**UNITED STATES DISTRICT COURT**
**MIDDLE DISTRICT OF FLORIDA**

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| UNITED STATES OF AMERICA, | ) | |
| | ) | Civil Action No. |
| Plaintiff, | ) | |
| | ) | |
| v. | ) | |
| | ) | **COMPLAINT TO REVOKE** |
| VLADIMIR VOLGAEV, | ) | **NATURALIZATION** |
| | ) | |
| Defendant. | ) | |
| | ) | |

## I. PRELIMINARY STATEMENT

The United States of America brings this civil action against Vladimir Volgaev ("Defendant") to revoke his naturalized U.S. citizenship under 8 U.S.C. § 1451(a). Before he became a U.S. citizen, Defendant fraudulently and knowingly exported firearms components, items he knew were subject to export control and regulation, to co-conspirators in Ukraine without a license from the U.S. government, in violation of federal law. Also, before he became a U.S. citizen, Defendant stole and knowingly converted federal housing benefits to his own use by making false statements regarding his income and assets to the Department of Housing and Urban Development ("HUD"), in violation of federal law. After naturalizing, Defendant was charged with and pled guilty to these crimes. *See* Order, *United States v. Volgaev*, No. 8:19-cr-00226 (M.D. Fla. Aug. 6, 2020). Even though Defendant's conviction for these crimes specifically related to postnaturalization conduct, Defendant admitted to federal officers that his criminal conduct began before he naturalized. Nevertheless, throughout his naturalization proceedings, Defendant misrepresented and concealed his criminal conduct, and thus he unlawfully procured his naturalization.

Defendant's criminal conduct requires revocation of his naturalization on three independent grounds. First, Defendant illegally procured his naturalization because he lacked the statutorily-required good moral character to naturalize because he committed an unlawful act adversely reflecting on his moral character during the period he was required to demonstrate good moral character. Second, he also lacked the required good moral character because he falsely testified under oath during his naturalization interview about his prior criminal actions. Third, Defendant willfully misrepresented and concealed material facts about his unlawful activity during the naturalization 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 AND VENUE

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

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

3. Venue is proper in this District under 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because Defendant resides in Sarasota, Florida (Sarasota County), within the jurisdiction and venue of this Court. *See* 8 U.S.C. § 1451(a) (permitting the filing of denaturalization proceedings "in the judicial district in which such person last had his residence").

## III. PARTIES

4. Plaintiff is the United States of America.

5. Defendant is a naturalized U.S. citizen and is a native of the U.S.S.R. (Ukraine) and former citizen of Russia.

## IV. FACTUAL ALLEGATIONS

6. The affidavit of [redacted] 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. Naturalization Application

7. On or about September 22, 2014, Defendant filed a Form N-400, Application for Naturalization, ("Form N-400") with U.S. Citizenship and Immigration Services ("USCIS") seeking citizenship based on his status as a permanent resident for at least five years. *See* Form N-400, Application for Naturalization (attached as Exhibit B).

8. On his Form N-400, in Part 7, where asked to "[l]ist where you have worked or attended school full time or part time during the last 5 years," Defendant responded that he was then "Unemployed" and that he had been from July 30, 2010, to "present."

9. On his Form N-400, in Part 11, Question 18, where asked, "Did you **ever** sell, give, or provide weapons to any person, or help another person sell, give, or provide weapons to any person?" (emphasis in original) Defendant answered "No."

10. On his Form N-400, in Part 11, Question 22, where 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) Defendant answered "No."

11. On his Form N-400, in Part 11, Question 30.I, where asked, " Have you **ever** . . . Made any misrepresentation to obtain any public benefit in the United States?" (emphasis in original) Defendant answered "No."

12. On or about September 17, 2014, Defendant signed his Form N-400, thereby certifying under penalty of perjury that the application and the evidence submitted with it were all true and correct.

## B. Federal Crimes and Convictions

### 1. Criminal Conduct – International Firearm Sales

13. From October 2011 to the day he naturalized on January 11, 2016, Defendant, while in the United States, purchased approximately 1,233 firearm components (including barrels, upper receivers, full firearms and ammunition) from Gunbroker.com.

14. Defendant exported the firearm components to Ukraine. Defendant hid the components to evade customs.

15. On December 17, 2018, Homeland Security Investigations ("HSI") agents arrested Defendant. On the same day, Defendant participated in a voluntary interview with federal agents. This interview revealed, *inter alia*, the following:

A. Defendant started exporting firearm components in or around 2011. Specifically, Defendant admitted that he had been involved in exporting firearms for seven years as of the date of the interview.

