

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

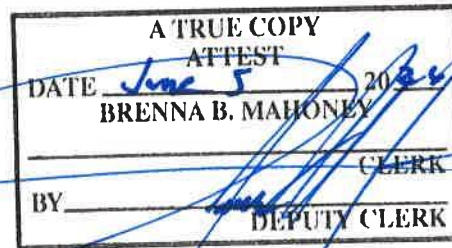
UNITED STATES OF AMERICA,

Plaintiff,

v.

GURMEET SINGH,

Defendant.



**COMPLAINT TO REVOKE
NATURALIZATION**

Civ No. _____ ()

I. PRELIMINARY STATEMENT

The United States of America brings this civil action against Gurmeet Singh (“Defendant”) to revoke his naturalized U.S. citizenship under 8 U.S.C. § 1451(a). In May 2011, before he became a U.S. citizen, Defendant, then a taxi-cab driver, abducted and raped a passenger in his cab. After he naturalized in October 2011, he was arrested and a New York jury found Defendant guilty of the crimes of Rape in the First Degree and Kidnapping in the Second Degree as a Sexually Motivated Felony. Defendant was sentenced to two concurrent terms of imprisonment of 20 years. Defendant committed his crimes before he naturalized and during a period when Congress requires a person seeking to naturalize to establish “good moral character” as defined by the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq.

Defendant’s criminal conduct requires revocation of his naturalization on five independent grounds. First, Defendant illegally procured his naturalization because his commission of a crime involving moral turpitude meant that, by statute, he lacked the requisite good moral character to naturalize. Second, Defendant illegally procured his naturalization because he committed an unlawful act, during the period he was required to show good moral character in order to naturalize. Third, Defendant illegally procured his naturalization because he

was convicted of two or more offenses for which the aggregate sentences of confinement were five or more years such that, by statute, he also lacked the required good moral character to naturalize. Fourth, Defendant illegally procured his naturalization because he falsely testified under oath during his naturalization interview about his prior criminal actions, such that, by statute, he lacked the requisite good moral character to naturalize. Fifth, 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, VENUE, AND PARTIES

1. This is an action under 8 U.S.C. § 1451(a), to revoke and set aside the order admitting Defendant as a United States citizen and to cancel his Certificate of Naturalization

No. 

2. This Court has subject-matter jurisdiction pursuant to 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 pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because Defendant's residence prior to his incarceration was in Jamaica, New York (Queens County), within the jurisdiction and venue of this Court. *See* 8 U.S.C. § 1451(a).

4. Plaintiff is the United States of America.

5. Defendant is a naturalized U.S. citizen and a native of India.

III. FACTUAL BACKGROUND

6. The affidavit of  a Special Agent with Immigration and Customs Enforcement, an agency within the United States Department of Homeland Security, showing good cause for this action, as required under 8 U.S.C. § 1451(a), is attached as Exhibit A.

A. Crimes and Convictions: Rape and Felony Kidnapping

7. On May 6, 2011, Defendant, a taxi-cab driver, picked up a then 26-year-old female passenger who subsequently fell asleep in the backseat of the cab.

8. When the passenger awoke, she found Defendant on top of her with a knife against her throat, telling her to stop resisting if she wanted to live.

9. Defendant then bound and gagged his passenger, blindfolded her, removed her clothes, and raped her.

10. After his passenger escaped from Defendant's taxi cab, the police took her to a hospital where a sexual assault evidence collection kit ("rape kit") was prepared.

11. Semen was found in the rape kit, and the DNA of the semen matched the DNA of Defendant.

12. On January 9, 2012, the New York City Police Department arrested Defendant for multiple criminal offenses, including Rape in the First Degree.

13. On January 26, 2012, the State of New York filed an Indictment against Defendant, charging him with multiple counts of criminal offenses, including: Rape in the First Degree, in violation of section 130.35(1) of the New York Penal Law ("N.Y. Penal Law");¹ and Kidnapping

¹ N.Y. Penal Law § 130.35(1) (Rape in the First Degree) states: "A person is guilty of rape in the first degree when he or she engages in sexual intercourse with another person: (1) By forcible compulsion[.]"

in the Second Degree as a Sexually Motivated Felony, in violation of N.Y. Penal Law §§ 135.20 and 130.91.² *See* Indictment (attached as Exhibit B).

14. On May 2, 2014, a jury found Defendant guilty of the crimes of Rape in the First Degree (N.Y. Penal Law § 130.35(1)), and Kidnapping in the Second Degree as a Sexually Motivated Felony (N.Y. Penal Law §§ 135.20 and 130.91). *See* Verdict Form (attached as Exhibit C) *and* Confirmation of Jury Trial (attached as Exhibit D).

