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26 **UNITED STATES DISTRICT COURT**
27 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

28 UNITED STATES OF AMERICA,

Plaintiff,

vs.

LI CHEN,

Defendant.

Case No.: **'25CV0903 TWR JLB**

**COMPLAINT TO REVOKE
NATURALIZATION**

I. PRELIMINARY STATEMENT

The United States ("Plaintiff") brings this civil action against Li Chen ("Defendant") to revoke her U.S. citizenship. This action under 8 U.S.C. § 1451(a)

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1 is based on Defendant's criminal conduct prior to naturalizing, for which she was
 2 charged and to which she pled guilty after naturalizing. *See generally United*
 3 *States v. Zhou, et al.*, 2:19-cr-163-SDM (S.D. Ohio). Specifically, before she
 4 became a U.S. citizen, Defendant conspired to commit theft of trade secrets, in
 5 violation of 18 U.S.C. § 1832(a)(5), and conspired to commit wire fraud, 18 U.S.C.
 6 § 1343, in violation of 18 U.S.C. § 1349. After naturalizing, Defendant pled guilty
 7 to these crimes.

8 Defendant's convictions and the conduct on which they were based require
 9 revocation of her naturalization on four independent grounds. First, Defendant
 10 illegally procured her naturalization because she lacked the requisite good moral
 11 character to naturalize. As her guilty plea demonstrates, during the period in which
 12 Congress has mandated that she demonstrate she possessed good moral character,
 13 Defendant (a) committed a crime involving moral turpitude ("CIMT"); (b)
 14 committed unlawful acts that adversely reflected upon her moral character; and (c)
 15 provided false testimony for the purpose of obtaining an immigration benefit.
 16 Additionally, Defendant procured her naturalization by concealing and willfully
 17 misrepresenting several facts that were material to determining her naturalization
 18 eligibility.

19 Based on Defendant's actions described further below and in the attached
 20 affidavit showing good cause, the United States brings this civil action under
 21 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Defendant to
 22 citizenship and to cancel her Certificate of Naturalization.

23 II. JURISDICTION AND VENUE

24 1. This is an action filed under 8 U.S.C. § 1451(a) to revoke and set
 25 aside the order admitting Defendant to U.S. citizenship and to cancel her
 26 Certificate of Naturalization No. 38376496.

27 2. This Court has subject-matter jurisdiction pursuant to 28 U.S.C.
 28 §§ 1331 and 1345 for a cause of action under 8 U.S.C. § 1451(a).

1 3. Venue is proper in this District under 8 U.S.C. § 1451(a) and 28
2 U.S.C. § 1391 because Defendant resides in this District.

3 **III. PARTIES**

4 4. Plaintiff is the United States of America.

5 5. Defendant is a naturalized U.S. citizen whose last known address is in
6 San Diego County, California.

7 **IV. FACTUAL BACKGROUND**

8 6. The affidavit of Kenneth Teich, Special Agent, Immigration and
9 Customs Enforcement (“ICE”), U.S. Department of Homeland Security (“DHS”),
10 showing good cause for this action as required by 8 U.S.C. § 1451(a), is attached
11 as Exhibit A.

12 **IMMIGRATION HISTORY**

13 7. On or about December 19, 2007, the United States admitted
14 Defendant on an H-1B Specialty Occupation Visa, with her sponsor as Nationwide
15 Children’s Hospital (“NCH”) in Columbus, Ohio.

16 8. On or about October 20, 2010, U.S. Citizenship and Immigration
17 Services (“USCIS”) approved the Form I-140, Immigrant Petition for Alien
18 Worker (Alien of Extraordinary Ability) filed for Defendant.

19 9. On or about March 23, 2011, USCIS adjusted Defendant’s
20 immigration status to permanent resident.

21 **NATURALIZATION PROCEEDINGS**

22 **Naturalization Application**

23 10. On or about March 23, 2016, Defendant filed with USCIS a Form N-
24 400, Application for Naturalization (“naturalization application”) (attached as
25 Exhibit B).