B. Defendant knew that exporting firearm components without a license was unlawful. Defendant stated he would hide the firearm components during export because he knew that firearm components could not be exported openly.

C. An individual who lived in Ukraine ("Ukrainian Person No. 1", "UK1") paid Defendant to purchase firearm components, pack them, and mail them to Ukraine, and UK1 provided Defendant money to purchase the items and ship them, beginning in 2011.

D. Defendant earned $400 per month beginning in 2011 for his role in exporting firearm components. Defendant's earnings grew to $500 per month approximately two years after he began sending the components.

E. Defendant could not remember how many firearm components he had exported since 2011, but he stated that if an item for which agents had purchase records was not currently at his residence, then he had exported it.

F. Agents asked why Defendant did not disclose the money he received from MoneyGram or disclose the Bank of America account on his November 2015, December 2016, and November 2017 HUD applications. Defendant responded that there were some months where he did not export any firearm components and did not receive payment.

G. Defendant admitted that he lied on his November 2015, December 2016, and November 2017 HUD annual recertification applications.

16. Federal agents seized a MyPassport hard drive from Defendant's residence with emails, which were mainly in Russian. The HSI agents translated the emails into English, including the following:

A. On June 15, 2015, UK1 sent an email to Defendant which stated, "And another question: in order to find out something, tell me, have you shipped any parts for M4(M16) to Kiev? A buddy of mine has told me that he has heard in his circle that allegedly, the customs charged someone with smuggling…It would be good to check on that, so give me the name. 2). It's understandable that parts may not be shipped in a stove!!!!! 3). The sender's contact information has to be changed for sure!!! Otherwise, all that is shipped may be tracked. Volodya, I'm looking forward to your reply-suggestion." *See* translated emails (attached as Exhibit C).

B. On June 22, 2015, UK1 sent an email to Defendant which stated, "Hi, Volodya! Have you heard from your buddy in Kiev? Someone from Vishnya writes to me that you have overloaded Kiev with uppers for Glyuks and various other modern parts…Those who are in Kiev are watching the movement…It's me who is in the middle of nowhere…2.

Have you got a package ready? Let me know, time is passing, I've already forgotten when I received packages…" *See id.*

C. On June 27, 2015, Defendant responded to UK1 with, "Who do I send it to? All you have asked for is ready." Defendant then listed a series of firearm components that included firearm barrels and uppers. *See id.*

D. On June 30, 2015, Defendant emailed UK1, "I sent a gift to the mother-in-law today, I took it to Tampa, I had never shipped from there before, I thought it would also be better to ship from another place, they may be expecting it from the same places, that's if they are expecting." *See id.*

**2. Criminal Conduct – Stolen HUD Benefits**

17. The MyPassport hard drive seized from Defendant's residence belonged to Defendant, and the emails contained on it were communication between Defendant and a co-conspirator.

18. In his HUD annual recertification application for his lease beginning March 1, 2013, Defendant stated that his only income was $659 per month in Social Security and/or Supplemental Security Income benefits, and that he had no other income or assets other than a Wells Fargo checking account with a balance of $58.03.

19. On or about January 24, 2013, Defendant signed the recertification application for his lease beginning March 1, 2013, thereby certifying under

criminal penalty that the information he provided was accurate and complete to the best of his knowledge.

20. In his HUD annual recertification application for his lease beginning March 1, 2014, Defendant stated that his only income was $675 per month in Social Security and/or Supplemental Security Income benefits, and that he had no other income or assets, including bank accounts.

21. On or about December 14, 2013, Defendant signed the recertification application for his lease beginning March 1, 2014, thereby certifying under criminal penalty that the information he provided was true and complete to the best of his knowledge.

22. In his HUD annual recertification application for his lease beginning March 1, 2015, Defendant stated that his only income was from Social Security and/or Supplemental Security Income benefits, and that he had no other income or assets, including bank accounts.

23. On or about December 9, 2014, Defendant signed the recertification application for his lease beginning March 1, 2015, thereby certifying under criminal penalty that the information he provided was true and complete to the best of his knowledge.