15. On May 12, 2014, Defendant was sentenced to two concurrent terms of imprisonment of 20 years. *See* Sentence & Commitment (attached as Exhibit E) *and* Certificate of Disposition (attached as Exhibit F).

16. Defendant's indictment establishes the date of his offenses as "on or about May 6, 2011." Exhibit B at 2, 6.

17. Trial transcripts establish the particular date of offense as May 6, 2011. *See* Defendant testimony excerpt (attached as Exhibit G), at 371-73; Victim testimony excerpt (attached as Exhibit H), at 24-25; Witness testimony excerpt 1 (attached as Exhibit I), at 98; and Witness testimony excerpt 2 (attached as Exhibit J), at 149-51.

18. Forensic records establish the sexual assault examination of Defendant's victim as having occurred on May 6, 2011. *See* records excerpts (attached as Exhibit K).

19. The trial court's Sentence & Commitment establishes Defendant's exact date of offense as May 6, 2011. Exhibit E.

² N.Y. Penal Law § 135.20 (Kidnapping in the Second Degree) states: "A person is guilty of kidnapping in the second degree when he abducts another person. Kidnapping in the second degree is a class B felony." And, N.Y. Penal Law § 130.91 (Sexually Motivated Felony) states, in pertinent part: "1. A person commits a sexually motivated felony when he or she commits a specified offense for the purpose, in whole or substantial part, of his or her own direct sexual gratification. 2. A 'specified offense' is a felony offense defined by any of the following provisions of this chapter: . . . kidnapping in the second degree as defined in section 135.20"

B. Naturalization Proceedings

20. Defendant is a native of India, and became a lawful permanent resident of the United States on June 12, 2000. *See* N-400, Application for Naturalization (attached as Exhibit L).

21. On or about May 31, 2011, Defendant filed a Form N-400, Application for Naturalization (“Form N-400” or “naturalization application”), seeking to become a naturalized United States citizen. *See* Exhibit L.

22. Part 10, Section D, Question 15 of the Form N-400 asks: “Have you ever committed a crime or offense for which you were not arrested?” In response to Question 15, Defendant checked the “No” box. Exhibit L at 8.

23. Part 10, Section D, Question 23 of the Form N-400 asks: “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?” In response to Question 23, Defendant checked the “No” box. *Id.*

24. On or about May 26, 2011, and prior to the date he filed the Form N-400 with USCIS, Defendant signed the Form N-400, in Part 11, certifying under penalty of perjury that the contents in his naturalization application were true and correct. *Id.* at 10.

25. On or about October 3, 2011, a U.S. Citizenship and Immigration Services (“USCIS”) officer placed Defendant under oath and interviewed him regarding his naturalization application and eligibility for naturalization.

26. During the interview on October 3, 2011, Defendant swore, under oath, that he had never committed a crime for which he was not arrested.

27. During the interview on October 3, 2011, Defendant swore, under oath, that he had never given false or misleading information to any U.S. Government official while applying for any immigration benefit.

28. At the conclusion of the October 3, 2011 interview, Defendant signed his Form N-400 a second time, certifying under penalty of perjury that he knew the contents of his application and that the contents were true and correct to the best of his knowledge and belief. Exhibit L at 10.

29. Based on Defendant's written responses on his Form N-400 and his sworn testimony at the interview, USCIS approved Defendant's naturalization application on October 3, 2011.

30. On October 19, 2011, Defendant took the oath of allegiance and was issued Certificate of Naturalization No. [REDACTED] dated October 19, 2011. *See* Certificate of Naturalization (attached as Exhibit M).

IV. GOVERNING LAW

A. Congressionally Imposed Prerequisites for Eligibility to Naturalize

31. No individual 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 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).

32. 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 . . ." *See* 8 U.S.C. § 1427(a)(3). The required period under § 1427(a)(3) for displaying

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 (the “statutory period”). *Id.*; 8 C.F.R. § 316.10(a)(1).

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

34. Congress has also provided that an applicant necessarily lacks good moral character if he committed crimes within the statutory period for which he at some point receives multiple criminal convictions for which the aggregate sentences of confinement were five years or more. 8 U.S.C. § 1101(f)(3) (cross-referencing 8 U.S.C. § 1182(a)(2)(B)); 8 C.F.R. § 316.10(b)(2)(ii).

35. Furthermore, Congress enacted a “catch-all” provision, which states that “[t]he fact that any person is not within any of the [enumerated] classes [of ineligibility] 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).

