the time the decision was issued (including any explanation, rebuttal, or evidence submitted by the petitioner pursuant to 8 C.F.R. §§ 103.2(b)(2) or 205.2(b) (1987)) warranted such a denial. Where a notice of intention to revoke is based on an unsupported statement or an unstated presumption, or where the petitioner is unaware and has not been advised of derogatory evidence, revocation of the visa petition cannot be sustained, even if the petitioner did not respond to the notice of intention to revoke. Similarly, if these requirements are met and the petitioner fails to make a timely explanation or submission of evidence to the Service, after having been given a reasonable opportunity to do so, the Service's decision to revoke will be sustained, notwithstanding the submission of evidence on appeal. In such a case the revocation would be for "good and sufficient cause," as our review on appeal is of the record of proceedings before the RAC director.

On the record before him, the RAC director would have been warranted in concluding that the petitioner had failed to meet her burden of establishing that her marriage to the beneficiary was valid for immigration purposes. The notice of intention to revoke in this case outlines the facts on which the RAC director based his finding. Further, it is supported by evidence (a memorandum from the consul) which was furnished to the petitioner. The record does not appear to contain any derogatory evidence of which the petitioner is unaware.

However, the record indicates that the petitioner timely filed a response to the notice of intention to revoke. As the RAC director has not had an opportunity to review the petitioner's response, we will remand the record to the RAC director for further proceedings and the entry of a new decision.

**ORDER:** The record is remanded to the RAC director for further proceedings consistent with the foregoing opinion and the entry of a new decision.

<sup>1</sup> In proceedings to revoke the approval of a visa petition, the burden of proof to establish eligibility for the benefit sought is on the petitioner. *Matter of Cheung*, 12 I&N Dec. 715 (BIA 1968); see also *Matter of Brantigan*, 11 I&N Dec. 493 (BIA 1966).

M.L. Rm 320  
Attn: Officer Zamora

RUBMAN AND COMPERNOLLE

ATTORNEYS AT LAW

SUITE 520  
53 WEST JACKSON BOULEVARD  
CHICAGO, ILLINOIS 60604

TELEPHONE (312) 341-1907  
FAX (312) 341-0797

DAVID RUBMAN  
SUSAN COMPERNOLLE

December 11, 2001

Brian R. Perryman  
District Director  
Immigration and Naturalization Service  
10 W. Jackson Blvd.  
Chicago, IL 60604

Re: Hani El-Khader  
A71 846 426

Notice of Intent to Revoke Visa Petition  
Filed by Ameritrust Mortgage Company

Dear Mr. Perryman:

I have been retained by Ameritrust Mortgage Company to respond to the Notice of Intent to Revoke issued on December 5, 2001 and received by the petitioner by certified mail on December 11, 2001. Enclosed is form G-28 signed by a representative of the petitioner. A form G-28 signed by Mr. El-Khader is already in your file appointing me as his attorney. Please direct all future correspondence in this matter to me.

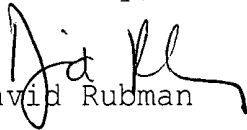
The Notice of Intent to Revoke provides the petitioner 15 days to respond in writing. I am writing to request two things:

1. That we be permitted to inspect the record of proceedings in this matter, including the results of the entire investigation conducted. We are entitled to inspect the record of proceedings pursuant to 8 C.F.R. 103.2(a)(16); see also Matter of Estime, (Interim Decision 3029, BIA 1987) (copy attached).
2. That we be provided an additional 60 days after reviewing the record in order to respond to the Notice of Intent to Revoke. This additional time is needed because counsel is unavailable to intensively work on this matter until after January 7, 2002, and because

affidavits from expert and non-expert witnesses may be necessary in order to adequately respond to the Notice of Intent to Revoke. The issues raised in the Notice relate in part to matters of Islamic marriage law, and counsel must locate an expert witness who can address those issues. Most Islamic scholars are now being besieged with requests for assistance in interpreting Islamic law as a result of the September 11 tragedy, and counsel anticipates it will take some time to locate an expert who is available to assist.

Thank you for your attention to this request. I would appreciate receiving a response in writing confirming when the record of proceedings can be reviewed and providing a specific date by which the response must be received.

Sincerely,

  
David Rubman

Cc: Officer Zamora  
AUSA Sheila Entenman

U.S. Department of Justice  
 Immigration and Naturalization Service

Notice of Entry of Appearance  
 as Attorney or Representative

**Appearance** - An appearance shall be filed on this form by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required. **Availability of Records** - During the time a case is pending, and except as otherwise provided in 8CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he/she may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his/her receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103.10.

In re:	Date	12/11/2001
	File No.	A71 B46 426

I hereby enter my appearance as attorney for (or representative of), and at the request of, the following named person(s):

Name	<input checked="" type="checkbox"/> Petitioner	<input type="checkbox"/> Applicant
Ameritrust Mortgage Co.	<input type="checkbox"/> Beneficiary	

Address (Apt. No.)	(Number & Street)	(City)	(State)	(ZIP Code)
	284 Virginia Street	Crystal Lake	IL	60014

Name	<input type="checkbox"/> Petitioner	<input type="checkbox"/> Applicant
	<input type="checkbox"/> Beneficiary	

Address (Apt. No.)	(Number & Street)	(City)	(State)	(ZIP Code)
--------------------	-------------------	--------	---------	------------

Check applicable item(s) below:

1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia  
Illinois Supreme Court and am not under a court or administrative agency order suspending, enjoining, restraining, disbaring, or otherwise restricting me in practicing law.

2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board:

3. I am associated with \_\_\_\_\_ the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.)

4. Others (Explain fully.)

SIGNATURE	COMPLETE ADDRESS
	Rubman and Compernelle 53 W. Jackson Blvd #52D Chicago IL 60604

NAME (Type of Print)	TELEPHONE NUMBER
David Rubman	Tel:(312)341-1907 Fax:(312)341-0797

PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS:

David Rubman

(Name of Attorney or Representative)

THE ABOVE DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER:

Notice of Intent to Revoke Visa Petition

Name of Person Consenting	Signature of Person Consenting	Date
BARBARA WALTERS, PRES.		

(NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

President Ameritrust Mortgage

This form may not be used to request records under the Freedom of Information Act or the Privacy Act. The manner of requesting such records is contained in 8CFR 103.10 and 103.20 Et. SEQ.



Interim Decision #3029

**MATTER OF ESTIME**

**In Visa Petition Revocation Proceedings**

**A-24522688**

*Decided by Board August 12, 1987*

- (1) Pursuant to section 205 of the Immigration and Nationality Act, 8 U.S.C. § 1155 (1982), a notice of intention to revoke approval of a visa petition is not properly issued unless there is "good and sufficient cause" and the notice includes a specific statement not only of the facts underlying the proposed action, but also of the supporting evidence.
- (2) "Good and sufficient cause" for issuing such a notice exists when the evidence of record at the time of issuance, if unexplained and un rebutted, would warrant a denial.
- (3) There is "good and sufficient cause" within the meaning of section 205 of the Act to revoke approval of a visa petition if the evidence of record at the time of the decision, including any explanation or rebuttal submitted by the petitioner, warrants a denial based on the petitioner's failure to meet his or her burden of proof.
- (4) A decision to revoke approval of a visa petition will not be sustained where the notice of intention to revoke was not properly issued.
- (5) A decision to revoke approval of a visa petition will be sustained where a petitioner fails to make a timely explanation or submission of evidence to the Immigration and Naturalization Service after receipt of a properly issued notice of intention to revoke.

ON BEHALF OF PETITIONER: **Domenic J. Mizio, Esquire**  
Suite 1105  
350 Broadway  
New York, New York 10013

BY: **Mihollan, Chairman; Dunne, Morris, Vacca, and Heilman, Board Members**

The lawful permanent resident petitioner applied for preference status for the beneficiary as her husband under section 203(a)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(a)(2) (1982). In a decision dated February 13, 1986, the Immigration and Naturalization Service Regional Adjudications Center ("RAC") director revoked his prior approval of the visa petition on the ground that the petitioner's marriage to the beneficiary is not valid. The petitioner

## Interim Decision #3029

has appealed. The record will be remanded to the RAC director for further proceedings.

The record reflects that the Service approved the visa petition on April 29, 1982, and that it was forwarded to the American consulate at Montreal. The consul returned the visa petition to the RAC director, noting a number of discrepancies between the parties' answers during a September 11, 1985, interview. In a letter dated January 2, 1986, the RAC director advised the petitioner that he intended to deny the petition, concluding on the basis of these discrepancies that there was substantial reason to doubt the bona fides of the petitioner's marriage to the beneficiary. See *Matter of McKee*, 17 I&N Dec. 332 (BIA 1980). That letter granted the petitioner 15 days to submit evidence to overcome the grounds for revocation of the visa petition because the petitioner apparently had not submitted any evidence or response.

On appeal, counsel for the petitioner contends that the petitioner did timely respond to the RAC director's notice of intention to deny. The petitioner submitted a copy of a January 13, 1986, letter, which was properly addressed to the Service. The date of notarization of the response establishes that it was prepared in a timely manner. This response addresses the discrepancies relied on by the RAC director in denying the petition.

Under section 205 of the Act, 8 U.S.C. § 1155 (1982), the Attorney General may, at any time, for what he deems "good and sufficient cause," revoke the approval of any visa petition. Those portions of the regulations relating to evidentiary requirements in visa petition proceedings apply, of course, to the revocation of approved visa petitions. Thus, with exceptions relating to classified information, the petitioner must be permitted to inspect the record of proceedings, must be advised of derogatory evidence of which he is unaware, and must be offered an opportunity to rebut such evidence and to present evidence in his behalf. Any such explanation, rebuttal, or evidence must be included in the record of proceedings. A determination of statutory ineligibility is not valid unless based on evidence contained in the record of proceedings. 8 C.F.R. §§ 103.2(b)(2), 205.2(b) (1987); *Matter of Mata*, 15 I&N Dec. 524 (BIA 1975) (construing 8 C.F.R. §§ 205.3, now 205.2(b), and 103.2(b)(2)); see also *Matter of Holmes*, 14 I&N Dec. 647 (BIA 1974); *Matter of Artega-Godoy*, 14 I&N Dec. 226 (BIA 1972).

In determining what is "good and sufficient cause" for the issuance of a notice of intention to revoke, we ask whether the evidence of record at the time the notice was issued, if unexplained and un rebutted, would have warranted a denial based on the petitioner's failure to meet his or her burden of proof. Further, pursu-

## Interim Decision #3029

ant to 8 C.F.R. § 103.2(b)(2) (1987), the notice of intention to revoke must include a specific statement not only of the facts underlying the proposed action, but also of the supporting evidence (e.g., the investigative report).<sup>1</sup> Similarly, with respect to a decision to revoke, we ask whether the evidence of record at the time the decision was issued (including any explanation, rebuttal, or evidence submitted by the petitioner pursuant to 8 C.F.R. §§ 103.2(b)(2) or 205.2(b) (1987)) warranted such a denial. Where a notice of intention to revoke is based on an unsupported statement or an unstated presumption, or where the petitioner is unaware and has not been advised of derogatory evidence, revocation of the visa petition cannot be sustained, even if the petitioner did not respond to the notice of intention to revoke. Similarly, if these requirements are met and the petitioner fails to make a timely explanation or submission of evidence to the Service, after having been given a reasonable opportunity to do so, the Service's decision to revoke will be sustained, notwithstanding the submission of evidence on appeal. In such a case the revocation would be for "good and sufficient cause," as our review on appeal is of the record of proceedings before the RAC director.

On the record before him, the RAC director would have been warranted in concluding that the petitioner had failed to meet her burden of establishing that her marriage to the beneficiary was valid for immigration purposes. The notice of intention to revoke in this case outlines the facts on which the RAC director based his finding. Further, it is supported by evidence (a memorandum from the consul) which was furnished to the petitioner. The record does not appear to contain any derogatory evidence of which the petitioner is unaware.

