

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

CLERK'S OFFICE U.S. DISTRICT COURT
AT CHARLOTTESVILLE, VA
FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

SLOBODAN LETIC,

Defendant.

Case No. 3:25-cv-00064

**COMPLAINT TO REVOKE
NATURALIZATION**

I. PRELIMINARY STATEMENT

Early in the morning of April 30, 1992, during the war in the Balkans, Serb military forces blew up two bridges that connected Brčko, Bosnia to Croatia, thus isolating the city. The next day, the Serb military forces began shelling sections of the town with mortars and howitzers before taking it over with soldiers in the streets. Public transportation out of the city ceased, and escape routes for the city's non-Serb residents rapidly closed. Into the chaos stepped an assortment of Serbian soldiers, paramilitary organizations and police units that launched a campaign of home invasions, forced expulsions, assaults and murders of the non-Serb civilian population. [REDACTED]

[REDACTED]

[REDACTED]

For over 30 years, Defendant has escaped accountability for his crimes in Brčko.

Defendant entered the United States as a refugee in 2000, claiming that he had been persecuted on the basis of [REDACTED] He became a lawful permanent resident in 2002 and then a citizen of the United States in 2006, all the while misrepresenting and concealing his

participation in [REDACTED], as well as his criminal conviction for post-war corruption crimes while working as a police officer in [REDACTED]. Defendant's acts of persecution came to light years later, following investigative efforts by the government of Bosnia and Herzegovina.

The United States of America ("Plaintiff") now brings this civil action against Defendant to revoke his naturalized U.S. citizenship. Defendant's wartime acts and fraudulent conduct require revocation of his naturalization on six independent grounds. First, Defendant illegally procured his naturalization because he failed to meet the naturalization requirement of having been lawfully admitted as a permanent resident of the United States as he engaged in persecution, which excluded him from meeting the definition of a "refugee." Second, Defendant illegally procured his naturalization because he was not lawfully admitted as a permanent resident of the United States due to being inadmissible for fraud or willful misrepresentation. Third, he lacked the required good moral character because he engaged in torture of another person within his custody or physical control. Fourth, he lacked the required good moral character because he falsely testified under oath during his naturalization interview that he had never committed a crime or offense for which he was not arrested and had never been convicted of a crime. Fifth, he also lacked the required good moral character because he committed unlawful acts adversely reflecting on his moral character. Sixth, during the naturalization process, Defendant willfully misrepresented and concealed material facts about his war crimes and prior misrepresentations in the immigration process.

Based on Defendant's actions described further below and in the attached affidavit showing good cause, the United States brings this civil action under 8 U.S.C. § 1451(a) to revoke

and set aside the order admitting Defendant to citizenship and to cancel his Certificate of Naturalization.

II. JURISDICTION, VENUE, AND PARTIES

1. This is an action filed under 8 U.S.C. § 1451(a) to revoke and set aside the decision admitting Defendant to United States citizenship and to cancel Defendant's Certificate of Naturalization No. .

2. This Court has subject matter jurisdiction pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. §§ 1331 and 1345.

3. Venue is proper in this District under 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because Defendant resides in Charlottesville, Albemarle County, Virginia, within the jurisdiction and venue of this court.

4. Plaintiff is the United States of America.

5. Defendant obtained U.S. citizenship through naturalization.

III. FACTUAL BACKGROUND

6. The affidavit of  Special Agent with U.S. Immigration and Customs Enforcement Homeland Security Investigations, showing good cause for this action as required by 8 U.S.C. § 1451(a), is attached as Exhibit A.

A. Overview of the Conflicts in the Balkans.

7. Defendant was born in 1960 in what was then the Socialist Federal Republic of Yugoslavia ("Yugoslavia").

8. At the time of Defendant's birth, Yugoslavia comprised six socialist republics. The federal capital of Belgrade was located in the Socialist Republic of Serbia. Defendant's birthplace of Zupanja was located on the border between the Socialist Republic of Croatia and the Socialist Republic of Bosnia and Herzegovina.

9. The Socialist Republic of Bosnia and Herzegovina was home to three large ethnic groups: Bosnian Muslims, Bosnian Serbs, and Bosnian Croats.

10. The Bosniaks, or Bosnian Muslims, are, as their name suggests, almost entirely Muslim.

11. Serbs from Bosnia and Herzegovina are predominantly Eastern Orthodox Christians. This Complaint refers to Serbs from Bosnia and Herzegovina as “Bosnian Serbs” for brevity.

12. 

13. Croats from Bosnia and Herzegovina (“Bosnian Croats”) are predominantly Roman-Catholic Christians.

14. In the early 1990s, some of Yugoslavia’s republics began seceding, which triggered a series of ethnic-based conflicts.

15. In early 1992, the republic of Bosnia and Herzegovina held a referendum on independence from Yugoslavia. The Bosnian Serbs boycotted this referendum, as they largely favored remaining with Yugoslavia. Bosnian Muslims and Bosnian Croats overwhelmingly supported the measure and declared independence on March 3, 1992, as the Republic of Bosnia and Herzegovina.

16. Shortly thereafter, the Bosnian Serbs attacked the new state’s government. The Bosnian Serbs, who were loyal to the remaining Yugoslav state, declared sovereignty over ethnically Serbian territory within Bosnia and Herzegovina. In addition to their own army, the Bosnian Serbs drew the support of the Yugoslav People’s Army, which was based out of Belgrade.

17. The new Republic of Bosnia and Herzegovina was defended jointly by the Bosnian Muslims and the Bosnian Croats, which maintained separate military forces. The Bosnian Muslims commanded the Army of the Republic of Bosnia and Herzegovina (“Army of the Republic of the BiH”); the Bosnian Croats commanded the Croatian Defense Council.

18. The Bosnian Serb territory consisted of roughly two parts, running along the respective borders of Croatia to the north and Serbia to the east, and known as the Republika Srpska. These two parts were connected by a small strip of land along the Sava river known as the Posavina Corridor (also known as the Brčko Corridor).

19. In the spring of 1992, Croatian Defense Council troops captured important towns in the Posavina Corridor, severing the last road available to the Bosnian Serbs to connect the two parts of their territory and causing substantial supply problems for the western part, including the largest Bosnian Serb city of Banja Luka.