26 11. In her naturalization application, Defendant answered “No” to Part 11,
27 Question 22, which asked: “Have you ever committed, assisted in committing, or
28

1 attempted to commit, a crime or offense for which you were **not** arrested?"
2 (emphasis in original).

3 12. In her naturalization application, Defendant answered "No" to Part 11,
4 Question 31, which asked: "Have you **ever** given any U.S. Government official(s)
5 **any** information or documentation that was false, fraudulent, or misleading?"
6 (emphasis in original).

7 13. In her naturalization application, Defendant answered "No" to Part 11,
8 Question 32, which asked: "Have you **ever** lied to any U.S. Government official to
9 gain entry or admission into the United States or to gain immigration benefits
10 while in the United States?" (emphasis in original).

11 14. On or about March 20, 2016, Defendant signed her naturalization
12 application under penalty of perjury, thereby certifying that her application and the
13 evidence submitted with it were all true and correct.

14 **Naturalization Interview**

15 15. On June 28, 2016, a USCIS officer orally interviewed Defendant
16 regarding her naturalization application to determine her eligibility for
17 naturalization.

18 16. At the beginning of the naturalization interview, the USCIS officer
19 placed Defendant under oath.

20 17. During the naturalization interview, the USCIS officer asked
21 Defendant many of the same questions found in the written naturalization
22 application.

23 18. During the naturalization interview, Defendant orally testified under
24 oath that she had never given any U.S. government official(s) any information or
25 documentation that was false, fraudulent, or misleading, consistent with her written
26 response to Part 11, Question 31 of her naturalization application.

27 19. During the naturalization interview, Defendant orally testified under
28 oath that she had never lied to any U.S. government official to gain entry or

1 admission into the United States or to gain immigration benefits while in the
2 United States, consistent with her written response to Part 11, Question 32 of her
3 naturalization application.

4 20. At the end of the naturalization interview, Defendant again signed the
5 naturalization application in the presence of the USCIS officer and again swore
6 under penalty of perjury that the contents of her naturalization application were
7 true and correct.

8 21. Based on the information supplied by Defendant in her naturalization
9 application and in the sworn answers she gave during her naturalization interview,
10 USCIS approved her naturalization application.

11 **Oath of Allegiance**

12 22. On August 10, 2016, based on Defendant's approved naturalization
13 application and on the responses to the questionnaire she provided that same day
14 on Form N-445, Notice of Naturalization Oath Ceremony (attached as Exhibit C),
15 Defendant was administered the oath of allegiance, admitted to U.S. citizenship,
16 and issued Certificate of Naturalization No.  See Form N-550,
17 Certificate of Naturalization (attached as Exhibit D).

18 **DEFENDANT'S BACKGROUND AND** 19 **RESULTING FALSE STATEMENTS AND TESTIMONY**

20 **Defendant's Employment at Nationwide Children's Hospital**

21 23. NCH employed Defendant from 2008 to 2018 as a biological
22 researcher.

23 24. As part of her employment at NCH, Defendant signed a
24 Confidentiality and Security Agreement restricting Defendant's use of all NCH
25 confidential information to Defendant's performance of NCH employment duties.

26 25. Defendant's work at NCH included medical research focused on
27 exosomes, which play a key role in the research, identification, and treatment of a
28

1 range of medical conditions, including necrotizing enterocolitis (a condition found
2 in prematurely born babies), liver fibrosis, and liver cancer.

3 26. Part of Defendant's research at NCH included development of a novel
4 method by which exosomes could be isolated from one drop of blood, a method
5 vital to the hospital because it allowed it to safely draw a small amount of blood
6 from prematurely born babies undergoing treatment for necrotizing enterocolitis.

7 **Defendant's Business Ventures in China and the United States**

8 27. In 2015, without disclosure to NCH, Defendant helped start a
9 company in China (Company 1) that created and sold "isolation kits" that
10 purported to perform the exosome isolation process referenced immediately above.

