UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA, Plaintiff, v. GURDEV SINGH SOHAL, Axxx-xxx-692,[1] a.k.a. DEV SINGH, Axxx-xxx-122, a.k.a. BOOTA SINGH SUNDU, Defendant.	)	Civil Action No. **COMPLAINT TO REVOKE NATURALIZATION**

I. PRELIMINARY STATEMENT OF THE CASE

The United States of America ("Plaintiff") brings this civil action against Defendant Gurdev Singh Sohal, a.k.a. Dev Singh, a.k.a. Boota Singh Sundu ("Defendant") to revoke his naturalized U.S. citizenship under 8 U.S.C. § 1451(a). Plaintiff alleges that Defendant procured his naturalization unlawfully and that he willfully misrepresented and concealed material facts in applying to naturalize.

Before he naturalized as a U.S. citizen in 2005 under the identity Gurdev Singh Sohal, Defendant was previously ordered excluded and deported from the United States under the identity Dev Singh. In 1991, officers with the former Immigration and Naturalization Service ("INS")[2]

[1] Pursuant to the Privacy Act, 5 U.S.C. § 552a(b), Plaintiff will redact information throughout this document and its exhibits that includes social security numbers, dates of birth, places of birth, alien numbers, passport numbers, phone numbers, and tax information, which are precluded from disclosure. *See, Yith v. Nielsen*, No. 14-CV-01875, 2019 WL 2567290, at *5 (E.D. Cal. June 21, 2019); *Rouse v. U.S. Dep't of State*, 567 F.3d 408, 413 (9th Cir. 2009) ("The Privacy Act was designed to 'protect the privacy of individuals' through regulation of the 'collection, maintenance, use, and dissemination of information' by federal agencies.") (citing 5 U.S.C. § 552a).

[2] On March 1, 2003, the INS ceased to exist as an independent agency within the Department of Justice, and many of its functions were transferred to the newly formed Department of Homeland Security. *See* Homeland Security Act of 2002, Pub. L. No. 107-296, §§ 441, 451, 471, 116 Stat.

encountered Defendant when he arrived at J.F.K. International Airport. He identified himself as "Boota Singh Sundu." The INS paroled Defendant into the United States. In 1992, the INS placed Defendant into exclusion proceedings. On May 25, 1994, an immigration judge ordered him excluded and deported. Defendant failed to timely appeal the decision. Defendant then failed to surrender for deportation.

On January 3, 1995, Defendant, after being ordered excluded and deported using the identity Dev Singh, and now using the identity Gurdev Singh Sohal, filed an application for an immigration benefit with the INS. In this application, Defendant changed, *inter alia*, his name, date of birth, date of entry into the United States, and basis for his claim. In February 1995, the INS granted Defendant's application. On October 1, 2000, the INS approved Defendant's adjustment of status application under the identity Gurdev Singh Sohal. On March 30, 2005, Defendant naturalized under the identity and immigration history of Gurdev Singh Sohal. Defendant did not disclose his prior immigration history under the Dev Singh identity in any of his immigration applications or proceedings under the Gurdev Sohal identity.

Defendant's actions and conduct statutorily barred him from becoming a U.S. citizen and render his naturalization unlawfully procured. Thus, with the attached affidavit showing good cause, Plaintiff brings this civil action to revoke and set aside the order admitting Defendant to citizenship and to cancel his certificate of naturalization.

2135 (Nov. 25, 2002). The INS was divided into several separate agencies, including United States Citizenship and Immigration Services ("USCIS"), Customs and Border Protection, and Immigration and Customs Enforcement. USCIS assumed naturalization authority from the INS. This Complaint will refer to INS where appropriate.

II. JURISDICTION AND VENUE

1. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Defendant to U.S. citizenship and to cancel Certificate of Naturalization No. [redacted] issued March 30, 2005.

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

3. Venue is proper in this district pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391, because Defendant resides in Ferndale, WA, within the jurisdiction and venue of this Court.

III. PARTIES

4. Plaintiff is the United States of America.

5. Defendant is a naturalized U.S. citizen and purports to be a native of India. Dev Singh, Boota Singh Sundu, and Gurdev Singh Sohal are one and the same person.