20. The Bosnian Serb army (“Army of the Republika Srpska”) counterattacked several areas in the Posavina Corridor throughout the spring and summer of 1992, including the city of Brčko.

21. As part of its effort to maintain control over the Posavina Corridor, the Bosnian Serb army and paramilitaries targeted Bosnian Croats and Bosniaks because of their race, religion, and/or nationality.

B. Defendant’s military service and acts of persecution in Brčko.

22. On April 30, 1992, Serb forces from Bosnia and elsewhere in the former Yugoslavia demolished the bridge connecting Brčko to Croatia across the Sava river.

23. The next day, Serb forces began shelling parts of Brčko with mortars and heavy artillery.

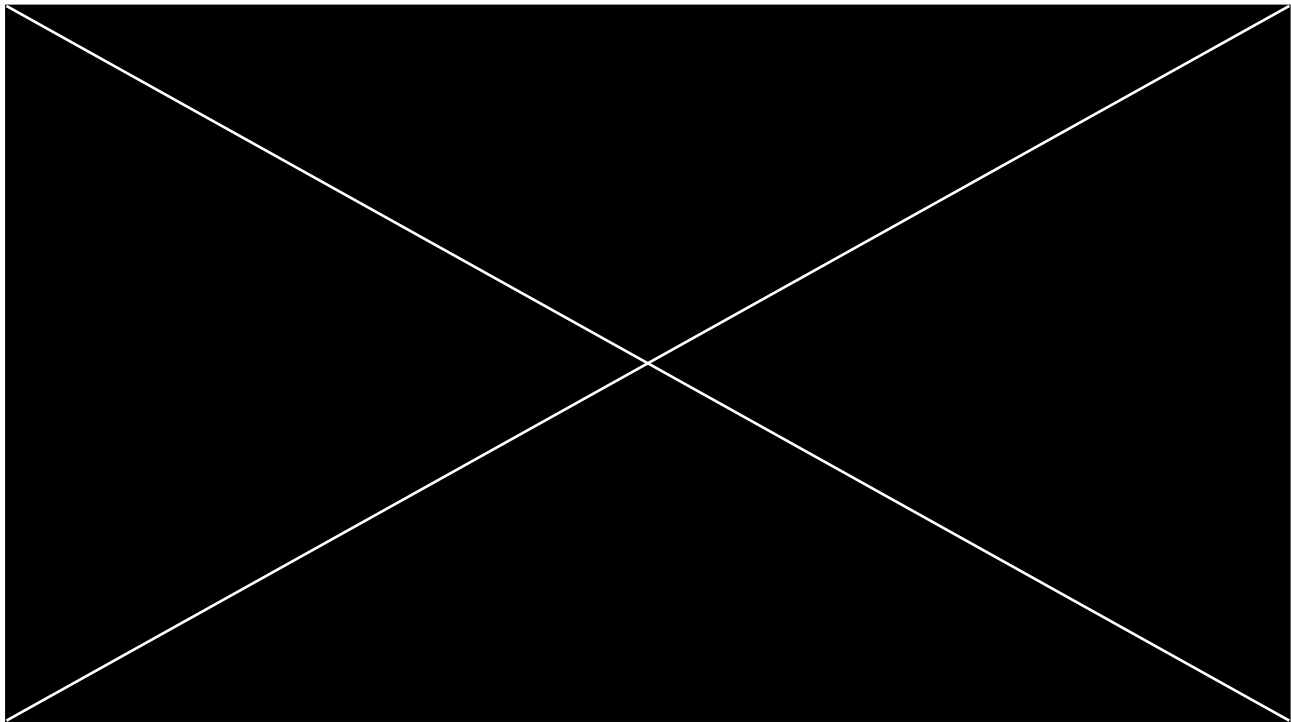
24. An assortment of paramilitary and police units assisted conventional military forces in military operations, including the handling of civilians.

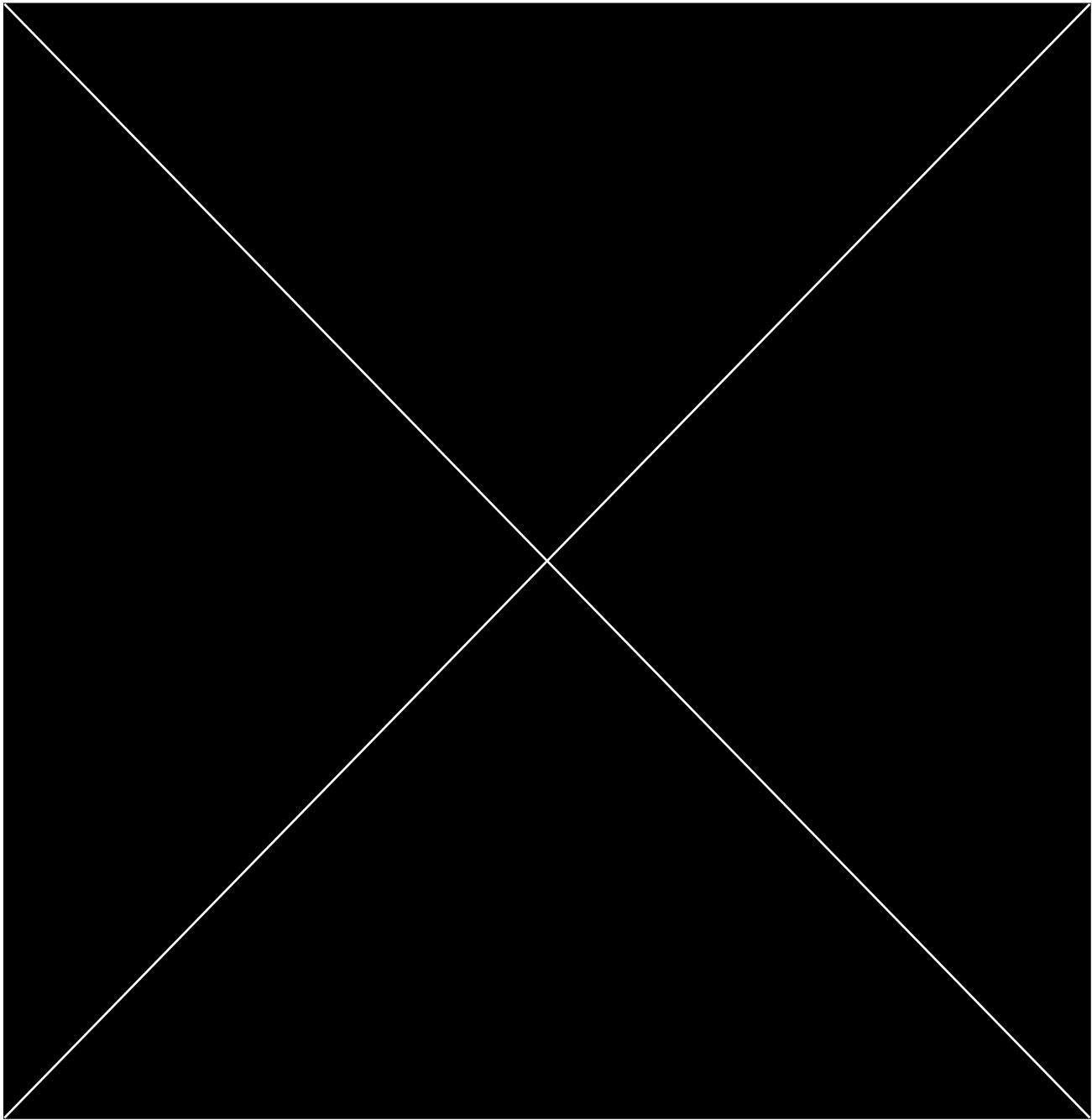
25. At the time of the military operation in Brčko, 