However, the record indicates that the petitioner timely filed a response to the notice of intention to revoke. As the RAC director has not had an opportunity to review the petitioner's response, we will remand the record to the RAC director for further proceedings and the entry of a new decision.

**ORDER:** The record is remanded to the RAC director for further proceedings consistent with the foregoing opinion and the entry of a new decision.

<sup>1</sup> In proceedings to revoke the approval of a visa petition, the burden of proof to establish eligibility for the benefit sought is on the petitioner. *Matter of Cheung*, 12 I&N Dec. 715 (BIA 1968); see also *Matter of Brantigan*, 11 I&N Dec. 493 (BIA 1966).

Revised  
10/31/02  
by CHH J/O



AMERITRUST MORTGAGE CORPORATION  
C/O MS SANDY HEUER  
284 VIRGINIA ST  
CRYSTAL LAKE IL 60014-

AMERITRUST MORTGAGE CORPORATION  
C/O MS SANDY HEUER

U.S. Department of Justice  
Immigration and Naturalization Service

OMB #1115-0061  
Immigrant Petition for Alien Worker

**START HERE - Please Type or Print**

**FOR INS USE ONLY**

**Part 1. Information about the person or organization filing this petition.**

If an individual is filing, use the top Name line. Organizations should use the second line.

Family Name	Given Name	Middle Initial
Company or Organization <i>Ameritrust Mortgage Corporation</i>		
Address - Attn: <i>Ms Sandy Heuer</i>		
Street Number and Name	Room #	
<i>284 Virginia Street</i>		
City	State or Province	ZIP/Postal Code
<i>Crystal Lake</i>	<i>IL</i>	<i>60014</i>
Country	ZIP/Postal Code	
<i>U.S.A.</i>	<i>60014</i>	
IRS Tax #	Social Security #	
<i>36-3390401</i>	<i>N/A</i>	

**Part 2. Petition Type.** This petition is being filed for: (check one)

- a.  An alien of extraordinary ability
- b.  An outstanding professor or researcher
- c.  A multinational executive or manager
- d.  A member of the professions holding an advanced degree or an alien of exceptional ability
- e.  A skilled worker (requiring at least two years of specialized training or experience) or professional
- f.  An employee of a U.S. business operating in Hong Kong
- g.  Any other worker (requiring less than two years training or experience)


**Part 3. Information about the person you are filing for.**

Family Name	Given Name	Middle Initial
<i>EL-Khader</i>	<i>Hani</i>	<i>H</i>
Address - C/O <i>544 Michigan Ave.</i>		
Street # and Name	Apt. #	
<i>Highland Park</i>		
City	State or Province	Zip or Postal Code
<i>Highland Park</i>	<i>Illinois</i>	<i>60035</i>
Country	Zip or Postal Code	
<i>U.S.A.</i>	<i>60035</i>	
Date of Birth (month/day/year)	Country of Birth	
<i>1/69</i>	<i>Kuwait</i>	
Social Security # (if any)	A # (if any)	
<i>4566</i>	<i>N/A</i>	<i>A75820315</i> <i>A71846426</i>
If in the U.S.	Date of Arrival (month/day/year)	I-94#
	<i>August 7, 98</i>	<i>66723847805</i>
	Current Nonimmigrant Status	Expires on (month/day/year)
	<i>HI-B</i>	<i>6/1/98</i>

**Part 4. Processing Information.**

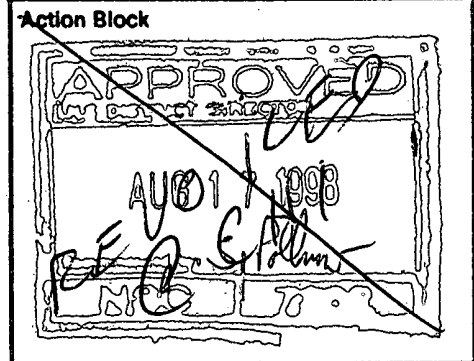
Below give the U.S. Consulate you want notified if this petition is approved and if any requested adjustment of status cannot be granted.

U.S. Consulate: City *Amman* Country *Jordan*

Returned	Receipt
Resubmitted	
Reloc Sent	
Reloc Rec'd	
<input type="checkbox"/> Petitioner Interviewed	 LNKAG01 6815-611-86-11 LIN-98-119-51839 04/01/98
<input type="checkbox"/> Beneficiary Interviewed	

- Classification**
- 203(b)(1)(A) Alien Of Extraordinary Ability
  - 203(b)(1)(B) Outstanding Professor or Researcher
  - 203(b)(1)(C) Multi-national executive or manager
  - 203(b)(2) Member of professions w/adv. degree or of exceptional ability
  - 203(b)(3) (A) (i) Skilled worker
  - 203(b)(3) (A) (ii) Professional
  - 203(b)(3) (A) (iii) Other worker
  - Sec. 124 IMMACT-Employee of U.S. business in Hong Kong

Priority Date	Consulate
<i>11/23/94</i>	<i>245 ADJ</i>
Remarks	
<i>2/E31/050</i>	



**To Be Completed by Attorney or Representative, if any**

Fill in box if G-28 is attached to represent the petitioner

VOLAG#

ATTY State License #

MAR 31 1998 - 9 52 AM A

Part 4. Processing Information. (continued)

If you gave a U.S. address in Part 3, print the person's foreign address below. If his/her native alphabet does not use Roman letters, print his/her name and foreign address in the native alphabet.

Name: [Handwritten Name] Address: [Handwritten Address]

Are you filing any other petitions or applications with this one? [ ] Yes [ ] No
Is the person you are filing for in exclusion or deportation proceedings? [ ] Yes [ ] No
Has an immigrant visa petition ever been filed by or in behalf of this person? [ ] Yes [ ] No

Part 5. Additional information about the employer.

Type of petitioner (check one): [ ] Self [ ] Individual U.S. Citizen [ ] Company or organization
If a company, give the following: Type of business: Mortgage Banker / Mortgage Lending

If an individual, give the following: Date Established: 10-86, Current # of employees: 5, Annual Income: 785,000, Net Annual Income: 785,000
If a company, give the following: Occupation: out to owner - all paid

Part 6. Basic information about the proposed employment.