11 28. Through Company 1, Defendant received benefits from the People's
12 Republic of China government institutions and programs, including funding from
13 the PRC State Administration of Foreign Expert Affairs.

14 29. Defendant also helped form another company (Company 3) that
15 focused on exosome-based diagnostic and therapeutic products.

16 30. Defendant, along with her husband, reached an agreement with
17 another company (Company 2, an American company) whereby, in exchange for
18 exosome-related intellectual property that Defendant represented that she and her
19 husband owned, Defendant and her husband would receive \$876,087, as well as
20 500,000 shares of Company 2's stock and 400 shares of Company 3's stock. *See*
21 *Plea Agreement, ECF No. 95, United States v. Chen, 2:19-cr-163-SDM-2 (S.D.*
22 *Ohio April 16, 2020) (attached as Exhibit E).*

23 31. Additionally, Defendant, along with her husband, agreed to sell
24 Company 3 all of their Company 1 stock for \$450,000, of which Defendant and her
25 husband received \$350,000, along with receiving at least \$219,821.97 in payments
26 related to agreements with Company 2 and Company 3. *Id.*

1 32. Defendant, along with her husband, received a total of \$1,445,908.97
2 from transactions resulting from their exchange of exosome isolation intellectual
3 property that Defendant and her husband represented they owned. *Id.*

4 33. Defendant resigned from NCH in early 2018.

5 **Federal Criminal Charges and Conviction**

6 34. On or about July 29, 2019, Defendant, along with her husband, was
7 arrested in San Diego, California, after indictment on July 23, 2019, in the U.S.
8 District Court for the Southern District of Ohio for conspiracy to commit theft of
9 trade secrets, in violation of 18 U.S.C. § 1832(a)(5); theft of trade secrets, in
10 violation of 18 U.S.C. § 1832(a)(1), (2), (3), and (4); conspiracy to commit wire
11 fraud, 18 U.S.C. § 1343, in violation of 18 U.S.C. § 1349; and wire fraud, in
12 violation of 18 U.S.C. § 1343. *See* Indictment, ECF No. 6, *United States v. Zhou,*
13 *et al.*, 2:19-cr-163-SDM (S.D. Ohio July 24, 2019) (attached as Exhibit F).

14 35. On April 2, 2020, Defendant signed a plea agreement in which she
15 pled guilty to one count of conspiracy to commit theft of trade secrets, in violation
16 of 18 U.S.C. § 1832(a)(5), and one count of conspiracy to commit wire fraud, in
17 violation of 18 U.S.C. § 1349. *See* Exhibit E.

18 36. In support of her guilty plea, Defendant agreed that, between
19 approximately 2013 until early 2018, she:

- 20 (a) knowingly, voluntarily, willfully, and unlawfully conspired with others
21 to commit the crime of theft of trade secrets, in violation of 18 U.S.C.
22 § 1832(a)(5), by conspiring to convert NCH's trade secrets for her
23 economic benefit, with knowledge (i) that NCH treated as secret the
24 information that she conspired to convert; (ii) that the information was
25 taken from NCH without authorization; (iii) that the offense would injure
26 NCH; and (iv) that the information was related to a product or service
27 used or intended for use in interstate or foreign commerce; and
28

(b) knowingly, voluntarily, willfully, and unlawfully conspired with others to commit the crime of wire fraud, in violation of 18 U.S.C. § 1349, by, along with a member of each conspiracy, taking at least one overt act, including the acts described above as taken from Defendant's plea agreement, for the purpose of advancing or helping each of the conspiracies.

Id. at 10-12.

37. On February 1, 2021, the U.S. District Court for the Southern District of Ohio sentenced Defendant to 30 months of imprisonment and three years of supervised release, with restitution paid jointly and severally with Defendant's husband in the amount of \$2,616,087.00. *See* Judgment, ECF No. 148, *Chen*, 2:19-cr-163-SDM-2 (S.D. Ohio Feb. 3, 2021) (attached as Exhibit G)

Defendant's False Statements and Testimony

38. In completing her naturalization application, Defendant's response of "No" to Part 11, Question 22 – which asked: "Have you ever committed, assisted in committing, or attempted to commit, a crime or offense for which you were not arrested?" (emphasis in original) – was false.