26. Serb forces forcibly expelled Bosnian Croat and Bosniak residents from their homes and, with the assistance of local Serb authorities, held them at collection centers, including the Public Security Station (the police station), Luka camp, and Jelenka Vockic elementary school.

27. At the collection centers in Brčko, Serb forces interrogated, beat and killed Bosnian Croat and Bosniak civilians.





C. Defendant's Criminal Convictions.

38. On January 20, 1994 and February 7, 1994, Defendant used his position as a police officer to submit forged documentation for the registration of two motor vehicles.

39. On March 11, 1994, during the police search of an apartment, Defendant stole money and other items from the apartment for his own gain.

40. On March 18, 1994, as a result of the above actions, Defendant was arrested and jailed in Bijeljina, Bosnia.

41. On June 17, 1994, as a result of the above actions, the Republika Srpska Ministry of Interior issued a disciplinary judgment against Defendant and terminated his employment as a police officer. *See* Decision (with English translation), attached here as Exhibit B.

42. Defendant was aware of and was present during his disciplinary proceedings and offered a defense for himself. *See* Appeal Decision (with English translation), attached here as Exhibit C.

43. On January 12, 1996, as a result of the above actions, Defendant was convicted in Brčko Basic Court of the crimes of Illegal Mediation, in violation of Article 232 of the Criminal Code of the Republika Srpska, and Illegal Appropriation of Property, in violation of Article 239 of the Criminal Code of the Republika Srpska. *See* Judgment (with English translation), attached here as Exhibit D.

44. As a result of his convictions, Defendant was sentenced to eight months prison, probated for two years.

45. Defendant was aware of and was present during his criminal proceedings and offered a defense for himself. *See* Verdict, (with English translation) attached here as Exhibit E.

D. Defendant's Admission into the United States and Concealment of His Convictions, War Crimes and Acts of Persecution.

46. Defendant served in [REDACTED] from April 1, 1992, until April 20, 1995.

47. On February 21, 1996, Defendant was reinstated as a police officer [REDACTED]
[REDACTED]

48. On November 5, 1997, Defendant was assigned as a traffic police officer for the

[REDACTED]

49. On January 1, 1999, Defendant was assigned as a traffic police officer for the

[REDACTED]

50. On September 21, 1999, Defendant applied for refugee resettlement registration with the United Nations High Commissioner for Refugees (UNHCR) and gave an interview for his application.

51. Defendant made at least two willful misrepresentations in his interview with UNHCR.

52. *First*, Defendant claimed that he fled to Brčko where he was employed as a traffic policeman throughout the war period and was not engaged in any form of combat activity.

53. Defendant failed to disclose that he served in [REDACTED] during the war period and engaged in combat activity, where he suffered injuries to his face from an exploding shell.

54. *Second*, Defendant claimed that he fled to Serbia in July 1998 and was a refugee in Serbia since then.

55. Defendant failed to disclose that he was still living in Brčko as of December 1998.

56. Both of these claims in Defendant's September 21, 1999 interview were false or materially incomplete.

57. On February 11, 2000, Defendant applied for registration for classification as a refugee with the legacy Immigration and Naturalization Service (INS)¹ and gave an interview with the International Organization for Migration (IOM) for his application.

58. Defendant made at least two willful misrepresentations in his interview with IOM.

59. *First*, Defendant claimed that that he fled to Brčko where he was employed as a traffic policeman throughout the war period and was not engaged in any combat activities.

60. Defendant failed to disclose that he served  during the war period and engaged in combat activity, where he suffered injuries to his face from an exploding shell.

61. *Second*, Defendant claimed that he fled to Serbia in July 1998 and was a refugee in Serbia since then.

62. Defendant failed to disclose that he was still living in Brčko as of December 1998.

63. Both of these claims in Defendant's February 11, 2000 interview were false or materially incomplete.

64. On February 11, 2000, Defendant filled out an INS Supplemental Questionnaire for Refugee Applicants. *See* Supplemental Questionnaire, attached here as Exhibit F.

65. Defendant's Supplemental Questionnaire for Refugee Applicants, in Question 5, asked him "Have you ever been ___ detained ___ interrogated ___ convicted and sentenced ___ imprisoned in any country? If you check any block, specify location, date and circumstances:"

¹ On March 1, 2003, INS ceased to exist and many of its relevant functions were transferred to the U.S. Department of Homeland Security. *See* Homeland Security Act of 2002, Pub. L. No. 107-296, 110 Stat. 2135 (Nov. 25, 2002). Because the many of the events in this case took place prior to the transfer, however, "INS" will be referenced where accurate.