Job Title: Cost Analyst, Nontechnical description of job: Accounting & Finance
Address where the person will work: Same as Part 1.
Is this a full-time position? [ ] No [ ] Yes
Wages per week: 825.00

Part 7. Information on spouse and all children of the person you are filing for.

Provide an attachment listing the family members of the person you are filing for. Be sure to include their full name, relationship, date and country of birth, and present address.

Part 8. Signature.

I certify under penalty of perjury under the laws of the United States of America that this petition, and the evidence submitted with it, is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit seeking.

Signature: [Handwritten Signature] Date: 03-13-98

Part 9. Signature of person preparing form if other than above. (Sign below)

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature: [Blank] Print Your Name: [Blank] Date: [Blank]

Firm Name and Address: [Blank]

**Part 4**

I have filed an adjustment of status application last year through my former US Citizen spouse. However, we are now separated and do not live together any more, she is now filing for an annulment and a legal divorce. We have not received any notification for an interview from the INS office in Chicago as of March 13, 1998.

Hani El-Khader





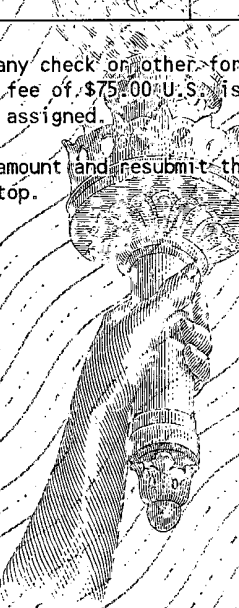
RECEIPT NUMBER LIN-98-119-51839		CASE TYPE I140
RECEIPT DATE		IMMIGRANT PETITION FOR ALIEN WORKER
PRIORITY DATE	PETITIONER AMERITRUST MORTGAGE CORPORATION	
NOTICE DATE March 23, 1998	PAGE 1 of 1	BENEFICIARY EL KHADER, HANI H.

AMERITRUST MORTGAGE CORPORATION C/O MS SANDY HEUER 284 VIRGINIA ST CRYSTAL LAKE IL 60014	Notice Type: Rejection Notice
---	-------------------------------

The above application or petition, along with any check or other form of fee payment, is attached. The application or petition cannot be accepted because the proper fee of \$75.00 U.S. is not attached. Since the case is not properly filed, a priority or processing date cannot be assigned.

Please attach a check or money order for this amount and resubmit this entire package to the address listed below. To speed processing, please leave this notice on top.

Enclosures



Please see the additional information on the back. You will be notified separately about any other cases you filed.

US IMMIG & NATZ SERVICE  
PO BOX 87140  
LINCOLN NE 68501-7140  
TELEPHONE 402/437-5218



- ⊙ *Please save this notice for your records. Please enclose a copy if you have to write us or a U.S. Consulate about this case, or if you file another application based on this decision.*
  - ⊙ *You will be notified separately about any other applications or petitions you have filed.*
- 

### *Additional Information*

#### **GENERAL.**

The filing of an application or petition does not in itself allow a person to enter the United States and does not confer any other right or benefit.

#### **INQUIRIES.**

You should contact the office listed on the reverse of this notice if you have questions about the notice, or questions about the status of your application or petition. *We recommend you call.* However, if you write us, please enclose a copy of this notice with your letter.

#### **APPROVAL OF NONIMMIGRANT PETITION.**

Approval of a nonimmigrant petition means that the person for whom it was filed has been found eligible for the requested classification. If this notice indicated we are notifying a U. S. Consulate about the approval for the purpose of visa issuance, and you or the person you filed for have questions about visa issuance, please contact the appropriate U. S. Consulate directly.

#### **APPROVAL OF AN IMMIGRANT PETITION.**

Approval of an immigrant petition does not convey any right or status. The approved petition simply establishes a basis upon which the person you filed for can apply for an immigrant or fiance(e) visa or for adjustment of status.

A person is not guaranteed issuance of a visa or a grant of adjustment simply because this petition is approved. Those processes look at additional criteria.

If this notice indicates we have approved the immigrant petition you filed, and have forwarded it to the Department of State Immigrant Visa Processing Center, that office will contact the person you filed the petition for directly with information about visa issuance.

In addition to the information on the reverse of this notice, the instructions for the petition you filed provide additional information about processing after approval of the petition.

For more information about whether a person who is already in the U. S. can apply for adjustment of status, please see Form I-485, *Application to Register Permanent Residence or Adjust Status*.

## REVISED FEES

EFFECTIVE 7/14/94

FORM TYPE OR NUMBER	FORM NAME OR DESCRIPTION	FEE
EOIR-29	APPEAL	\$110.00
I-90	APPLICATION TO REPLACE ALIEN REGISTRATION CARD	\$75.00
I-102	APPLICATION FOR REPLACEMENT OF ARRIVAL/DEPARTURE DOCUMENT	\$65.00
I-129	PETITION FOR NON-IMMIGRANT WORKER \$75.00 BASE FEE PLUS: \$10.00 PER WORKER IF NOT IN US \$80.00 PER WORKER IF FILING FOR CHANGE OF STATUS TO WORKER \$50.00 PER WORKER IF FILING FOR EXTENSION OF STATUS  IN CLASSES ELIGIBLE TO FILE FOR "UNNAMED WORKERS" THE FEE IS \$75.00	
I-129F	PETITION FOR ALIEN FIANCÉ (E)	\$75.00
I-130	PETITION FOR ALIEN RELATIVE	\$80.00
I131	APPLICATION FOR TRAVEL DOCUMENT	\$70.00
I-140	PETITION FOR IMMIGRANT WORKER	\$75.00
I-212	APPLICATION FOR PERMISSION TO REAPPLY FOR ADMISSION	\$95.00
I-290B	APPEAL	\$110.00
I-360	PETITION FOR AMERASIAN, WIDOW(ER) OR SPECIAL IMMIGRANT AMERASIAN PETITION IS FEE EXEMPT	\$80.00 \$0.00
I-485	APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS IF 14YRS OF AGE OR OLDER	\$130.00
I-485	IF UNDER 14YRS OF AGE	\$100.00
I-485	SUPPLEMENT A	\$1000.00
I-526	IMMIGRANT PETITION BY ALIEN ENTREPRENEUR	\$155.00
I-539	APPLICATION TO EXTEND/CHANGE NON-IMMIGRANT STATUS \$75.00 BASE FEE, PLUS \$10.00 FOR EACH ADDITIONAL PERSON	
I-612	APPLICATION FOR WAIVER OF FOREIGN RESIDENCY REQUIREMENT	\$95.00
I-751	PETITION TO REMOVE THE CONDITION ON RESIDENCE	\$80.00
I765	APPLICATION FOR EMPLOYMENT AUTHORIZATION	\$70.00
I-817	APPLICATION FOR VOLUNTARY DEPARTURE UNDER FAMILY UNITY	\$80.00
I-824	APPLICATION FOR ACTION ON APPROVED APPLICATION OR PETITION	\$30.00
I-829	PETITION TO REMOVE THE CONDITION OF THE ENTREPRENEUR	\$90.00
I-400	APPLICATION FOR NATURALIZATION	\$95.00
	REQUEST INTERVIEW IN PHILIPPINES	\$120.00
	MOTIONS MOTION TO REOPEN OR RECONSIDER	\$110.00