24. In his HUD annual recertification application for his lease beginning March 1, 2016, Defendant stated that his only income was $723 per month in

Social Security and/or Supplemental Security Income benefits, and that he had no other income or assets other than a "Direct Express Card" with $0 balance.

25. On or about November 19, 2015, Defendant signed the recertification application for his lease beginning March 1, 2016, thereby certifying under criminal penalty that the information he provided was true and complete to the best of his knowledge.

26. The money that Defendant applied to receive as a rent subsidy as a direct result of his false recertification applications rightfully belonged to the United States.

27. Defendant's assertions regarding his income and assets in all of his HUD recertification applications were false. Defendant did not include his income for his role in exporting firearm components.

28. HUD relied on Defendant's assertions regarding his income and assets in all of his recertification applications in approving him for rent subsidies over and above the amount to which he was entitled.

**3. Federal Conviction**

29. On May 17, 2019, in the U.S. District Court for the Middle District of Florida, the United States filed a two-count information charging Defendant with: (1) fraudulently and knowingly attempting to export objects unlawfully by sending defense articles within the meaning of the U.S. Munitions List from the United

States to Ukraine without a required license, contrary to 22 U.S.C. § 2778(b)(2), in violation of 18 U.S.C. §§ 554 and 2; and (2) willfully and knowingly stealing and converting to his use, federal housing benefits and subsidies in excess of $1,000, in violation of 18 U.S.C. § 641. *See* Information, *Volgaev*, No. 8:19-cr-00226 (M.D. Fla. May 17, 2019) (attached as Exhibit D).

30. On August 19, 2019, pursuant to a plea agreement, Defendant pled guilty to both counts of the Information. *See* Plea Agreement, *Volgaev*, No. 8:19-cr-00226 (M.D. Fla. Aug. 19, 2019), ECF No. 41 (attached as Exhibit E).

31. The Court entered the judgment of guilty on September 5, 2019. *See* Acceptance of Guilty Plea, *Volgaev*, No. 8:19-cr-00226 (M.D. Fla. Sept. 5, 2019) (attached as Exhibit F).

32. As part of his plea agreement, Defendant admitted the following facts as true:

A. On November 19, 2018, Defendant attempted to ship a package from a U.S. Postal Service office to a destination in Ukraine. On the declarations page, Defendant wrote that the package only contained a car axle. Defendant did not list in the declaration that the package also contained four firearm barrels.

B. Federal agents searched the package and found four firearm barrels concealed within the car axle.

C. Records show that two of the firearm barrels matched items that Defendant previously purchased from a national shooting sports distributor. The invoices for the firearm barrels contained a warning that the items could not be exported without approval from the manufacturer, in compliance with U.S. government export licensing requirements.

D. Category I(g) of U.S. Munitions List lists firearm barrels as defense articles. To export Category 1(g) defense articles from the United States, a person must register with the Department of State and apply for an export license or receive other written prior approval. Defendant never applied for and never received an export license for weapons or ammunition.

E. After his arrest on December 17, 2018, federal agents interviewed Defendant. Defendant admitted that he shipped the package containing four firearm barrels on November 19, 2018. Defendant further admitted that he previously bought and exported firearm parts, including but not limited to slides, barrels, and uppers. In total, Defendant estimated that he had purchased between 100 to 200 slides, barrels, and uppers for export. Defendant admitted to shipping nearly all of the 100 to 200 slides, barrels, and uppers to Ukraine or Italy. Defendant said that he would typically conceal firearm components inside other objects to avoid detection. Defendant acknowledged that he knew that exporting firearm parts violated U.S. law.

F. Defendant moved into HUD-subsidized housing on March 8, 2012. As a condition to reside in HUD-subsidized housing, he had to complete a financial application and annual recertification each year thereafter.

G. On his financial applications signed on December 7, 2016, and November 29, 2017, Defendant falsely reported that he had no assets, no bank accounts, and no income apart from payments from the Social Security Administration—statements Defendant knew to be untrue.

H. Defendant did not disclose in his financial applications that between April 2016 and January 2017, he received a total of approximately $54,840 in wire transfers, and that he had access to and power of attorney over a bank account where a total of $38,970 was wired through between May 2017 and June 2018.

I. Defendant's failure to disclose his receipt of wire transfers and access to the bank account resulted in him receiving federal housing subsidies totaling approximately $6,835 from April 2016 to May 2018 to which he otherwise would not have been entitled, had he made the required disclosures.