66. In reply to Question 5 in his Supplemental Questionnaire for Refugee Applicants, Defendant stated “Yes” as to whether he had been detained and interrogated, but left the space blank as to whether he had been convicted and sentenced and imprisoned.

67. In reply to Question 5 in his Supplemental Questionnaire for Refugee Applicants, Defendant stated “28 - 29 Aug 97 - Apprehended by RS state security and held 36 hours. 

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68. Defendant failed to disclose that he had been arrested, jailed, and convicted in the Basic Court in Brčko on January 12, 1996 for Illegal Mediation and Illegal Appropriation of Property.

69. Defendant’s reply to Question 5 in his Supplemental Questionnaire for Refugee Applicants was false or materially incomplete.

70. On February 11, 2000, Defendant sought refugee status in the United States by filing a Form I-590, Registration for Classification as a Refugee. *See* Form I-590, attached here as Exhibit G.

71. Defendant’s Form I-590 contained at least two willful misrepresentations.

72. *First*, in response to Question 15 in his Form I-590, Defendant checked the box indicating, “I have not been charged with a violation of law.”

73. Defendant failed to disclose that he had been arrested, jailed, and convicted in the Basic Court in Brčko on January 12, 1996 for Illegal Mediation and Illegal Appropriation of Property.

74. *Second*, in response to Question 15 in his Form I-590, when asked to list his military service, Defendant listed his military service only as “Yugoslavia, Infantry, 1979-1980, private.”

75. Defendant failed to disclose that he served in 
from April 1, 1992, until April 20, 1995.

76. Both of these claims in Defendant's Form I-590 were false or materially incomplete.

77. On February 11, 2000, Defendant filled out a Form G-325-C, Biographic Information, in support of his application for refugee status. *See* Form G-325-C, attached here as Exhibit H.

78. Defendant's Form G-325-C contained at least two willful misrepresentations.

79. *First*, in his Form G-325-C, Defendant stated that he lived in Brčko from February 1992 to July 1998, and that he lived in a village in Serbia from July 1998 to the date when he filled out the form.

80. Defendant failed to disclose that he was still living in Brčko as of December 1998.

81. *Second*, in his Form G-325-C, Defendant stated that he was unemployed from January 1992 to the date when he filled out the form.

82. Defendant failed to disclose that he served in the Army of the Republika Srpska from April 1, 1992, until April 20, 1995.

83. Both of these claims in Defendant's Form G-325-C were false.

84. On May 9, 2000, Defendant filled out a Form G-646, Sworn Statement of Refugee Applying for Entry into the United States. *See* Form G-646, attached here as Exhibit I.

85. Defendant's Form G-646 contained at least two willful misrepresentations.

86. *First*, in his Form G-646, Defendant checked a box indicating that the following class did not apply to him: “Aliens who have committed or who have been convicted of a crime involving moral turpitude.”

87. Defendant failed to disclose that he had committed war crimes against civilians in Brčko.

88. *Second*, in his Form G-646, Defendant signed a statement indicating, “I have never ordered, assisted or otherwise participated in the persecution of any person because of race, religion or political opinion.”

89. Defendant failed to disclose that he had persecuted civilians in Brčko based on their race or religion.

90. Both of these claims in Defendant’s Form G-646 were false or materially incomplete.

91. On May 9, 2000, Defendant gave an interview with INS in support of his application for entry into the United States.

92. Defendant made at least two willful misrepresentations in his interview with INS.

93. *First*, in his interview with INS, Defendant claimed that after the Croatian army wanted him to join it in 1991, he took his family and moved to Bosnia, where he worked as a traffic policeman for six years, until 1997.

94. Letic failed to disclose that between April 1992 and April 1995, he was actually in Bosnia and Herzegovina serving 

95. *Second*, in his interview with INS, when asked about his arrest, Defendant claimed that he was arrested because of differences in political opinion and was beaten and released.

96. Defendant failed to disclose that he had been arrested, jailed, and convicted in the Basic Court in Brčko on January 12, 1996 for Illegal Mediation and Illegal Appropriation of Property.

97. Both of these claims in Defendant's interview with INS were false or materially incomplete.

98. Based on Defendant's application and interview, INS approved his application for entry into the United States on May 9, 2000.

99. On May 25, 2000, Letic was admitted to the United States as a refugee.

E. Defendant's Acquisition of Lawful Permanent Residence by Falsely Maintaining that He Did Not Serve in the Military and that He Had Never Committed Crimes Involving Moral Turpitude.

100. In June 2001, Defendant filed a Form I-485, Application to Register Permanent Resident or Adjust Status. *See* Form I-485, attached here as Exhibit J.

101. Defendant's Form I-485 contained at least three willful misrepresentations.

102. *First*, Defendant's Form I-485, in Part 3, Section C, instructed him, "List your present and past membership in or affiliation with every political organization, association, fund, foundation, party, club, society or similar group in the United States or in other places since your 16th birthday. Include any foreign military service in this part."

103. In response, Defendant entered "none," indicating he had no qualifying foreign military service. That representation was false because he had served in 

 from April 1, 1992, until April 20, 1995.

104. *Second*, Defendant's Form I-485, in Part 3, Question 1(a), asked, "Have you ever, in or outside the U.S. . . . knowingly committed any crime of moral turpitude . . . for which you have not been arrested?"

105. In response, Defendant marked “No.” That representation was false because he had knowingly committed war crimes—which involve moral turpitude—for which he had not been arrested.

106. *Third*, Defendant’s Form I-485, in Part 3, Question 1(b), asked, “Have you ever, in or outside the U.S. . . . been arrested, cited, charged, indicted, fined or imprisoned for breaking or violating any law or ordinance, excluding traffic violations?”

107. In response, Defendant marked “No.” That representation was false because he had been arrested, charged with, convicted and jailed for the crimes of Illegal Mediation, in violation of Article 232 of the Criminal Code of the Republika Srpska, and Illegal Appropriation of Property, in violation of Article 239 of the Criminal Code of the Republika Srpska.

108. Defendant’s Form I-485, in Part 4, states: “I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it is all true and correct.”

109. Defendant signed beneath that statement, certifying under penalty of perjury that his responses to the questions on the Form I-485 were true and correct.