39. Further, in completing her Form N-445 oath questionnaire on the day she naturalized, Defendant's response of "No" to Question 3 – which asked: "Since your [naturalization] interview, have you knowingly committed any crime or offense, for which you have not been arrested?" – was false.

40. As outlined above, Defendant *had* committed the crimes of conspiracy to commit theft of trade secrets and conspiracy to commit wire fraud prior to completing her naturalization application in March 2016.

41. Defendant knew her response to Part 11, Question 22 of her naturalization application, as well as her response to Question 3 of her oath questionnaire, was false because, by the time she completed her naturalization application in March 2016, she knew she had worked to steal and then monetize

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1 NCH trade secrets and knew she had used NCH equipment to send emails to
2 herself and her husband regarding, among other things, exosome-related operations
3 at a company that Defendant started in China in approximately 2015.

4 42. In completing her naturalization application *and* in orally responding
5 under oath at her naturalization interview, Defendant's response of "No" to Part
6 11, Question 31 – which asked: "Have you **ever** given any U.S. Government
7 official(s) **any** information or documentation that was false, fraudulent, or
8 misleading? (emphasis in original) – was false.

9 43. As outlined above, Defendant *had* given false information, including
10 documentation that included false information, to a U.S. government official when
11 she filed her naturalization application in March 2016 and again when she
12 interviewed in support of her application in June 2016.

13 44. Defendant knew her response to Part 11, Question 31 was false
14 because, at the time she filed her naturalization application, and again at the time
15 of her naturalization interview, Defendant knew she had given false information to
16 a U.S. government official through the response she provided to Part 11, Question
17 22 of her naturalization application.

18 45. In completing her naturalization application *and* in orally responding
19 under oath at her naturalization interview, Defendant's response of "No" to Part
20 11, Question 32 – which asked: "Have you **ever** lied to any U.S. Government
21 official to gain entry or admission into the United States or to gain immigration
22 benefits while in the United States?" (emphasis in original) – was false.

23 46. As outlined above, Defendant *had* lied to a U.S. government official
24 to gain the immigration benefit of naturalization while in the United States, both
25 when she filed her naturalization application in March 2016 and again when she
26 interviewed in support of her application in June 2016.

27 47. Defendant knew her response to Part 11, Question 32 was false
28 because, at the time she filed her naturalization application, and again at the time

1 of her naturalization interview, Defendant knew she had lied to a U.S. government
2 official to gain the immigration benefit of naturalization while in the United States
3 through the responses she provided to Part 11, Questions 22 and 31 of her
4 naturalization application.

5 V. GOVERNING LAW

6 CONGRESSIONALLY IMPOSED PREREQUISITES 7 TO THE ACQUISITION OF CITIZENSHIP

8 48. No applicant has a right to naturalization “unless all statutory
9 requirements are complied with.” *United States v. Ginsberg*, 243 U.S. 472, 474-75
10 (1917). Indeed, the Supreme Court has underscored that “[t]here must be strict
11 compliance with all the congressionally imposed prerequisites to the acquisition of
12 citizenship.” *Fedorenko v. United States*, 449 U.S. 490, 506 (1981) (an individual
13 “who seeks political rights as a member of this Nation can rightfully obtain them
14 only upon the terms and conditions specified by Congress”) (quoting *Ginsberg*,
15 243 U.S. at 474).

16 49. Congress has mandated that an individual may not naturalize unless
17 that person “during all periods referred to in this subsection has been and still is a
18 person of good moral character” *See* 8 U.S.C. § 1427(a)(3). The required
19 statutory period for good moral character begins five years before the date the
20 applicant files the naturalization application, and it continues until the applicant
21 takes the oath of allegiance and becomes a U.S. citizen. *Id.*; 8 C.F.R.
22 § 316.10(a)(1).