*See* Exhibit F at ¶ 11.

33. On August 4, 2020, the district court convicted Defendant of both counts in the criminal information, and sentenced Defendant to thirty-three months' imprisonment. *See* Minutes for Sentencing, *Volgaev*, No. 8:19-cr-00226 (M.D. Fla. Aug. 4, 2020) (attached as Exhibit G).

**C. Naturalization Interview**

34. On August 31, 2015, a USCIS officer interviewed Defendant, under oath, to determine his eligibility for naturalization.

35. During the course of the interview and consistent with his written response on his Form N-400, Defendant testified that he was then unemployed and that he had been from July 30, 2010, to the present.

36. USCIS suspended Defendant's August 31, 2015 interview due to Defendant's difficulty understanding some of the questions.

37. On November 2, 2015, a USCIS officer continued to interview Defendant, under oath, to determine his eligibility for naturalization, and found him able to understand the questions being asked.

38. During the course of the interview, consistent with his written response on his Form N-400, Defendant testified that he had never sold, given, or provided weapons to any person, or helped another person sell, give, or provide weapons to any person.

39. During the course of the interview, consistent with his written response on his Form N-400, Defendant testified that he had never committed, assisted in committing, or attempted to commit, a crime or offense for which he was not arrested.

40. During the course of the interview, consistent with his written response on his Form N-400, Defendant testified that he had never made any misrepresentation to obtain any public benefit in the United States.

41. At the conclusion of his naturalization interview, Defendant signed his Form N-400 in Part 15, thereby certifying under penalty of perjury under the laws of the United States that he knew that the contents of his naturalization application, including corrections to the application made at his interviews, were true and correct to the best of his knowledge and belief.

42. On or about November 25, 2015, based on Defendant's representations in his Form N-400 and his sworn testimony during his naturalization interview, USCIS approved Defendant's naturalization application.

**D. Oath of Allegiance**

43. On or about January 11, 2016, and before he naturalized, Defendant signed a Form N-445, Notice of Naturalization Oath Ceremony (attached as Exhibit H), thereby certifying that his responses therein were made by him or at his direction, and that each answer was true and correct.

44. On his Form N-445, Defendant answered "No" where asked, "Since your interview, have you knowingly committed any crime or offense, for which you have not been arrested?"

45. On January 11, 2016, based on Defendant's approved naturalization application and the responses he provided on his Form N-445, Defendant was administered the oath of allegiance, admitted to U.S. citizenship, and issued Certificate of Naturalization No. [redacted] (attached as Exhibit I).

## V. GOVERNING LAW

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

46. 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) (noting that an individual "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).

47. Congress 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 typically 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.*; 8 C.F.R. § 316.10(a)(1).

48. Congress explicitly precluded an individual from establishing the good moral character necessary to naturalize if during the statutory period he gives false testimony for the purpose of obtaining immigration benefits. 8 U.S.C. § 1101(f)(6).

49. Congress also has created a "catch-all" provision, which states, "[t]he fact that any person is not within any of the foregoing classes shall not preclude a finding that for other reasons such person is or was not of good moral character." 8 U.S.C. § 1101(f) (flush language).

50. Thus, an individual who commits, during the statutory period, an unlawful act adversely reflecting upon his or her moral character cannot meet the good moral character requirement unless he or she proves that extenuating circumstances existed. *See* 8 C.F.R § 316.10(b)(3)(iii); 8 U.S.C. § 1101(f) (flush text).

51. "[A] conviction during the statutory period is not necessary for a finding that an applicant lacks good moral character. It is enough that the offense

was 'committed' during that time." *United States v. Suarez*, 664 F.3d 655, 661 (7th Cir. 2011) (discussing 8 U.S.C. § 1101(f)(3) and 8 C.F.R. § 316.10(b)(3)(iii)).

**B. The Denaturalization Statute**

52. 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 his or her naturalization application, Congress enacted 8 U.S.C. § 1451.

53. Under 8 U.S.C. § 1451(a), a court must revoke an order of naturalization and cancel the individual's Certificate of Naturalization if his or her naturalization was either:

A. illegally procured, or

B. procured by concealment of a material fact or by willful misrepresentation.

54. 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.

55. 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).

56. Where the government establishes that the defendant's citizenship was procured illegally or by willful misrepresentation or concealment of a material fact, "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
### LACK OF GOOD MORAL CHARACTER
### (Unlawful Acts)

57. The United States re-alleges and incorporates by reference the factual and legal allegations in Sections II through V of this Complaint.