110. On February 19, 2002, INS approved the application and granted Defendant lawful permanent resident status.

F. Defendant’s Naturalization by Falsely Maintaining that He Was Properly Admitted to Permanent Residence and that He Possessed the Requisite Good Moral Character.

111. On February 7, 2006, Defendant applied for naturalization by filing with INS a Form N-400. *See* Form N-400, attached here as Exhibit K.

112. Defendant’s Form N-400 contained at least nine willful misrepresentations.

113. *First*, Defendant’s Form N-400, in Part 10, Section B, Question 11, asked, “Have you **EVER** persecuted (*either directly or indirectly*) any person because of race, religion,

national origin, membership in a particular social group, or political opinion?” (emphasis in original).

114. In response, Defendant marked “No.” That representation was false because in committing his war crimes and persecution in Brčko, he had specifically targeted 



115. *Second*, Defendant’s Form N-400, in Part 10, Section D, Question 15, asked, “Have you **EVER** committed a crime or offense for which you were NOT arrested?” (emphasis in original).

116. In response, Defendant marked “No.” That representation was false because he had knowingly committed war crimes—which involve moral turpitude—for which he had not been arrested.

117. *Third*, Defendant’s Form N-400, in Part 10, Section D, Question 16, asked, “Have you **EVER** been arrested, cited, or detained by any law enforcement officer (including INS and military officers) . . . for any reason?” (emphasis in original).

118. In response, Defendant marked “No.” That representation was false because he had been arrested, charged with, convicted and jailed for the crimes of Illegal Mediation, in violation of Article 232 of the Criminal Code of the Republika Srpska, and Illegal Appropriation of Property, in violation of Article 239 of the Criminal Code of the Republika Srpska.

119. *Fourth*, Defendant’s Form N-400, in Part 10, Section D, Question 17, asked, “Have you **EVER** been charged with committing any crime or offense?” (emphasis in original).

120. In response, Defendant marked “No.” That representation was false because he had been charged with the crimes of Illegal Mediation, in violation of Article 232 of the Criminal

Code of the Republika Srpska, and Illegal Appropriation of Property, in violation of Article 239 of the Criminal Code of the Republika Srpska.

121. *Fifth*, Defendant's Form N-400, in Part 10, Section D, Question 18, asked, "Have you **EVER** been convicted of a crime or offense?" (emphasis in original).

122. In response, Defendant marked "No." That representation was false because he had been convicted of the crimes of Illegal Mediation, in violation of Article 232 of the Criminal Code of the Republika Srpska, and Illegal Appropriation of Property, in violation of Article 239 of the Criminal Code of the Republika Srpska.

123. *Sixth*, Defendant's Form N-400, in Part 10, Section D, Question 20, asked, "Have you **EVER** received a suspended sentence, been placed on probation, or been paroled?" (emphasis in original).

124. In response, Defendant marked "No." That representation was false because he had been convicted of the crimes of Illegal Mediation, in violation of Article 232 of the Criminal Code of the Republika Srpska, and Illegal Appropriation of Property, in violation of Article 239 of the Criminal Code of the Republika Srpska, and was sentenced to eight months prison, suspended for two years while on probation.

125. *Seventh*, Defendant's Form N-400, in Part 10, Section D, Question 21, asked, "Have you **EVER** been in jail or prison?" (emphasis in original).

126. In response, Defendant marked "No." That representation was false because he had been arrested for the crimes of Illegal Mediation, in violation of Article 232 of the Criminal Code of the Republika Srpska, and Illegal Appropriation of Property, in violation of Article 239 of the Criminal Code of the Republika Srpska, and was placed in jail pending charges.

127. *Eighth*, Defendant's Form N-400, in Part 10, Section D, Question 23, asked, "Have you **EVER** given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal?" (emphasis in original).

128. In response, Defendant marked "No." That representation was false because he gave false and misleading information to U.S. government officials while applying for registration as a refugee, entry into the United States as a refugee, admission as a permanent resident, and naturalization.

129. *Ninth*, Defendant's Form N-400, in Part 10, Section D, Question 24, asked, "Have you **EVER** lied to any U.S. government official to gain entry or admission into the United States?" (emphasis in original).

130. In response, Defendant marked "No." That representation was false because he lied to U.S. government officials while applying for registration as a refugee, entry into the United States as a refugee, and admission as a permanent resident.

131. Defendant's Form N-400, in Part 11, states: "I certify, under penalty of perjury under the laws of the United States of America, that this application, and the evidence submitted with it, are all true and correct."

132. Defendant signed beneath that statement, certifying under penalty of perjury that his responses to the questions on the Form N-400 were true and correct.

133. On August 2, 2006, INS officer Jun Choi examined Defendant regarding his N-400 application and qualifications for U.S. citizenship. *See* Declaration of Jun Choi, attached here as Exhibit L.

134. In adjudicating applications for naturalization, Officer Choi reviewed the questions in the application, then asked the applicant the questions as they were written on the Form N-400. Officer Choi's practice during naturalization interviews was to place red marks on the Form N-400 beside or through each question that she asked the applicant. If the applicant asserted the same information provided on the Form N-400, Officer Choi placed a red mark through or by the response.

135. If the applicant provided information that was new or different from the application, Officer Choi wrote the response in red ink next to the question. The corrections were numbered with a circle around them and reviewed with the applicant at the end of the interview.

136. At the beginning of the interview, Defendant took an oath and affirmed that he would answer all questions truthfully.

137. Consistent with his written response in Part 10, Section D, question 15 of the Form N-400, and as evidenced by the red mark across the box for "No," Defendant testified that he had never committed a crime or offense for which he had not been arrested. That representation was false.

138. Consistent with his written response in Part 10, Section D, question 16 of the Form N-400, and as evidenced by the red mark across the box for "No," Defendant testified that he had never been arrested, cited, or detained by any law enforcement officer for any reason. That representation was false.

139. Consistent with his written response in Part 10, Section D, question 17 of the Form N-400, and as evidenced by the red mark across the box for "No," Defendant testified that he had never been charged with committing any crime or offense. That representation was false.

140. Consistent with his written response in Part 10, Section D, question 18 of the Form N-400, and as evidenced by the red mark across the box for “No,” Defendant testified that he had never been convicted of a crime or offense. That representation was false.