IV. FACTUAL ALLEGATIONS

6. The affidavit of [redacted], Immigration Services Officer, USCIS, an agency within the Department of Homeland Security, showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached as Exhibit A.

A. Defendant's Immigration Proceedings Under the Identity Dev Singh/Boota Singh.

7. On or about August 22, 1991, INS officers encountered Defendant when he arrived at J.F.K. International Airport. Defendant lacked documents permitting him to enter the United

States. The INS officers took a sworn statement, attached as Exhibit B,[3] during which Defendant stated, *inter alia*, the following:

a. his true and correct name was Boota Singh;

b. he had never used or been known by any other name;

c. he was born in 1957 in Punjab, India;

d. he did not have any travel documents in his possession; and

e. he was taken to the police station twice while he lived in India.

8. The INS assigned Defendant alien registration number Axxx-xxx-122 and paroled him into the United States. See Ex. B.

9. On or about August 22, 1991, Defendant, using the name Boota Sundu, provided fingerprints as part of Form I-546, when the INS charged him with illegal entry. See Ex. B.

10. On December 9, 1992, the INS served Defendant, under the name Boota Sundu, with a Form I-122, Notice to Applicant for Admission Detained/Deferred for Hearing Before Immigration Judge, thereby placing him into exclusion proceedings. Attached as Exhibit C. The INS charged Defendant with being excludable based on four charges:

a. under 8 U.S.C. § 1182(a)(6)(C)(i) for having procured a visa or other documentation by fraud and seeking to procure entry into the U.S. by fraud or by willfully misrepresenting a material fact;

b. under 8 U.S.C. § 1182(a)(7)(B)(i)(II) for not being in possession of a valid, unexpired non-immigrant visa;

[3] Exhibits reflecting immigration documents are excerpted from a certified copy of the alien file (A File) associated with the respective alien number (A Number).

c. under 8 U.S.C. § 1182(a)(7)(B)(i)(I) for not being in possession of a valid, unexpired travel document; and

d. under 8 U.S.C. § 1182(a)(7)(A)(i)(I) for not being in possession of a valid, unexpired immigrant visa.

11. On March 25, 1993, Defendant appeared in immigration court and advised the Court that his name was "Dev Singh." Defendant conceded charges 2-4, as set forth *supra*.

12. On or about March 25, 1993, Defendant, using the identity Dev Singh, filed an application for an immigration benefit with the immigration court.

13. In the application, Defendant stated/represented the following:

a. his name was Dev Singh, but he had also used the name Boota Singh Sundu;

b. he was born on March xx, 1961, in Jalandhar, India; and

c. he had last arrived in the United States on August 22, 1991.

14. On or about March 25, 1993, Defendant signed the application, under penalty of perjury, declaring the contents of the application and all accompanying documents were "true and correct."

15. In conjunction with his application, Defendant filed a Form G-325A, Biographic Information. Attached as Exhibit D.

16. In the Form G-325A, Defendant represented, *inter alia*, that his name was Dev Singh, he was born on March xx, 1961, in Jalandhar, India, and that he had also used the name Boota Singh Sundu.

17. On May 25, 1994, Defendant appeared in immigration court and provided testimony in support of his application. Defendant testified, under oath, that:

a. his true and correct name is Dev Singh, but when he arrived in the United States, he used the name "Bhutta Singh Sindu" because he feared that he would be returned to India; and

b. he was born on March xx, 1961.

18. Following Defendant's testimony, the immigration judge rendered an oral decision in which he denied Defendant's application and ordered Defendant, under the identity Dev Singh, to be excluded and deported from the United States.

19. The immigration judge decision stated that Defendant must file an appeal no later than June 6, 1994.

20. On June 10, 1994, Defendant, through counsel, filed a Notice of Appeal to the Board of Immigration Appeals ("BIA").

21. On February 7, 1995, the BIA dismissed Defendant's appeal as untimely. Attached as Exhibit E.

22. On July 24, 1995, the INS mailed Defendant, to his most current address on file, a Form I-166, Notice to Deportable Alien to Surrender, ordering him to report to 26 Federal Plaza, Rm. 12-110, New York, NY, on August 23, 1995, for deportation to India.