U.S. DEPARTMENT OF LABOR  
Employment and Training Administration

APPLICATION **013161-M**  
FOR  
ALIEN EMPLOYMENT CERTIFICATION

IMPORTANT: READ CAREFULLY BEFORE COMPLETING THIS FORM  
PRINT legibly in ink or use a typewriter. If you need more space to answer questions on this form, use a separate sheet. Identify each answer with the number of the corresponding question. SIGN AND DATE each sheet in original signature.

To knowingly furnish any false information in the preparation of this form and any supplement thereto or to aid, abet, or counsel another to do so is a felony punishable by \$10,000 fine or 5 years in the penitentiary, or both (18 U.S.C. 1001)

PART A. OFFER OF EMPLOYMENT

1. Name of Alien (Family name in capital letter, First, Middle, Maiden)  
El Khader, Hani Hasan

2. Present Address of Alien (Number, Street, City and Town, State ZIP Code or Province, Country)  
5229 Linden Road, #7313, Rockford, IL 60109

3. Type of Visa (If in U.S.)  
F1

The following information is submitted as evidence of an offer of employment.

4. Name of Employer (Full name of organization)  
Ameritrust Mortgage Corporation

5. Telephone (Area Code and Number)  
815/459/7303

6. Address (Number, Street, City or Town, Country, State, ZIP Code)  
284 Virginia Street, Crystal Lake, IL 60014

7. Address Where Alien Will Work (if different from item 6)  
Same as #6

8. Nature of Employer's Business Activity Mortgage lending	9. Name of Job Title Cost Analyst	10. Total Hours Per Week		11. Work Schedule (Hourly) 8:30 a.m. - 5:00 p.m.	12. Rate of Pay	
		a. Basic 40	b. Overtime 0		a. Basic \$39,600\$ per Year	b. Overtime 0 per hour

13. Describe Fully the Job to be Performed (Duties)

To prepare review, analyze, and interpret information and financial data used to compile mortgage pools for the sale to the secondary market. Perform financial and quantitative analyses to assure accurate reporting results. Support the selection and reporting of billing, profit plan and information reporting systems.

Perform cost Accounting and financial management analysis using computer financial modeling and statistical analysis tools.

Tools: DOS and Windows platforms, Excel, C-earl, Quattro, Data Base, Lotus spreadsheets and notes.

14. State in detail the MINIMUM education, training, and experience for a worker to perform satisfactorily the job duties described in item 13 above.				15. Other Special Requirements			
EDUCATION (Enter number of years)	Grade School	High School	College	College Degree Required (specify)			Must have successfully completed college course work in the following subjects: * Commercial Lending * Cost management * Financial Statement Analysis * Banking/Financial Institution * Data Base Management for Bus. * Financial Management * Business Information Systems
8	4			Bachelor of Science Major Field of Study: Finance or Accounting			
TRAINING	No. Yrs.	No. Mos.	Type of Training				
EXPERIENCE	Job Offered	Related Occupation		Related Occupation (specify)			
1	0	1	0	BY REGIONAL OFFICE Financial Analyst QUALITY & OPERATIONS COST ANALYST			

16. Occupational Title of Person Who Will Be Alien's Immediate Supervisor  
President

17. Number of Employees Alien will Supervise  
0

ENDORSEMENTS (Make no entry in section - for government use only)

Date Forms Received	
LO. 11-23-94	SO. 11-23-94
R.O.	N.O.
Ind. Code 6162	Occ. Code 050.067.010
Occ. Title Economist	

PURSUANT TO THE PROVISIONS OF SECTION 212 (A) (14) OF THE IMMIGRATION AND NATIONALITY ACT AS AMENDED I HEREBY CERTIFY THAT THERE ARE NOT SUFFICIENT U. S. WORKERS AVAILABLE AND THE EMPLOYMENT OF THE ABOVE WILL NOT ADVERSELY AFFECT THE WAGES AND WORKING CONDITIONS OF WORKERS IN THE U. S. SIMILARLY EMPLOYED.

APR 25 1997

(DATE)

Sanchez, Cesar

(CERTIFYING OFFICER)

18. COMPLETE ITEMS ONLY IF JOB IS TEMPORARY		19. IF JOB IS UNIONIZED (Complete)	
a. No. of Openings To Be Filled By Aliens Under Job Offer	b. Exact Dates You Expect To Employ Alien		a. Number of Local
	From	To	
			b. Name of Local
			c. City and State

20. STATEMENT FOR LIVE-AT-WORK JOB OFFERS (Complete for Private Household Job ONLY)					
a. Description of Residence		b. No. Persons Residing at Place of Employment		c. Will free board and private room not shared with anyone be provided? ("X" one)  <input type="checkbox"/> YES <input type="checkbox"/> NO	
("X" one) <input type="checkbox"/> House <input type="checkbox"/> Apartment	Number of Rooms	Adults	Children		Ages
		BOYS			
		GIRLS			

21: DESCRIBE EFFORTS TO RECRUIT U.S. WORKERS AND THE RESULTS. (Specify Sources of Recruitment by Name)

None to Date

22. Applications require various types of documentation. Please read PART II of the instructions to assure that appropriate supporting documentation is included with your application.