36. Therefore, individuals who commit unlawful acts adversely reflecting on their moral character cannot meet the good moral character requirement, unless they prove that extenuating circumstances exist. *See* 8 C.F.R. § 316.10(b)(3)(iii); 8 U.S.C. § 1101(f).

37. “[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. Zhou, 815 F.3d 639, 644 (9th Cir. 2016) (quoting *United States v. Suarez*,

664 F.3d 655, 661 (7th Cir. 2011); *see also United States v. Gayle*, 996 F. Supp. 2d 42, 52 (D. Conn. 2014) (“Nothing in the statutory language requires the conviction of the offense to occur before the naturalization.”).

38. Congress also has 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

39. Recognizing the possibility that someone could be 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 naturalization application, Congress enacted 8 U.S.C. § 1451.

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

- i. illegally procured; or
- ii. procured by concealment of a material fact or by willful misrepresentation.

41. Naturalization is “illegally procured” where the applicant has failed to comply with any of the congressionally imposed prerequisites to the acquisition of citizenship. *Fedorenko*, 449 U.S. at 506.

42. Naturalization was procured by “concealment of a material fact or 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).

43. Where the government establishes that the defendant's citizenship was procured illegally or by willful misrepresentation or concealment 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 LACK OF GOOD MORAL CHARACTER (Crimes Involving Moral Turpitude)

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

45. Defendant was required to establish that he was a person of good moral character from May 31, 2006 (five years before the filing his Form N-400), until the date he became a U.S. citizen on October 19, 2011. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(i).

46. Defendant could not establish the requisite good moral character for naturalization because he committed a crime involving moral turpitude ("CIMT") during the statutory period. *See* 8 U.S.C. § 1101(f)(3) (cross referencing 8 U.S.C. § 1182(a)(2)(A)); 8 C.F.R. § 316.10(b)(2)(i).

47. On May 6, 2011, and within the statutory period, Defendant committed crimes involving moral turpitude when he bound and gagged, blindfolded, and raped a passenger in his taxi cab.

48. A jury found Defendant guilty of the crimes of Rape in the First Degree, in violation of N.Y. Penal Law § 130.35(1), and Kidnapping in the Second Degree as a Sexually Motivated Felony, in violation of N.Y. Penal Law §§ 135.20 and 130.91. Defendant was sentenced to two concurrent terms of imprisonment of 20 years.

49. The offenses of Rape in the First Degree, in violation of N.Y. Penal Law § 130.35(1), and Kidnapping in the Second Degree as a Sexually Motivated Felony, in violation of N.Y. Penal Law §§ 135.20 and 130.91, constitute crimes involving moral turpitude.

50. Because Defendant committed crimes involving moral turpitude during the statutory period, for which he later was convicted, he was barred under 8 U.S.C. § 1101(f)(3) from showing that he had the good moral character necessary to become a naturalized U.S. citizen.

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

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

COUNT TWO

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

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

54. To be eligible for naturalization, Defendant was required to establish that he was a person of good moral character from May 31, 2006, to October 19, 2011. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(1).

55. Defendant could not establish the requisite good moral character for naturalization because he committed unlawful acts during the statutory period that reflected adversely on his moral character. 8 U.S.C. § 1101(f) (flush language); 8 C.F.R. § 316.10(b)(3)(iii).

56. Defendant could not establish the requisite good moral character for naturalization because on May 6, 2011, he committed the crimes of Rape in the First Degree, in violation of

N.Y. Penal Law § 130.35(1), and Kidnapping in the Second Degree as a Sexually Motivated Felony, in violation of N.Y. Penal Law §§ 135.20 and 130.91, for which he later was convicted.

57. These crimes, committed within the statutory period, adversely reflected on his moral character. *See* 8 U.S.C. § 1101(f); 8 C.F.R. § 316.10(b)(3)(iii).

58. Defendant cannot demonstrate extenuating circumstances for his unlawful acts that render his conduct less reprehensible than they otherwise would be or tend to palliate or lessen his guilt. Thus, he cannot avoid the regulatory bar on establishing good moral character found in 8 C.F.R. § 316.10(b)(3)(iii).

59. Because Defendant committed unlawful acts during the statutory period that adversely reflected on his moral character, Defendant 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.

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

61. Because he was ineligible to naturalize, Defendant illegally procured his United States citizenship, and the Court must revoke his naturalization under 8 U.S.C. § 1451(a).

COUNT THREE

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (Multiple Convictions)

62. The United States re-alleges and incorporates by reference the factual and legal allegations set forth in Sections II through IV of this Complaint.