23. On August 23, 1995, Defendant failed to surrender for deportation.

24. The government has no record that Defendant departed the United States pursuant to the deportation order.

B. Defendant's Application Under the Identity Gurdev Singh Sohal.

25. On January 3, 1995, Defendant, using a different identity, Gurdev Singh Sohal, filed a second application for an immigration benefit ("second application") with the INS.

26. In the second application, Defendant:

a. stated that his name was Gurdev Singh Sohal;

b. did not list any names that he had used previously;

c. stated that he was born on September xx, 1961, in Village Athaula, Punjab, India;

d. stated that he last arrived in the United States on June 4, 1994, at San Ysidro, California;

e. stated that he had not traveled to the United States before; and

f. stated that he departed India in May 1994 and traveled through Mexico before entering the United States.

27. On or about December 6, 1994, Defendant signed the second application, under penalty of perjury, declaring the contents of the application and all accompanying documents were "true and correct."

28. In conjunction with his second application, Defendant filed a second Form G-325A, Biographic Information. Attached as Exhibit F.

29. In the second Form G-325A, Defendant:

a. represented that his name was Gurdev Singh Sohal;

b. represented that he was born on September xx, 1961, in Village Athaula, Punjab, India; and

c. did not list any previous names.

30. On February 15, 1995, Defendant appeared at the INS Office in San Francisco for an interview on his second application.

31. On February 17, 1995, the INS granted Defendant's second application.

C. Defendant's Adjustment Application Under the Identity Gurdev Singh Sohal.

32. On May 26, 1998, Defendant filed with the INS a Form I-485, Application to Register Permanent Residence or Adjust Status (I-485). Attached as Exhibit G.

33. In the adjustment application, Defendant stated/represented as follows:

a. his name was Gurdev S. Sohal;

b. he was born on September xx, 1961, in India;

c. he last arrived in the United States at San Ysidro, CA, without inspection, on June 4, 1994;

d. he had never been deported from the U.S. or removed from the U.S. at government expense, excluded within the past year, nor was he now in exclusion or deportation proceedings; and

e. he had never sought to procure, or procured, a visa, or other documentation, entry into the United States, or any immigration benefit by fraud or willful misrepresentation of a material fact.

34. On or about March 19, 1998, Defendant signed his adjustment application, thereby certifying under penalty of perjury that its contents were true and correct.

35. In conjunction with and in support of his Adjustment Application, Defendant submitted a copy of document entitled "birth certificate" that stated that his name was Gurdev Singh and that he was born on September xx, 1961, in Athoula, India.

36. In conjunction with and in support of his Adjustment Application, Defendant further submitted another Form G-325A, Biographic Information, Attached as Exhibit H, in which Defendant represented, under severe penalties for knowingly and willfully falsifying or concealing a material fact, that:

a. his name was Gurdev Singh Sohal;

b. he was born in Jalandhar, Punjab, India;

c. he had been living in India from September 1961 until May 1994; and

d. he had never used any names other than Gurdev Singh Sohal.

37. On August 28, 1998, Defendant appeared at the INS's office in Seattle, Washington for an adjustment of status interview.

38. On August 28, 1998, Defendant, using the name Gurdev Sohal, submitted a Form I-551 Data Collection Card, on which he provided a fingerprint. Attached as Exhibit I.

39. On October 1, 2000, the INS approved Defendant's adjustment application, adjusting his status to that of a permanent resident as of October 1, 2009.

40. On September 21, 2001, Defendant, using the name Gurdev Sohal, provided a fingerprint in connection with his Form I-89 to acquire a Permanent Resident Card. Attached as Exhibit J.

D. Defendant's Naturalization Application Under the Identity Gurdev Singh Sohal.

41. On August 9, 2004, Defendant, using the identity Gurdev Singh Sohal, filed a Form N-400, Application for Naturalization (naturalization application), with USCIS, based, *inter alia*, on having been a lawful permanent resident for at least five years. Attached as Exhibit K.

42. In his naturalization application, in response to Question A in Part 1, Defendant represented that his name was Gurdev Singh Sohal.

43. In his naturalization application, in response to Part 1, he listed the A-number (Axxx-xxx-692) that had been assigned to him using the identity Gurdev Singh Sohal.