**23. EMPLOYER CERTIFICATIONS**

*By virtue of my signature below, I HEREBY CERTIFY the following conditions of employment.*

<p>a. I have enough funds available to pay the wage or salary offered the alien.</p> <p>b. The wage offered equals or exceeds the prevailing wage and I guarantee that, if a labor certification is granted, the wage paid to the alien when the alien begins work will equal or exceed the prevailing wage which is applicable at the time the alien begins work.</p> <p>c. The wage offered is not based on commissions, bonuses, or other incentives, unless I guarantee a wage paid on a weekly, bi-weekly or monthly basis.</p> <p>d. I will be able to place the alien on the payroll on or before the date of the alien's proposed entrance into the United States.</p>	<p>e. The job opportunity does not involve unlawful discrimination by race, creed, color, national origin, age, sex, religion, handicap, or citizenship.</p> <p>f. The job opportunity is not:</p> <p>(1) Vacant because the former occupant is on strike or is being locked out in the course of a labor dispute involving a work stoppage.</p> <p>(2) At issue in a labor dispute involving a work stoppage.</p> <p>g. The job opportunity's terms, conditions and occupational environment are not contrary to Federal, State or local law.</p> <p>h. The job opportunity has been and is clearly open to any qualified U.S. worker.</p>
--	---

**24. DECLARATIONS**

**DECLARATION OF EMPLOYER** Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury the foregoing is true and correct.

SIGNATURE 	DATE 11/21/94
NAME (Type or Print) Barbara Walters	TITLE President

**AUTHORIZATION OF AGENT OF EMPLOYER** I HEREBY DESIGNATE the agent below to represent me for the purposes of labor certification and I TAKE FULL RESPONSIBILITY for accuracy of any representations made by my agent.

SIGNATURE OF EMPLOYER	DATE
NAME OF AGENT (Type or Print)	ADDRESS OF AGENT (Number, Street, City, State, ZIP Code)

DONALD A. MANZULLO

INTERNATIONAL RELATIONS  
VICE CHAIRMAN—INTERNATIONAL  
ECONOMIC POLICY AND TRADE  
ASIA AND THE PACIFIC

SMALL BUSINESS  
CHAIRMAN—TAX, FINANCE, AND EXPORTS  
GOVERNMENT PROGRAMS AND OVERSIGHT

BANKING AND FINANCIAL SERVICES  
DOMESTIC AND INTERNATIONAL  
MONETARY POLICY

16TH DISTRICT, ILLINOIS  
409 CANNON BUILDING  
WASHINGTON, DC 20515  
202/225-5678

# Congress of the United States

## House of Representatives

Washington, DC 20515-1316

DISTRICT OFFICES:  
415 SOUTH MULFORD ROAD  
ROCKFORD, IL 61108  
815/394-1231

181 N. VIRGINIA AVENUE  
CRYSTAL LAKE, IL 60014  
815/358-9800

PLEASE RESPOND TO

415 South Mulford Road  
Rockford, Illinois 61108  
(815) 394-1231  
(815) 394-3930 (FAX)

SAD  
98-02146  
4-7-98

March 17, 1998

Ms. Natalie Vedder  
Nebraska Service Center  
P.O. Box 87140  
Lincoln, NE 68501-7140

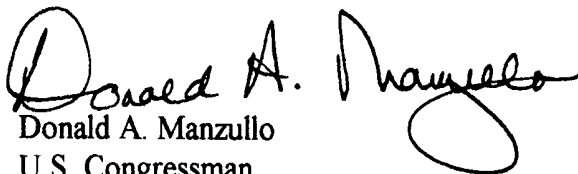
Dear Ms. Vedder:

I am enclosing herewith original and copy of the completed I-140 filed by Ameritrust Mortgage on behalf of their employee Hani El-Khader.

I would appreciate these documents being processed in accordance with your rules and regulations.

Thank you.

Sincerely yours,



Donald A. Manzullo  
U.S. Congressman  
16<sup>th</sup> District, Illinois

enclosures  
cc: Hani El-Khader

MAR 23 '98 -6 30 AM DV 1

U.S. DEPARTMENT OF LABOR  
EMPLOYMENT AND TRAINING ADMINISTRATION  
230 South Dearborn Street  
Chicago, Illinois 60604

FINAL DETERMINATION

V-IL-13161-M

P96-IL-19973

In reply refer to: 5TGE-I MAS

April 25, 1997

Hani H El Khader  
Alien's name

Economist  
Alien's Occupation

Ameritrust Mortgage Corporation  
Ms Sandy Heuer  
284 Virginia Street  
Crystal Lake, IL US 60014

November 23, 1994  
Date of acceptance for processing

The Department of Labor has made a determination on your Application for Employment Certification pursuant to Title 20, Code of Federal Regulations, Part 656 and as required by the Immigration and Nationality Act, as amended.

Form ETA 750 has been certified and is enclosed. This certification must be attached to the I-140 petition and filed with the Immigration and Naturalization Service, U.S. Department of Justice, Nebraska Service Center, P.O. Box 82521, Lincoln, NE 68501-2521.

Sincerely,

SARAH CARROLL  
Certifying Officer

Attachments: ETA 750A, ETA 750B

cc: State ES Agency  
Hani H El Khader

ETA 7145PA(REV.MAR.,1990)

## Ameritrust Mortgage Corporation

284 Virginia Street  
Crystal Lake, IL 60014  
Main Office  
815.459.7303 815.459.7445 Fax

609 N. Front Street  
McHenry, IL 60050  
815.363.8000  
815.363.8013 Fax

980 N. McLean Blvd.  
Elgin, IL 60123  
847.742.7600  
847.742.7602 Fax

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Immigration and Naturalization Service  
US Department of Justice  
Nebraska Service Center  
PO Box 82521  
Lincoln, NE 68501-2521

March 13, 1998

**REF: Immigrant Petition/Alien Worker - Mr. Hani El-Khader**

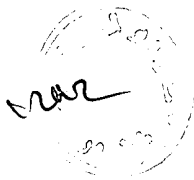
To Whom It May Concern:

Enclosed please find for your review the completed necessary forms for filing by your agency to employ Mr. Hani El-Khader under the Immigrant Petition for Alien Worker request.