141. Consistent with his written response in Part 10, Section D, question 24 of the N-400, and as evidenced by the red mark across the box for “No,” Defendant testified that he had never lied to any U.S. Government official to gain entry or admission into the United States. That representation was false.

142. At the end of his naturalization examination, Defendant again signed his Form N-400 under penalty of perjury under the laws of the United States, thereby certifying that the information in his application for naturalization was true and correct to the best of his knowledge and belief. That representation was false.

143. At no point during the naturalization process did Defendant disclose to INS his commission of persecutory war crimes in Brčko.

144. Based on Defendant’s statements in his Form N-400, and his sworn testimony during his naturalization interview, INS approved his Form N-400 on August 2, 2006.

145. On September 22, 2006, Defendant took the oath of allegiance and was naturalized as a United States citizen.

146. Defendant was issued Certificate of Naturalization No.  See Certificate of Naturalization, attached here as Exhibit M.

IV. GOVERNING LAW

A. Congressionally-Imposed Prerequisites to the Acquisition of Citizenship.

147. No noncitizen has a right to naturalization “unless all statutory requirements are complied with.” *United States v. Ginsberg*, 243 U.S. 472, 474-75 (1917). Indeed, the Supreme

Court has underscored that “[t]here must be strict compliance with all the congressionally imposed prerequisites to the acquisition of citizenship.” *Fedorenko v. United States*, 449 U.S. 490, 506 (1981); *see also id.* (“An alien who seeks political rights as a member of this Nation can rightfully obtain them only upon the terms and conditions specified by Congress.” (quoting *Ginsberg*, 243 U.S. at 474)).

148. As a threshold matter, to qualify for naturalization, an applicant must have been “lawfully” admitted to the United States for permanent residence and subsequently resided in this country for at least five years prior to the date of application. *See* 8 U.S.C. § 1427(a)(1); *see also id.* §§ 1429, 1255(a).

149. A noncitizen has been “lawfully accorded” permanent resident status only if he actually satisfies the immigration laws. *Ampe v. Johnson*, 157 F. Supp. 3d 1, 10 (D.D.C. 2016) (“Since [2003], every circuit to have considered the issue has agreed that to demonstrate that she was lawfully admitted for permanent residence, an applicant must do more than simply show that she was granted [lawful permanent resident] status; she must further demonstrate that the grant of that status was in substantive compliance with the immigration laws.” (internal quotation marks omitted) (collecting cases)). Thus, a noncitizen who was *mistakenly* adjusted to lawful permanent resident status is not one *lawfully* admitted for that purpose. *Id.*

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

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

B. The Denaturalization Statute.

152. Recognizing that there are situations in which an individual has naturalized despite failing to comply with all congressionally imposed prerequisites to the acquisition of citizenship or by concealing or misrepresenting facts that are material to the decision on whether to grant her naturalization application, Congress enacted 8 U.S.C. § 1451.

153. Under 8 U.S.C. § 1451(a), a court must revoke a defendant's naturalization and cancel his Certificate of Naturalization if his naturalization was either: (a) illegally procured; or (b) procured by concealment of a material fact or by willful misrepresentation.

154. "Illegal procurement" has occurred where an applicant naturalized despite failing to comply with all congressionally-imposed prerequisites to the acquisition of citizenship. *Fedorenko*, 449 U.S. at 517.

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

156. Where the Government establishes that the defendant's citizenship was procured illegally or by willful misrepresentation of material facts, "district courts lack equitable discretion to refrain from entering a judgment of denaturalization." *Fedorenko*, 449 U.S. at 517.

V. CAUSES OF ACTION

COUNT ONE

ILLEGAL PROCUREMENT OF NATURALIZATION NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE (Persecutor Ineligible for Admission as Refugee)

157. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs.

158. To qualify for naturalization, an applicant must have been lawfully admitted to the United States for permanent residence and subsequently resided in this country for at least five years prior to the date of application. *See* 8 U.S.C. § 1427(a)(1); *see also* 8 U.S.C. § 1429.

159. The term “lawfully” requires compliance with the substantive legal requirements for admission, and not mere procedural regularity. *Ampe*, 157 F. Supp. 3d at 10.

160. Defendant was admitted to the United States as a refugee and procedurally adjusted to lawful permanent resident status based on that entry.

161. An individual who was granted refugee status cannot lawfully adjust status therefrom unless he demonstrates that he meets the statutory definition of “refugee.” 8 U.S.C. § 1159(b)(3).

162. The Immigration and Nationality Act defines the term “refugee” to exclude anyone who “ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.” 8 U.S.C. § 1101(a)(42).

163. Severe physical abuse or torture constitutes persecution. *Li v. Gonzales*, 405 F.3d 171, 177 (4th Cir. 2005).

164. Defendant perpetrated the sexual assault of two Bosniak women in or around Brčko, targeting the victims because of their race, religion, and/or nationality.

165. Defendant participated in the beating, torture, home invasion and threatened murder of Bosniak civilians and prisoners of war at Brčko, targeting the victims because of their race, religion, and/or nationality.

166. Thus, Defendant committed acts of persecution under 8 U.S.C. § 1101(a)(42), and they precluded Defendant from establishing that he satisfied the legal definition of a refugee.

167. Because Defendant never met the legal definition of a refugee under 8 U.S.C. § 1101(a)(42), he was ineligible for adjustment of status to a permanent resident under 8 U.S.C. § 1159(b)(3).

168. Because Defendant was not lawfully admitted to permanent residence, he was ineligible to naturalize under 8 U.S.C. §§ 1427(a)(1) and 1429.

169. Because he was ineligible to naturalize, Defendant procured his citizenship illegally, and this Court must revoke his citizenship, as provided for by 8 U.S.C. § 1451(a).

COUNT TWO

ILLEGAL PROCUREMENT OF NATURALIZATION NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE (Misrepresentation of Material Fact)

170. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs.

171. To qualify for naturalization, an applicant must have been lawfully admitted to the United States for permanent residence. *See* 8 U.S.C. § 1427(a)(1); *see also id.* § 1429.

172. The term “lawfully” requires compliance with the substantive legal requirements for admission, and not mere procedural regularity. *Ampe*, 157 F. Supp. 3d at 10.