44. In his naturalization application, in response to Question C in Part 1, Defendant left blank the question asking about other names used.

45. In his naturalization application, in response to Question B in Part 3, Defendant represented that his date of birth was September xx, 1961.

46. In his naturalization application, Defendant answered "no" to Question 8 in Part 10, which asked: "Have you **EVER** been a member of or associated with any organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place?" (emphasis in original).

47. In his naturalization application, Defendant answered "no" to Question 16 in Part 10, which 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);

48. In his naturalization application, Defendant answered "no" to Question 23 in Part 10, which 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);

49. In his naturalization application, Defendant answered "no" to Question 24 in Part 10, which asked: "Have you **EVER** lied to any U.S. Government official to gain entry or admission into the United States?" (emphasis in original);

50. In his naturalization application, Defendant answered "no" to Question 27 in Part 10, which asked: "Have you **EVER** been ordered to be removed, excluded, or deported from the United States?" (emphasis in original); and

51. In his naturalization application, Defendant answered "no" to Question 28 in Part 10, which asked: "Have you **EVER** applied for any kind of relief from removal, exclusion, or deportation?" (emphasis in original).

52. On or about August 3, 2004, Defendant signed his naturalization application under penalty of perjury pursuant to the laws of the United States, thereby certifying that the application and the evidence submitted with it were all true and correct.

53. On or about September 16, 2004, Defendant, under the name Gurdev Singh Sohal, submitted his N-400 fingerprint impressions, identified at FIN#[redacted]

E. Defendant's Naturalization Interview Under the Identity Gurdev Singh Sohal

54. On February 24, 2005, a USCIS Immigration Services Officer ("ISO") orally interviewed Defendant regarding his naturalization application to determine his eligibility for naturalization.

55. At the beginning of the interview, the ISO placed Defendant under oath.

56. During the interview, Defendant testified to the contents of his Form N-400 and, consistent with his written answers, that:

a. his legal name was Gurdev Singh Sohal;

b. his date of birth was September xx, 1961;

c. he had never been a member of or associated with any organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place;

d. he had never been arrested, cited, or detained by any law enforcement officer (including INS and military officers) for any reason;

e. he had never given false or misleading information to any U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal;

f. he had never lied to any U.S. government official to gain entry or admission into the United States;

g. he had never been ordered to be removed, excluded, or deported from the United States; and

h. he had never applied for any kind of relief from removal, exclusion, or deportation.

57. On February 24, 2005, at the conclusion of his naturalization interview, Defendant signed his naturalization application in the presence of the ISO under penalty of perjury, thereby attesting that the information it contained, was true and correct. Ex. K at 10.

58. On February 28, 2005, based upon the information supplied by Defendant in his naturalization application and on the sworn testimony he gave during his naturalization interview, USCIS approved Defendant's naturalization application. Ex. K at 1.

59. On March 30, 2005, Defendant took the oath of allegiance and became a naturalized U.S. citizen.

60. On March 30, 2005, USCIS issued Defendant, under the identity Gurdev Singh Sohal, Certificate of Naturalization No. [redacted] Attached as Exhibit L.

F. Fingerprint Analysis Confirms Sohal and Sundu are the Same Individual

61. On or about August 22, 1991, Defendant, using the name Boota Sundu, provided fingerprints as part of Form I-546, when the INS charged him with illegal entry.

62. On August 28, 1998, Defendant, using the name Gurdev Sohal, submitted a Form I-551 Data Collection Card, on which he provided a fingerprint.

63. On September 21, 2001, Defendant, using the name Gurdev Sohal, provided a fingerprint in connection with his Form I-89.

64. Analysis and comparison of the fingerprint submissions described in Paragraphs 61 through 63 above confirm that the same individual provided all the fingerprint impressions.

V. GOVERNING LAW

A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

65. No alien 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)).

66. Congress has 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 . . . ." 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 U.S. citizen. *Id.*

67. Congress has defined the term "lawfully admitted for permanent residence" to mean "the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws." *See* 8 U.S.C. § 1101(a)(20).

68. The term "lawfully" requires compliance with substantive legal requirements for admission, and not mere procedural regularity. *See* 8 U.S.C. § 1101(a)(20); *Monet v. INS*, 791 F.2d 752, 753 (9th Cir. 1978).