Ameritrust Mortgage has reviewed and selected Mr. Hani El-Khader for the position of cost analyst at our corporate office. The prevailing wage for this position should he accept is \$39,600 per year. Mr. El-Khader has met the requirements to fill this position and has successfully completed college course work in: Commercial Lending, Cost Management, Financial Statements Analysis, Banking/Financial Institutions, dBase for Business, Financial Management, and Business Information Systems. The position of cost analyst is a position with the minimum requirement of a B.A. or B.S. in accounting or finance. As an employee of Ameritrust, we will retain the authority to supervise, control and enhance all aspects of Mr. El-Khader's employment.

Mr. El-Khader will be responsible for preparing review, analyzing, interpreting information and financial data used to compile mortgage pools for sale to the secondary market. Also, this position will include financial and quantitative analyses to assure accurate reporting results and will support the selection and reporting of billing, profit plan and information reporting systems, cost accounting and financial management analysis using computer financial modeling and statistical analysis tools (see ETA 750).





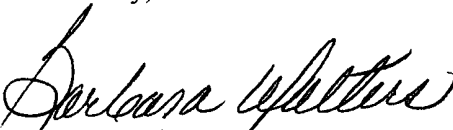
Hani El-Khader

Immigration and Naturalization Service  
US Department of Justice  
Nebraska Service Center  
March 13, 1998  
Page Two

Ameritrust's annual compliance audit required by the Housing and Urban Development (HUD) will serve as to the soundness of our corporation and net worth. Should you require a certified copy, we will be pleased to comply.

Please feel free to contact me directly or in my absence, my assistant Sandra Heuer, for any additional clarification or information that I may be of assistance in supplying with respect to this matter.

Sincerely,



Barbara Walters, President

BW:saw

Enclosure

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**PART B. STATEMENT OF QUALIFICATIONS OF ALIEN**

**FOR ADVICE CONCERNING REQUIREMENTS FOR ALIEN EMPLOYMENT CERTIFICATION:** *If alien is in the U.S., contact nearest office of Immigration and Naturalization Service. If alien is outside U.S., contact nearest U.S. Consulate.*

**IMPORTANT: READ ATTACHED INSTRUCTIONS BEFORE COMPLETING THIS FORM.**

*Print legibly in ink or use a typewriter. If you need more space to fully answer any questions on this form, use a separate sheet. Identify each answer with the number of the corresponding question. Sign and date each sheet.*

1. Name of Alien (Family name in capital letters) *First name* *Middle name* *Maiden name*  
 El Khader, Hani Hasan

2. Present Address (No., Street, City or Town, State or Province and ZIP Code) *Country*  
 5229 Linden Road, #7313, Rockford, IL 61109

3. Type of Visa (If in U.S.)  
 F1

4. Alien's Birthdate (Month, Day, Year) *Country*  
 [REDACTED]/69

5. Birthplace (City or Town, State or Province) *Country*  
 Kuwait City, Kuwait

6. Present Nationality or Citizenship (Country)  
 Jordanian

7. Address in United States Where Alien Will Reside  
 5229 Linden, #7313, Rockford, IL 61109

8. Name and Address of Prospective Employer if Alien has job offer in U.S.  
 Ameritrust Mortgage Corporation  
 284 Virginia Street, Crystal Lake, IL 60014

9. Occupation in which Alien is Seeking Work  
 Mortgage Lending

10. "X" the appropriate box below and furnish the information required for the box marked

a.  Alien will apply for a visa abroad at the American Consulate in \_\_\_\_\_ *City in Foreign Country* *Foreign Country*

b.  Alien is in the United States and will apply for adjustment of status to that of a lawful permanent resident in the office of the Immigration and Naturalization Service at \_\_\_\_\_ *City* *State*  
 Chicago, IL

11. Names and Addresses of Schools, Colleges and Universities Attended (Include trade or vocational training facilities)	Field of Study	FROM		TO		Degrees or Certificates Received
		Month	Year	Month	Year	
Northern Illinois Univ.	Finance	8.91		5.93		B.S.
Kishwaukee College	Business	8.89		5.91		A.S.
Amercian Inst. of Banking	Banking	8.93		Pending		Banking Diploma

**SPECIAL QUALIFICATIONS AND SKILLS**

12. Additional Qualifications and Skills Alien Possesses and Proficiency in the use of Tools, Machines or Equipment which would help establish if Alien Meets Requirements for Occupation in Item 9.  
 Banking experience, cost accounting experience, quality assurance, and statistical analysis combined with financial expertise.

13. List Licenses (Professional, journeymen, etc.)

14. List Documents Attached which are Submitted as Evidence that Alien Possesses the Education, Training, Experience, and Abilities Represented  
 College transcripts and certificates

Endorsements

DATE REC. DOL

O.T. & C.

(Make no entry in this section - FOR Government Agency USE ONLY)

(Items continued on next page)

**15. WORK EXPERIENCE.** List all jobs held during past three (3) years. Also, list any other jobs related to the occupation for which the alien is seeking certification as indicated in item 9.

**a. NAME AND ADDRESS OF EMPLOYER**

Amcore Financial, Inc., 501 Seventh Street, Rockford, IL 61104

NAME OF JOB	DATE STARTED		DATE LEFT		KIND OF BUSINESS
	Month	Year	Month	Year	
Quality and Operations Cost Analyst	July	93	Present		Banking, Mortgage, Investment

DESCRIBE IN DETAILS THE DUTIES PERFORMED, INCLUDING THE USE OF TOOLS, MACHINES, OR EQUIPMENT NO. OF HOURS PER WEEK  
 40  
 support the development of quality assurance, billing, profit plan and performance reporting systems. Maintain corporate contingency planning and support the organization's product pricing and support Total Quality Management (TQM) at the Data Center.  
 Conducting cost accounting and financial management analyses to support the above.  
 Perform financial and quantitative analyses to assure accurate cost-benefit.