173. A refugee is not lawfully admitted to permanent residence if he is “inadmissible.” 8 U.S.C. § 1159(b)(5).

174. An individual is inadmissible if he, by fraud or willfully misrepresenting a material fact, sought to procure, or has procured a visa, other documentation, or admission into the United States or any other immigration benefit. 8 U.S.C. § 1182(a)(6)(C)(i).

175. Defendant was never lawfully admitted as a permanent resident and cannot satisfy the requirements of 8 U.S.C. §§ 1427(a)(1) and 1429, because he was inadmissible at the time of her admission as a lawful permanent resident.

176. In his applications for refugee status in the United States and later lawful permanent resident status, Defendant misrepresented: the dates and nature of his military service, the location of his residence, whether he had been charged and convicted of an offense, whether he had ever committed a crime involving moral turpitude, and whether he had ordered, assisted or otherwise participated in the persecution of any person because of race, religion, nationality, or political opinion.

177. Defendant's misrepresentations were willful because he knew or should have known that his representations were false. Defendant could not have plausibly forgotten that in 1992 he sexually assaulted two women and beat and tortured several others, because they were Bosniaks, especially since he committed these war crimes and acts of persecution just eight years before submitting the misrepresentations in his Form I-590 and Form G-646 and nine years before submitting the misrepresentations in his Form I-485.

178. Defendant's misrepresentations were material to determining his eligibility for the immigration benefits for which he applied. His false statements had the natural tendency to influence a decision by INS to approve his applications. Defendant thus sought to procure an immigration benefit by fraud or willfully misrepresenting a material fact.

179. Thus, at the time Defendant was admitted as a lawful permanent resident, he was inadmissible pursuant to 8 U.S.C. § 1182(a)(6)(C)(i).

180. Because Defendant was inadmissible at the time his status was adjusted to that of a permanent resident, he was not lawfully admitted for permanent residence.

181. Because Defendant was not lawfully admitted to permanent residence, he was ineligible to naturalize under 8 U.S.C. §§ 1427(a)(1) and 1429.

182. Because he was ineligible to naturalize, Defendant procured his citizenship illegally, and this Court must revoke his citizenship, as provided for by 8 U.S.C. § 1451(a).

COUNT THREE

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (Commission, Assistance, or Participation in Torture)

183. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs.

184. To be eligible for naturalization an applicant must show that he has been a person of good moral character for at least the five-year statutory period before he files a naturalization application, and until the time he becomes a naturalized United States citizen. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

185. Thus, Defendant was required to establish that he was a person of good moral character from February 7, 2001, until the date he was admitted to U.S. citizenship, September 22, 2006 (the “statutory period”).

186. A naturalization applicant is barred from establishing good moral character if he “at any time has engaged in conduct described in section 1182(a)(3)(E) of this title.” 8 U.S.C. § 1101(f)(9).

187. That section describes: “Commission of acts of torture or extrajudicial killings. Any alien who, outside the United States, has committed, ordered, incited, assisted, or otherwise participated in the commission of— . . . (I) any act of torture, as defined in section 2340 of title 18.” 8 U.S.C. § 1182(a)(2)(E)(iii).

188. “Torture” is defined as “an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control.” 18 U.S.C. § 2340.

189. Defendant committed, assisted in, and participated in the torture of several Bosniak civilians by beating them with a bat and rifle butts, and burning their feet with a candle flame and holding a gun in one civilian’s mouth and threatening to shoot him.

190. Those instances of torture precluded Defendant from demonstrating that he had good moral character. *See* 8 U.S.C. §§ 1101(f)(9), 1182(a)(3)(E)(iii).

191. Because Defendant was not a person of good moral character, he was ineligible to naturalize under 8 U.S.C. § 1427(a)(3).

192. Because he was ineligible to naturalize, Defendant procured his citizenship illegally, and this Court must revoke his citizenship, as provided for by 8 U.S.C. § 1451(a).

COUNT FOUR

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (False Testimony)

193. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs.

194. Defendant was required to establish that he was a person of good moral character from February 7, 2001, until the date he was admitted to U.S. citizenship, September 22, 2006 (the “statutory period”).

195. A naturalization applicant is barred from establishing good moral character if, during the statutory period, he has given false testimony, under oath, for the purpose of receiving an immigration benefit. 8 U.S.C. § 1101(f)(6).

196. Defendant provided false testimony for the purpose of obtaining an immigration benefit when he testified, under oath, during his August 2, 2006 naturalization interview, that:

- a. he had never committed a crime or offense for which he had not been arrested, consistent with his written response to Part 10, Section D, Question 15;
- b. he had never been arrested, cited, or detained by any law enforcement officer for any reason, consistent with his written response to Part 10, Section D, Question 16;
- c. he had never been charged with committing any crime or offense, consistent with his written response to Part 10, Section D, Question 17;
- d. he had never been convicted of a crime or offense, consistent with his written response to Part 10, Section D, Question 18; and
- e. he had never lied to any U.S. Government official to gain entry or admission into the United States, consistent with his written response to Part 10, Section D, Question 24.

197. Because Defendant provided false testimony, under oath, during the statutory period for the purpose of obtaining his naturalization, he was barred under 8 U.S.C. § 1101(f)(6)

from showing that he possessed the good moral character necessary to become a naturalized United States citizen.

198. Because Defendant was not a person of good moral character, he was ineligible to naturalize under 8 U.S.C. § 1427(a)(3).

199. Because he was ineligible to naturalize, Defendant procured his citizenship illegally, and this Court must revoke his citizenship, as provided for by 8 U.S.C. § 1451(a).

COUNT FIVE

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (Unlawful Acts)

200. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs.

201. Defendant was required to establish that he was a person of good moral character from February 7, 2001, until the date he was admitted to U.S. citizenship, September 22, 2006 (the “statutory period”).

202. A naturalization applicant is barred from showing that he is a person of good moral character if, during the statutory period, he “[c]ommitted unlawful acts that adversely reflect upon the applicant’s moral character,” and there are no extenuating circumstances. 8 C.F.R. § 316.10(b)(3)(iii).

203. During the statutory period, Defendant committed acts that constitute the essential elements of three federal crimes: false swearing in an immigration matter, in violation of 18 U.S.C. § 1546(a); making false statements, in violation of 18 U.S.C. § 1001(a); and perjury, in violation of 18 U.S.C. § 1621.