69. An individual who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided for in the Immigration and Nationality Act ("INA") is inadmissible. *See* 8 U.S.C. § 1182(a)(6)(C)(i).

B. The Denaturalization Statute

70. Recognizing that there are situations where 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 his or her naturalization application, Congress enacted 8 U.S.C. § 1451.

71. Under 8 U.S.C. § 1451(a), this Court must revoke a U.S. citizen's naturalization and cancel his Certificate of Naturalization if naturalization was either:

(a) illegally procured, or

(b) procured by concealment of a material fact or by willful misrepresentation.

72. Failure to comply with any of the congressionally imposed prerequisites to the acquisition of citizenship renders the citizenship "illegally procured." *Fedorenko*, 449 U.S. at 506.

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

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

VI. CAUSES OF ACTION

COUNT ONE

ILLEGAL PROCUREMENT OF NATURALIZATION NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE (Adjustment Procured by Fraud or Willful Misrepresentation)

75. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this complaint.

76. 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), 1429.

77. As noted above, the term "lawfully" denotes compliance with substantive legal requirements, not mere procedural regularity. *See* 8 U.S.C. § 1101(a)(20); *Monet v. INS*, 791 F.2d 752, 753 (9th Cir. 1978).

78. Among the applicable provisions in the INA at the time of Defendant's adjustment of status to permanent resident was the requirement that he be admissible to the United States. *See* 8 U.S.C. §§ 1159(b)(5), 1255(a).

79. Under the law in effect at the time that Defendant adjusted his status, an individual who by fraud or by willfully misrepresenting a material fact was seeking to procure (or had sought to procure or had procured) a visa, other documentation, admission into the United States, or other benefit provided under the INA, was inadmissible. *See* 8 U.S.C. § 1182(a)(6)(C)(i).

80. Defendant was never lawfully admitted to the United States 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 his adjustment to permanent resident status.

81. Defendant sought to procure admission into the United States and other benefits provided for in the INA by fraud or willfully misrepresenting a material fact. Specifically, at the time Defendant adjusted his status to permanent resident using the name Gurdev Singh Sohal, he had previously sought to procure and had been denied an immigration benefit using the name Dev Singh (a.k.a. Bhutta Singh Sindu). Indeed, at the time that Defendant adjusted to permanent resident status, he was the subject of an outstanding order of exclusion and deportation under the name Dev Singh.

82. Because Defendant made sworn statements in immigration benefit applications that cannot be simultaneously true, he was inadmissible.

83. Defendant's false statements regarding his name, alien number, date of birth, date of entry into the United States, and his immigration history were material to determining his eligibility for the immigration benefits for which he applied. Defendant's false statements had the natural tendency to influence a decision by the immigration officer(s) to approve his application(s). Defendant thus sought to procure an immigration benefit by fraud or willfully misrepresenting a material fact.

84. Because Defendant was inadmissible at the time he adjusted to permanent resident status, he was never lawfully admitted for permanent residence in accordance with the substantive legal requirements to obtain that status.

85. Because Defendant was never lawfully admitted for permanent residence, he was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

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

COUNT TWO

ILLEGAL PROCUREMENT OF NATURALIZATION
LACK OF GOOD MORAL CHARACTER
(Unlawful Acts With No Extenuating Circumstances)

87. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this Complaint.

88. As outlined above, to be eligible for naturalization, Congress has mandated that an applicant must show that he or she has been a person of good moral character for the five-year statutory period before filing his or her naturalization application until the time the applicant becomes a naturalized U.S. citizen. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(i).

89. Defendant filed his naturalization application on August 9, 2004, and he naturalized on March 30, 2005. Thus, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during his "statutory period" from August 9, 1999, until March 30, 2005

90. Defendant completed and filed his naturalization application during his "statutory period."

91. Defendant violated 18 U.S.C. § 1001(a)(1)-(3) by knowingly and willfully concealing in his naturalization application—a matter within the jurisdiction of the executive, branch of the Government of the United States—that he had previously used a different identity and that he been ordered excluded and deported under that identity.