23 50. Although Congress has not specifically defined what constitutes good
24 moral character for naturalization purposes, the Immigration and Nationality Act
25 lists certain classes of applicants who cannot be found to have the requisite good
26 moral character. *See* 8 U.S.C. § 1101(f).

27 51. As a matter of law, an applicant necessarily lacks good moral
28 character if he or she commits a crime involving moral turpitude (“CIMT”) during

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1 the statutory period and later either is convicted of the offense or admits
2 commission of the offense. 8 U.S.C. § 1101(f)(3) (cross-referencing 8 U.S.C.
3 § 1182(a)(2)(A)); 8 C.F.R. § 316.10(b)(2)(i) (providing that an applicant “shall be
4 found to lack good moral character” if, for example, he or she committed and was
5 convicted of one or more crimes involving moral turpitude).

6 52. Congress also has explicitly precluded individuals who give false
7 testimony for the purpose of obtaining immigration benefits from establishing the
8 good moral character necessary to naturalize. 8 U.S.C. § 1101(f)(6).

9 53. Further, Congress created a “catch-all” provision, which states, “The
10 fact that any person is not within any of the foregoing classes shall not preclude a
11 finding that for other reasons such person is or was not of good moral character.”
12 8 U.S.C. § 1101(f) (flush language).

13 54. Thus, an individual who, during the statutory period, commits an
14 unlawful act adversely reflecting upon his or her moral character cannot meet the
15 good moral character requirement unless he or she establishes extenuating
16 circumstances. *See* 8 C.F.R. § 316.10(b)(3)(iii); 8 U.S.C. § 1101(f) (flush
17 language).

18 55. Conviction of an unlawful act during the statutory period is not
19 necessary; a naturalization applicant’s commission of the act during this period is
20 sufficient to determine the applicant lacked good moral character. *United States v.*
21 *Suarez*, 664 F.3d 655, 661 (7th Cir. 2011); *United States v. Teng Jiao Zhou*, 815
22 F.3d 639, 644 (9th Cir. 2016) (quoting *Suarez*, 664 F.3d at 661) (focusing unlawful
23 acts analysis on conviction of *or* commission of acts during the statutory good
24 moral character period per 8 C.F.R. § 316.10(b)(3)(iii), rather than requiring
25 conviction during this period). Where an individual has been convicted, he or she
26 is collaterally estopped from contesting all issues necessarily decided in the
27 criminal matter. *See Teng Jiao Zhou*, 815 F.3d at 644 (citation omitted) (explaining
28 that conviction “binds” the civil denaturalization court as to the criminal offense);

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1 *Suarez*, 664 F.3d at 663 (citing *United States v. Jean-Baptiste*, 395 F.3d 1190, 1192
2 (11th Cir. 2005), *cert. denied*, 546 U.S. 852 (2005)) (stating that a defendant “may
3 not . . . re-litigate issues decided in his criminal case” in a subsequent civil
4 denaturalization action).

5 THE DENATURALIZATION STATUTE

6 56. Recognizing that there are situations where an individual has
7 naturalized despite failing to comply with all congressionally imposed
8 prerequisites to the acquisition of citizenship or by concealing or misrepresenting
9 facts that are material to the decision on whether to approve his or her
10 naturalization application, Congress enacted 8 U.S.C. § 1451.

11 57. Under 8 U.S.C. § 1451(a), the Court must revoke an order of
12 naturalization and cancel the individual’s Certificate of Naturalization if his or her
13 naturalization was either:

- 14 (i) illegally procured; or
15 (ii) procured by concealment of a material fact or by willful
16 misrepresentation.

17 58. Failure to comply with any of the congressionally imposed
18 prerequisites to the acquisition of citizenship renders the citizenship “illegally
19 procured.” *Fedorenko*, 449 U.S. at 506.

20 59. Naturalization was procured by concealment of a material fact or by
21 willful misrepresentation where: (1) the naturalized citizen misrepresented or
22 concealed some fact during the naturalization process; (2) the misrepresentation or
23 concealment was willful; (3) the fact was material; and (4) the naturalized citizen
24 procured citizenship as a result of the misrepresentation or concealment. *Kungys v.*
25 *United States*, 485 U.S. 759, 767 (1988).