**b. NAME AND ADDRESS OF EMPLOYER**

Bank of Bahrain & Kuwait P.S.C. Kuwait, Safat

NAME OF JOB	DATE STARTED		DATE LEFT		KIND OF BUSINESS
	Month	Year	Month	Year	
Credit Administration Clerk	June	87	Nov.	88	Banking

DESCRIBE IN DETAIL THE DUTIES PERFORMED, INCLUDING THE USE OF TOOLS, MACHINES, OR EQUIPMENT NO. OF HOURS PER WEEK  
 Administer the collection of fees and other front end fees charges on overdrafts and support the commercial lenders in their documentation process.  
 Provided information to the marketing department on inquiries and credit investigation from other banks on DDSP and other customers.  
 Compile monthly reports to central bank as part of the compliance procedures.

**c. NAME AND ADDRESS OF EMPLOYER**

NAME OF JOB	DATE STARTED		DATE LEFT		KIND OF BUSINESS
	Month	Year	Month	Year	

DESCRIBE IN DETAIL THE DUTIES PERFORMED, INCLUDING THE USE OF TOOLS, MACHINES, OR EQUIPMENT NO. OF HOURS PER WEEK

**16. DECLARATIONS**

**DECLARATION OF ALIEN** Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury the foregoing is true and correct.

**SIGNATURE OF ALIEN** *Have H. El-Hade* **DATE** 11-18-94

**AUTHORIZATION OF AGENT OF ALIEN** I hereby designate the agent below to represent me for the purposes of labor certification and I take full responsibility for accuracy of any representations made by my agent.

**SIGNATURE OF ALIEN** **DATE**

**NAME OF AGENT (Type or print)** **ADDRESS OF AGENT (No., Street, City, State, ZIP Code)**

U.S. DEPARTMENT OF LABOR  
Employment and Training Administration

**IMPORTANT: READ CAREFULLY BEFORE COMPLETING THIS FORM**  
PRINT legibly in ink or use a typewriter. If you need more space to answer questions on this form, use a separate sheet. Identify each answer with the number of the corresponding question. SIGN AND DATE each sheet in original signature.

To knowingly furnish any false information in the preparation of this form and any supplement thereto or to aid, abet, or counsel another to do so is a felony punishable by \$10,000 fine or 5 years in the penitentiary, or both (18 U.S.C. § 1001)

APPLICATION **013161-M**  
FOR  
ALIEN EMPLOYMENT CERTIFICATION

PART A. OFFER OF EMPLOYMENT

1. Name of Alien (Family name in capital letter, First, Middle, Maiden)  
El Khader, Hani Hasan

2. Present Address of Alien (Number, Street, City and Town, State ZIP Code or Province, Country)  
5229 Linden Road, #7313, Rockford, IL 60109

3. Type of Visa (If in U.S.)  
F1

The following information is submitted as evidence of an offer of employment.

4. Name of Employer (Full name of organization)  
Ameritrust Mortgage Corporation

5. Telephone (Area Code and Number)  
815/459/7303

6. Address (Number, Street, City or Town, Country, State, ZIP Code)  
284 Virginia Street, Crystal Lake, IL 60014

7. Address Where Alien Will Work (if different from item 6)  
Same as #6

8. Nature of Employer's Business Activity  
Mortgage lending

9. Name of Job Title  
Cost Analyst

10. Total Hours Per Week

a. Basic	b. Overtime
40	0

11. Work Schedule (Hourly)  
8:30 a.m. - 5:00 p.m.

12. Rate of Pay

a. Basic	b. Overtime
\$39,600 per Year	0 per hour

13. Describe Fully the Job to be Performed (Duties)

To prepare review, analyze, and interpret information and financial data used to compile mortgage pools for the sale to the secondary market. Perform financial and quantitative analyses to assure accurate reporting results. Support the selection and reporting of billing, profit plan and information reporting systems.

Perform cost Accounting and financial management analysis using computer financial modeling and statistical analysis tools.

Tools: DOS and Windows platforms, Excel, C-earl, Quattro, Data Base, Lotus spreadsheets and notes.

14. State in detail the MINIMUM education, training, and experience for a worker to perform satisfactorily the job duties described in item 13 above.

EDUCATION (Enter number of years)	Grade School	High School	College	College Degree Required (specify) Bachelor of Science Major Field of Study: Finance or Accounting
	8	4		
TRAINING	No. Yrs.	No. Mos.	Type of Training	
			0	
EXPERIENCE	Job Offered	Related Occupation		Related Occupation (specify) QUALITY & OPERATIONS COST ANALYST
	Yrs. Mos. Yrs. Mos.	Number		
	1 0	0 0		

15. Other Special Requirements  
Must have successfully completed college course work in the following subjects:  
\* Commercial Lending  
\* Cost management  
\* Financial Statement Analysis  
\* Banking/Financial Institutions  
\* Data Base Management for Business  
\* Financial Management  
\* Business Information Systems

16. Occupational Title of Person Who Will Be Alien's Immediate Supervisor  
President

17. Number of Employees Alien will Supervise  
0

ENDORSEMENTS (Make no entry in section - for government use only)

Date Forms Received	
L.O. 11-23-94	S.O. 11-23-94
R.O.	N.O.
Ind. Code 6162	Occ. Code 050.067.010
Occ. Title Economist	

TO KNOW THE PROVISIONS OF SECTION 101(a)(1) OF THE IMMIGRATION AND NATIONALITY ACT AS AMENDED BY THE RELEVANT PROVISIONS OF THE NATIONAL IMMIGRATION ACT OF 1990, AND TO BE AWARE THAT THERE ARE NOT ANY ADVISORY AGENCIES OR OFFICIALS WHOSE EMPLOYMENT OF THE ABOVE WORKERS IN THE U.S. SIMILARLY...

APR 25 1997

*Signature*

CORRECTION APP BY [Signature] 4/25/97