92. Specifically, Defendant violated 18 U.S.C. § 1001(a)(1)-(3) when he completed and filed his naturalization application by answering "no" to Question 23 in Part 10, which 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).

93. Specifically, Defendant violated 18 U.S.C. § 1001(a)(1)-(3) when he completed and filed his naturalization application by answering "no" to Question 24 in Part 10, which asked: "Have you **EVER** lied to any U.S. Government official to gain entry or admission into the United States?" (emphasis in original).

94. Specifically, Defendant violated 18 U.S.C. § 1001(a)(1)-(3) when he completed and filed his naturalization application by answering "no" to Question 27 in Part 10, which asked: "Have you **EVER** been ordered to be removed, excluded, or deported from the United States?" (emphasis in original).

95. Specifically, Defendant violated 18 U.S.C. § 1001(a)(1)-(3) when he completed and filed his naturalization application by answering "no" to Question 28 in Part 10, which asked: "Have you **EVER** applied for any kind of relief from removal, exclusion, or deportation?" (emphasis in original).

96. No extenuating circumstances exist that would palliate Defendant's guilt for violating 18 U.S.C. § 1001(a)(1)-(3).

97. Because Defendant committed unlawful acts during the statutory period during which he was required to maintain good moral character, he was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

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

COUNT THREE

PROCUREMENT OF NATURALIZATION BY CONCEALMENT OF A MATERIAL FACT OR WILLFUL MISREPRESENTATION

99. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this Complaint.

100. Under 8 U.S.C. § 1451(a), this Court must revoke Defendant's citizenship and cancel his Certificate of Naturalization because he procured his naturalization by concealment of a material fact or by willful misrepresentation.

101. As set forth herein, throughout the naturalization process, Defendant willfully misrepresented and concealed, among other things: (i) his use of another identity, including a different date of birth; (ii) his prior order of exclusion and deportation; (iii) his prior application for an immigration benefit; (iv) that he had given false or misleading information to a U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal; (v) that removal, exclusion, rescission, or deportation proceedings were pending against him; (vi) that he had lied to a U.S. Government official to gain entry or admission into the United States; (vii) that he had been ordered to be removed, excluded, or deported from the United States; (viii) and that he had previously applied for relief from removal, exclusion, or deportation. Defendant knew each of these statements to be false.

102. Defendant made such misrepresentations voluntarily and deliberately, despite knowing that such representations were false and misleading. Accordingly, Defendant made these misrepresentations willfully.

103. Defendant's misrepresentations were material to his naturalization because the disclosure of his multiple identities, multiple claimed dates of birth, prior application for an immigration benefit, prior order of exclusion and deportation, and prior representations to U.S.

Government officials while applying for an immigration benefit would have had a natural tendency to influence USCIS's decision whether to approve Defendant's application for naturalization. Indeed, had USCIS been aware of this information, it would have denied his naturalization application.

104. Defendant thus procured his naturalization by willful misrepresentation and concealment of material facts, and this Court must revoke his citizenship pursuant to 8 U.S.C. § 1451(a).

PRAYER FOR RELIEF

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

(1) A declaration that Defendant illegally procured his citizenship;

(2) A declaration that Defendant procured his citizenship by concealment of material fact and by willful misrepresentation;

(3) Judgment revoking and setting aside the order admitting Defendant to citizenship and canceling Certificate of Naturalization No. 28763972, effective as of the original date of the certificate, March 30, 2005;

(4) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages under any document which evidences United States citizenship obtained as a result of his March 30, 2005 naturalization;

(5) Judgment requiring the Defendant, within ten (10) days of the entry of judgment against him, to surrender and deliver his Certificate of Naturalization No. [redacted] and any copies thereof in his possession or control (and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession or control of others), to the Attorney General, or her designated representative, including undersigned counsel;

(6) Judgment requiring the Defendant, within ten (10) days of the entry of judgment, to surrender and deliver any other indicia of U.S. citizenship (including, but not limited to, United States passports and passport cards, Enhanced Drivers License, and other relevant documents), whether current or expired, and any copies thereof in his possession or control—and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession or control of others—to the Attorney General, or her representative, including undersigned counsel; and

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

Dated: September 24, 2025

Respectfully submitted,

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Acting United States Attorney

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