63. To be eligible for naturalization, Defendant was required to establish that he was a person of good moral character from May 31, 2006, to October 19, 2011. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(1).

64. Defendant was statutorily barred from showing that he was a person of good moral character because he was convicted of two or more offenses for which the aggregate sentences to confinement were five or more years and the offenses were committed during the statutory period. 8 U.S.C. § 1101(f)(3) (cross referencing 8 U.S.C. § 1182(a)(2)(B)); 8 C.F.R. § 316.10(b)(2)(ii).

65. Defendant was convicted of the crimes of Rape in the First Degree, in violation of N.Y. Penal Law § 130.35(1), and Kidnapping in the Second Degree as a Sexually Motivated Felony, in violation of N.Y. Penal Law §§ 135.20 and 130.91.

66. Defendant committed his crimes on May 6, 2011, which is within the statutory period.

67. Defendant was sentenced to 20 years' confinement on his conviction for Rape in the First Degree, and to 20 years' confinement on his conviction for Kidnapping in the Second Degree as a Sexually Motivated Felony.

68. Because Defendant's aggregate sentences of confinement exceeded five years and he committed his crimes during the statutory period, Defendant was barred under 8 U.S.C. § 1182(a)(2)(B) from showing that he had the good moral character necessary to become a naturalized United States citizen.

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

70. Because he was ineligible to naturalize, Defendant illegally procured his United States citizenship, and the Court must revoke his naturalization under 8 U.S.C. § 1451(a).

COUNT FOUR

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

71. The United States re-alleges and incorporates by reference the factual and legal allegations set forth in Sections II through IV of this Complaint.

72. To be eligible for naturalization, Defendant was required to establish that he was a person of good moral character from May 31, 2006, to October 19, 2011. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(1).

73. 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).

74. During the statutory period, Defendant provided false testimony for the purpose of obtaining an immigration benefit when he testified, under oath, during his October 3, 2011 naturalization interview, that he had never committed any crime for which he had not been arrested.

75. Defendant's testimony was false, as he had committed the above-described crimes of felony rape and felony kidnapping on May 6, 2011, for which he had not been arrested at the time of his naturalization interview and for which he was later arrested and convicted.

76. During the statutory period, Defendant provided false testimony for the purpose of obtaining an immigration benefit when he testified, under oath, during his October 3, 2011 naturalization interview, that he had never given false or misleading information to any U.S. Government official while applying for any immigration benefit.

77. Defendant's testimony was false, as he had given false information to U.S. Government officials when he denied in his N-400 having committed a crime or offense for which he was not arrested.

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 to naturalize under 8 U.S.C. § 1427(a)(3).

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

COUNT FIVE

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 IV 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 naturalization by concealment of a material fact and by willful misrepresentation.

83. During the naturalization process, both on his naturalization application and during his October 3, 2011 naturalization interview, Defendant misrepresented whether he had ever committed a crime or offense for which he had not been arrested.

84. During the naturalization process, both on his naturalization application and during his October 3, 2011 naturalization interview, Defendant misrepresented whether he had 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.

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

86. 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.

87. Defendant procured his naturalization because of his misrepresentations and concealment. Had Defendant disclosed the truth about his criminal conduct and that he had given false or misleading information to a U.S. government official while applying for an immigration benefit, his ineligibility for naturalization would have been disclosed, and USCIS would not have approved his application or administered the oath of allegiance.

88. Defendant thus procured his naturalization by willful misrepresentation and concealment of material facts, and the Court must therefore revoke his naturalization pursuant to 8 U.S.C.

§ 1451(a).

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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 facts and willful misrepresentations;
 - (3) Judgment revoking and setting aside the naturalization of the Defendant, and cancelling Certificate of Naturalization No. [REDACTED], effective as of the original date of the certificate, October 19, 2011;
 - (4) Judgment forever restraining and enjoining the Defendant from claiming any rights, privileges, benefits, or advantages obtained as a result of his October 19, 2011 naturalization;
 - (5) Judgment requiring Defendant, within 10 days of judgment, to surrender and deliver his Certificate of Naturalization, No. [REDACTED] 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;
 - (6) Judgment requiring Defendant, within 10 days of judgment, to surrender and deliver any other indicia of United States citizenship (including, but not limited to, any United States passport, United States passport cards, and Enhanced Driver's Licenses, if applicable) and any copies thereof in his possession, and to make good faith efforts to recover and immediately surrender any copies thereof that he knows are in the possession of others, to the Attorney General, or his representative, including undersigned counsel;
- and

(7) Judgment granting the United States such other relief as may be lawful and proper,

Dated: February 2, 2026

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