58. To be eligible for naturalization, Defendant was required to establish that he was a person of good moral character from September 22, 2009, until he naturalized on January 11, 2016. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

59. Defendant was statutorily barred from showing that he was a person of good moral character because he committed unlawful acts that adversely reflected on his moral character during the statutory period and he cannot establish

extenuating circumstances. *See* 8 U.S.C. § 1101(f) (flush language); 8 C.F.R. § 316.10(b)(3)(iii).

60. First, Defendant committed the offense of Theft of Government Money or Property, in violation of 18 U.S.C. § 641.

61. Specifically, Defendant violated 18 U.S.C. § 641 when he recertified his HUD application for his residential lease on or about January 24, 2013, December 14, 2013, December 9, 2014, and November 19, 2015. Each of these dates is within the statutory period.

62. In each of his recertified applications, Defendant misrepresented to the U.S. government his income and assets. Based on these misrepresentations, Defendant received rent subsidies in excess of what he was entitled to receive.

63. Second, from 2011, through the date of naturalization, and concluding in 2018, Defendant committed the offense of Smuggling Goods from the United States, in violation of 18 U.S.C. §§ 554 and 2. Once more, this conduct began within the statutory period.

64. Defendant cannot establish extenuating circumstances with regard to his unlawful activity that render his conduct less reprehensible than it otherwise would be or tend to palliate or lessen his guilt.

65. Because Defendant committed unlawful acts that adversely reflected on his moral character during the statutory period and he cannot demonstrate

extenuating circumstances, he was barred under 8 U.S.C. § 1101(f) and 8 C.F.R. § 316.10(b)(3)(iii) from showing that he had the good moral character necessary to become a naturalized U.S. citizen.

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

67. Because Defendant was ineligible to naturalize, he illegally procured his citizenship, and this Court therefore must revoke his naturalization as provided under 8 U.S.C. 1451(a).

## COUNT TWO

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

68. The United States re-alleges and incorporates by reference the factual and legal allegations in Sections II through V of this Complaint.

69. To be eligible for naturalization Defendant was required to establish that he was a person of good moral character from September 22, 2009, until he naturalized on January 11, 2016. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

70. Defendant was statutorily barred from showing that he was a person of good moral character because he gave false testimony during the statutory period for the purpose of obtaining an immigration benefit, specifically, naturalization. 8 U.S.C. § 1101(f)(6); 8 C.F.R. § 316.10(b)(2)(vi).

71. First, during the statutory period, Defendant provided false testimony for the purpose of obtaining an immigration benefit when he testified, under oath, during his November 2, 2015 naturalization interview, in response to Part 11, Question 18, that he had never sold, given, or provided weapons to any person, or helped another person sell, give, or provide weapons to any person.

72. The testimony Defendant provided was false because, from 2011, through the date of his naturalization interview, and beyond, Defendant had, in fact, sold, given, or provided weapons to another person, or helped another person sell, give, or provide weapons to another person when he exported firearm components to foreign countries.

73. Second, during the statutory period, Defendant provided false testimony for the purpose of obtaining an immigration benefit when he testified, under oath, during his November 2, 2015 naturalization interview, in response to Part 11, Question 22, that he had never committed a crime or offense for which he had not been arrested.

74. Defendant's testimony was false because, although he had not yet been arrested, prior to his naturalization interview Defendant had, in fact, committed the crime of Theft of Government Money or Property, in violation of 18 U.S.C. § 641.

75. Defendant's testimony also was false because, although he had not yet been arrested, prior to his naturalization interview, Defendant had, in fact, committed the crime of Smuggling Goods from the United States, in violation of 18 U.S.C. §§ 554 and 2.

76. Third, during the statutory period, Defendant provided false testimony for the purpose of obtaining an immigration benefit when he testified, under oath, during his November 2, 2015 naturalization interview, in response to Part 11, Question 30, that he had never made any misrepresentation to obtain any public benefit in the United States.

77. The testimony Defendant provided was false because, prior to his naturalization interview Defendant had, in fact, misrepresented his income and assets in his HUD applications.

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

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

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

## COUNT THREE

## PROCUREMENT OF U.S. CITIZENSHIP BY CONCEALMENT OF A MATERIAL FACT OR WILLFUL MISREPRESENTATION

81. The United States re-alleges and incorporates by reference the factual and legal allegations in Sections II through V of this Complaint.