204. *First*, it is unlawful to knowingly make, under oath or under penalty of perjury, a false statement with regard to a material fact in an immigration application. 18 U.S.C. § 1546(a).

During the statutory period, Defendant knowingly made, under oath or penalty of perjury, false statements in his Form N-400, Application for Naturalization, and during his naturalization interview, denying that he had ever ordered, assisted, or otherwise participated in the persecution of any person because of race, religion, nationality, or political opinion; committed a crime for which he had not been arrested; given false information to immigration authorities for an immigration benefit or admission to the United States; lied to any U.S. government official to gain entry or admission into the United States; been arrested, cited, or detained by any law enforcement officer; been charged with committing any crime or offense; been convicted of a crime or offense; received a suspended sentence or been placed on probation; and been in jail or prison. Defendant knew these statements to be false. His actions thus violated 18 U.S.C. § 1546(a).

205. *Second*, it is unlawful to knowingly and willfully conceal a material fact or make a materially false representation in connection with “any matter within the jurisdiction of the executive . . . branch.” 18 U.S.C. § 1001(a). During the statutory period, Defendant knowingly and willfully concealed material facts and made materially false representations in his Form N-400 and during his naturalization interview, denying that he had ever: ordered, assisted, or otherwise participated in the persecution of any person because of race, religion, nationality, or political opinion; committed a crime for which he had not been arrested; given false information to immigration authorities for an immigration benefit or admission to the United States; lied to any U.S. government official to gain entry or admission into the United States; been arrested, cited, or detained by any law enforcement officer; been charged with committing any crime or offense; been convicted of a crime or offense; received a suspended sentence or been placed on

probation; and been in jail or prison. Defendant knew this testimony to be false. His actions thus violated 18 U.S.C. § 1001(a).

206. *Third*, it is unlawful to willfully state under oath or penalty of perjury any material matter which the speaker does not believe to be true. 18 U.S.C. § 1621. During the statutory period, Defendant knowingly made, under oath or penalty of perjury, false statements in his Form N-400 and during his naturalization interview, denying that he had ever: ordered, assisted, or otherwise participated in the persecution of any person because of race, nationality, or political opinion; committed a crime for which he had not been arrested; given false information to immigration authorities for an immigration benefit or admission to the United States; lied to any U.S. government official to gain entry or admission into the United States; been arrested, cited, or detained by any law enforcement officer; been charged with committing any crime or offense; been convicted of a crime or offense; received a suspended sentence or been placed on probation; and been in jail or prison Defendant knew these statements to be false. His actions thus violated 18 U.S.C. § 1621.

207. False swearing in an immigration matter, in violation of 18 U.S.C. § 1546(a), making false statements, in violation of 18 U.S.C. § 1001; and perjury, in violation of 18 U.S.C. § 1621, adversely reflect on Defendant's moral character and he cannot avoid the regulatory bar on establishing good moral character found in 8 C.F.R. § 316.10(b)(3)(iii).

208. Because Defendant committed unlawful acts during the statutory period that adversely reflected on his moral character, he was not a person of good moral character, and was ineligible to naturalize under 8 U.S.C. § 1427(a)(3).

209. Because he was ineligible to naturalize, Defendant illegally procured his citizenship, and this Court must revoke his citizenship, as provided for by 8 U.S.C. § 1451(a).

COUNT SIX**PROCUREMENT OF U.S. CITIZENSHIP
BY CONCEALMENT OF A MATERIAL FACT
OR WILLFUL MISREPRESENTATION**

210. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs.

211. Under 8 U.S.C. § 1451(a), the Court must revoke a naturalized person's citizenship and cancel his certificate of naturalization if that person procured his naturalization by concealment of a material fact or by willful misrepresentation.

212. Defendant willfully misrepresented and concealed his military service and his participation in [REDACTED] during the Balkans conflict in Brčko.

213. Specifically, Defendant knowingly made false statements in his Form N-400 and during his naturalization interview, denying that he had ever ordered, assisted, or otherwise participated in the persecution of any person because of race, religion, nationality, or political opinion; committed a crime for which he had not been arrested; given false information to immigration authorities for an immigration benefit or admission to the United States; and lied to any U.S. government official to gain entry or admission into the United States.

214. Defendant knew these statements to be false. Defendant knew at the time he completed his Form N-400, and at the time of his naturalization interview, that he had, in fact, committed war crimes and persecution.

215. Defendant made his misrepresentations and concealments deliberately and voluntarily. He knew or should have known that his representations were false. Therefore, Defendant made his misrepresentations and concealments willfully.

216. Defendant's misrepresentations or concealments were material to his naturalization because the disclosure of facts either directly related to his war crimes and persecution, or that would have led to the discovery of such crimes, would have had a natural tendency to influence immigration officials' decision whether to approve Defendant's naturalization application. Indeed, Defendant's conduct rendered him ineligible for citizenship. USCIS would have denied Defendant's naturalization application had he been truthful.

217. Defendant therefore procured his citizenship by concealment of material facts and willful misrepresentations, and this Court must revoke his citizenship, as provided for by 8 U.S.C. § 1451(a).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the United States of America, respectfully requests:

- A. A declaration that Defendant illegally procured his naturalization;
- B. A declaration that Defendant procured his naturalization by concealment or willful misrepresentation of material facts;
- C. Judgment revoking and setting aside the naturalization of Defendant, and canceling certificate of naturalization No. , effective as of the original date of the order and certificate, September 22, 2006;
- D. Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages related to United States citizenship;
- E. Judgment requiring Defendant, within ten days of judgment, to surrender and deliver his Certificate of Naturalization, No. , and any copies thereof in his possession, and to make good faith efforts to recover and surrender any copies thereof that he knows are in

the possession of others, to the Attorney General, or his representative, including undersigned counsel;

F. Judgment requiring Defendant, within ten days of judgment, to immediately surrender and deliver any other indicia of United States citizenship (including, but not limited to, any United States passport, or other indicia of citizenship), and any copies thereof in his possession, and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession of others, to the Attorney General, or his representative, including undersigned counsel; and

G. Judgment granting the United States such other relief as may be lawful and proper.

Dated: September 2, 2025

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