26 60. Where the government establishes that the defendant’s citizenship was
27 procured illegally or by willful misrepresentation or concealment of a material fact,
28

1 “district courts lack equitable discretion to refrain from entering a judgment of
2 denaturalization.” *Fedorenko*, 449 U.S. at 517.

3 **VI. CAUSES OF ACTION**

4 **COUNT I**

5 **ILLEGAL PROCUREMENT OF NATURALIZATION**
6 **LACK OF GOOD MORAL CHARACTER**
7 **(CRIME INVOLVING MORAL TURPITUDE)**

8 61. Plaintiff re-alleges and incorporates by reference the factual and legal
9 allegations contained in Sections II through V of this complaint.

10 62. Defendant was statutorily required to establish that she was a person
11 of good moral character from March 23, 2011, five years before she filed her
12 naturalization application, until the date she became a U.S. citizen on August 10,
13 2016. *See* 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

14 63. Defendant was statutorily barred from establishing the requisite good
15 moral character for naturalization because she committed a CIMT during the
16 statutory period and subsequently was convicted of a CIMT. *See* 8 U.S.C.
17 § 1101(f)(3); 8 C.F.R. § 316.10(b)(2)(i).

18 64. As outlined above, Defendant pled guilty to conspiring to commit
19 wire fraud, 18 U.S.C. § 1343, in violation of 18 U.S.C. § 1349.

20 65. Based on Defendant’s admissions in her plea agreement, she violated
21 18 U.S.C. § 1349 from approximately 2013 until early 2018, a period that overlaps
22 with her statutory period.

23 66. The crime of conspiring to commit wire fraud is a CIMT. *See*
24 *Humboldt Oil Co. v. Exxon Co., U.S.A.*, 695 F.2d 386, 389 (9th Cir. 1982) (finding
25 that wire fraud is a “felony involving moral turpitude” because “intent to defraud is
26 an element of . . . fraud by wire” and crimes “in which fraud is an ingredient
27 involve moral turpitude”); *Barragan-Lopez v. Mukasey*, 508 F.3d 899, 903 (9th
28

1 Cir. 2007) (finding that a conviction for a conspiracy is a CIMT if the underlying
2 crime is a CIMT).

3 67. Because Defendant committed a CIMT during the statutory period for
4 which she later was convicted, she was barred under 8 U.S.C. § 1101(f)(3) from
5 showing that she had the good moral character necessary to become a naturalized
6 U.S. citizen.

7 68. Because Defendant was not a person of good moral character, she was
8 ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

9 69. Because Defendant was ineligible to naturalize, she illegally procured
10 her naturalization, and this Court must revoke her naturalization as provided under
11 8 U.S.C. § 1451(a).

12 **COUNT II**

13 **ILLEGAL PROCUREMENT OF NATURALIZATION**
14 **LACK OF GOOD MORAL CHARACTER**
15 **(UNLAWFUL ACTS)**

16 70. Plaintiff re-alleges and incorporates by reference the factual and legal
17 allegations contained in Sections II through V of this complaint.

18 71. Defendant was statutorily required to establish that she was a person
19 of good moral character from March 23, 2011, five years before she filed her
20 naturalization application, until the date she became a U.S. citizen on August 10,
21 2016. *See* 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

22 72. Defendant could not establish the requisite good moral character for
23 naturalization because she committed unlawful acts that reflected adversely upon
24 her moral character, including conspiracy to commit theft of trade secrets, in
25 violation of 18 U.S.C. § 1832(a)(5), and conspiracy to commit wire fraud,
26 18 U.S.C. § 1343, in violation of 18 U.S.C. § 1349, during the statutory period, and
27 there are no extenuating circumstances. *See* 8 U.S.C. § 1101(f) (flush language);
28 8 C.F.R. § 316.10(b)(3)(iii).