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

83. During the naturalization process, Defendant misrepresented that he had never sold, given, or provided weapons to any person, or helped another person sell, give, or provide weapons to any person.

84. Specifically, Defendant misrepresented or concealed in his N-400 naturalization application and during his November 2, 2015 naturalization interview the facts that: (i) he sent firearm components to persons outside of the United States; (ii) he had committed crimes and offenses for which he had not been arrested; and (iii) he had made misrepresentations to obtain public benefits in the United States.

85. From 2011 to 2018, Defendant committed a crime for which he had not been arrested at the time he naturalized on January 11, 2016, to wit: Smuggling Goods from the United States, in violation of 18 U.S.C. § 554.

86. Defendant committed the above-referenced crime from 2011 to 2018 when he exported firearm components knowing that the goods he exported were subject to export regulation.

87. Defendant committed a crime for which he had not been arrested at the time he naturalized on January 11, 2016, to wit: Theft of Government Money, in violation of 18 U.S.C. § 641.

88. Defendant committed the above-referenced crime when, in his HUD recertification applications for his residential leases in 2013, 2014, 2015, and 2016, he falsely asserted his income and assets, thereby receiving rental subsidies in excess of that to which he was entitled.

89. Accordingly, Defendant's representation in his naturalization application in Part 11, Question 22, that he had never committed a crime or offense for which he had not been arrested, was false. Additionally, Defendant's sworn testimony in response to this same question during his naturalization interview on November 2, 2015, was also false.

90. Defendant knew his answer in Part 11, Question 22, as well as his oral testimony in response to that question at his naturalization interview, to be false because Defendant knew that he had committed the above-described crimes.

91. With the intent to deceive and to obtain an immigration benefit, Defendant represented in his naturalization application and testified at his interview in support of his application that he had not ever committed a crime or offense for which he was not arrested.

92. From 2011 to 2018, Defendant sold, gave, or provided weapons to another person, or helped another person sell, give, or provide weapons to another person when he exported firearm components to foreign countries.

93. Accordingly, Defendant's representation in his naturalization application in Part 11, Question 18, that he had never sold, given, or provided weapons to any person, or helped another person sell, give, or provide weapons to any person, was false. Additionally, Defendant's sworn testimony in response to this same question during his naturalization interview on November 2, 2015, was also false.

94. In his HUD recertification applications for his residential leases in 2013, 2014, 2015, and 2016, Defendant falsely asserted his income and assets.

95. Defendant made the above-referenced misrepresentations to obtain a public benefit in the United States: namely, rental subsidies.

96. Accordingly, Defendant's representation in his naturalization application in Part 11, Question 30.I, that he had never made any misrepresentation to obtain any public benefit in the United States, was false.

97. Defendant also misrepresented in his N-445 oath ceremony questionnaire the fact that he had committed crimes and offenses for which he had not been arrested.

98. Defendant knew each of his representations were false and misleading and, therefore, made his representations willfully.

99. Defendant's foregoing misrepresentations and concealments were material to determining his naturalization eligibility because they had a natural tendency to influence USCIS's decision whether to approve his naturalization application. Such information directly related to statutory and regulatory eligibility criteria USCIS was and is required to consider when deciding whether to grant or deny a naturalization application.

100. Defendant procured his naturalization because of his misrepresentations and concealment. Had Defendant disclosed the truth about his criminal conduct and misrepresentations, his ineligibility for naturalization would have been disclosed, and USCIS would not have approved his application or administered the oath of allegiance.

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

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the following:

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

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

(3) Judgment revoking and setting aside the order admitting Defendant to citizenship and canceling Certificate of Naturalization No. [redacted], effective as of the original date of the order and certificate, January 11, 2016;

(4) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages under any document that evidences U.S. citizenship obtained as a result of his January 11, 2016 naturalization;

(5) Judgment requiring Defendant to surrender and deliver, within ten days of Judgment, his Certificate of Naturalization, as well as 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 to her representative, including undersigned counsel;

(6) Judgment requiring Defendant to surrender and deliver, within ten days of Judgment, any other indicia of U.S. citizenship, including but not limited to, U.S. passports, U.S. passport cards, and Enhanced Driver's Licenses, if applicable, as well as 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 to 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 30, 2025

Respectfully Submitted,

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