1 73. Based on Defendant's admissions in her plea agreement, Defendant
2 violated 18 U.S.C. § 1832(a)(5) and 18 U.S.C. § 1349 from approximately 2013
3 until early 2018, a period that overlaps with her statutory period.

4 74. The crimes of conspiring to commit trade secret theft and conspiring
5 to commit wire fraud adversely reflected on Defendant's moral character.

6 75. There were no extenuating circumstances with regard to Defendant's
7 unlawful activity that would lessen her guilt. She therefore cannot avoid the
8 regulatory bar on establishing good moral character found at 8 C.F.R.
9 § 316.10(b)(3)(iii).

10 76. The catch-all provision for unlawful acts at 8 U.S.C. § 1101(f) and
11 8 C.F.R. § 316.10(b)(3)(iii) applies to Defendant regardless of whether the
12 statutory CIMT bar set forth above applies to her.

13 77. Because Defendant committed unlawful acts that adversely reflected
14 on her moral character during the statutory period, and she cannot demonstrate
15 extenuating circumstances, she cannot show under 8 U.S.C. § 1101(f) and 8 C.F.R.
16 § 316.10(b)(3)(iii) that she had the good moral character necessary to naturalize as
17 a U.S. citizen.

18 78. Because Defendant was not a person of good moral character, she was
19 ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

20 79. Because Defendant was ineligible to naturalize, she illegally procured
21 her naturalization, and this Court must revoke her naturalization as provided under
22 8 U.S.C. § 1451(a).

23 **COUNT III**

24 **ILLEGAL PROCUREMENT OF NATURALIZATION**
25 **LACK OF GOOD MORAL CHARACTER**
26 **(FALSE TESTIMONY)**

27 80. Plaintiff re-alleges and incorporates by reference the factual and legal
28 allegations contained in Sections II through V of this complaint.

1 81. Defendant was statutorily required to establish that she was a person
2 of good moral character from March 23, 2011, five years before she filed her
3 naturalization application, until the date she became a U.S. citizen on August 10,
4 2016. *See* 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

5 82. Defendant was statutorily barred from showing that she was a person
6 of good moral character during her statutory good moral character period because
7 she gave false testimony, under oath, for the purpose of obtaining an immigration
8 benefit, namely, naturalization. *See* 8 U.S.C. § 1101(f)(6); 8 C.F.R.
9 § 316.10(b)(2)(vi).

83. As outlined above, after being placed under oath, Defendant provided
false testimony during her June 28, 2016 naturalization interview when, in
responding to Question 31, she testified that she had never given any U.S.
government official any information or documentation that was false, fraudulent,
or misleading, despite having given false information to a U.S. government official
when, in response to Part 11, Questions 22, 31, and 32, she filed her naturalization
application in March 2016 and again when she interviewed in support of her
application in June 2016

84. As also outlined above, after being placed under oath, Defendant
provided false testimony during her June 28, 2016 naturalization interview when,
in responding to Question 32, she testified that she had never lied to any U.S.
government official to gain entry or admission into the United States or to gain
immigration benefits while in the United States, despite having lied to a U.S.
government official to gain the immigration benefit of naturalization while in the
United States when, in response to Part 11, Questions 22, 31, and 32, she filed her
naturalization application in March 2016 and again when she interviewed in
support of her application in June 2016.

85. Defendant provided the foregoing false testimony for the purpose of
obtaining an immigration benefit, namely, naturalization.

1 86. Because Defendant provided false testimony under oath for the
2 purpose of obtaining naturalization, she was barred under 8 U.S.C. § 1101(f)(6)
3 from showing that she had the good moral character necessary to become a
4 naturalized U.S. citizen.

5 87. Because Defendant could not establish that she was a person of good
6 moral character during the statutory period, she was ineligible for naturalization
7 under 8 U.S.C. § 1427(a)(3).

8 88. Because she was ineligible to naturalize, Defendant illegally procured
9 her naturalization, and this Court must revoke her naturalization as provided under
10 8 U.S.C. § 1451(a).

11 **COUNT IV**

12 **PROCUREMENT OF U.S. CITIZENSHIP BY CONCEALMENT**
13 **OF A MATERIAL FACT OR BY WILLFUL MISREPRESENTATION**

14 89. Plaintiff re-alleges and incorporates by reference the factual and legal
15 allegations contained in Sections II through V of this complaint.

16 90. Under 8 U.S.C. § 1451(a), this Court must revoke Defendant's
17 citizenship and cancel her Certificate of Naturalization because she procured her
18 naturalization by concealment of a material fact and by willful misrepresentation.

19 91. As outlined above, throughout the naturalization process, including in
20 her naturalization application and during her interview, Defendant concealed and
21 willfully misrepresented the following facts:

- 22 (a) Defendant's commission of crimes for which she was not arrested;
23 (b) Defendant's provision of false information and documentation to a U.S.
24 government official in submitting her naturalization application and
25 interviewing in support of it; and
26 (c) Defendant's lies to a U.S. government official to gain the immigration
27 benefit of naturalization while in the United States when she submitted
28 her naturalization application and interviewed in support of it.

1 92. Additionally, as outlined above, on the day she naturalized, Defendant
2 willfully misrepresented that, since the time of her naturalization interview, she
3 had not knowingly committed any crime or offense for which she had not been
4 arrested.

5 93. Defendant knew her representations were false and misleading, and
6 she therefore made them willfully.

7 94. Defendant's concealment and misrepresentation of the crimes she had
8 committed but for which she was not arrested, as well as her provision of false
9 information and lies to a U.S. government official to obtain naturalization, were
10 material to determining her eligibility for naturalization because they had the
11 natural tendency to influence a decision by USCIS to approve her naturalization
12 application.

13 95. Indeed, Defendant's crime of conspiracy to commit wire fraud
14 implicates the bar to good moral character for those convicted of either a CIMT or
15 conspiracy to commit a CIMT, *see* 8 U.S.C. §§ 1101(f)(3), 1182(a)(2)(A)(i)(I),
16 1427(a)(3). Defendant thus procured her naturalization by willful
17 misrepresentation and concealment of material facts, and this Court must revoke
18 her naturalization as provided under 8 U.S.C. § 1451.

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff respectfully requests:

- 21 (1) A declaration that Defendant illegally procured her naturalization;
22 (2) A declaration that Defendant procured her naturalization by
23 concealment of material facts and by willful misrepresentation;
24 (3) Judgment revoking and setting aside the order admitting Defendant to
25 citizenship and canceling Certificate of Naturalization No. 38376496, effective as
26 of the original date of the order and certificate, August 10, 2016;
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28

1 (4) Judgment forever restraining and enjoining Defendant from claiming
2 any rights, privileges, benefits, or advantages under any document that evidences
3 U.S. citizenship obtained as a result of her August 10, 2016 naturalization;

4 (5) Judgment requiring Defendant to surrender and deliver, within ten
5 days of judgment, her Certificate of Naturalization, as well as any copies thereof in
6 her possession or control (and to make good faith efforts to recover and then
7 surrender any copies thereof that she knows are in the possession or control of
8 others), to the Attorney General or to her representative, including undersigned
9 counsel;

10 (6) Judgment requiring Defendant to surrender and deliver, within ten
11 days of judgment, any other indicia of U.S. citizenship – including, but not limited
12 to, U.S. passports (and passport cards, if applicable), as well as any enhanced
13 driver's licenses, whether valid or expired – and any copies thereof in her
14 possession or control (and to make good faith efforts to recover and then surrender
15 any copies thereof that she knows are in the possession or control of others), to the
16 Attorney General or to her representative, including undersigned counsel; and

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COMPLAINT TO REVOKE NATURALIZATION

(7) Judgment granting the United States any other relief that may be lawful and proper in this case.

Dated: April 16, 2025

Respectfully submitted,

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Exhibit A

Affidavit of Good Cause

Exhibit B

Form N-400, Application for Naturalization

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COMPLAINT TO REVOKE NATURALIZATION