IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 1:26-cv-21064

UNITED STATES OF AMERICA, Plaintiff, v. PHILIPPE BIEN-AIME, a/k/a JEAN PHILIPPE JANVIER, Defendant.	**COMPLAINT TO REVOKE NATURALIZATION**

Plaintiff, the United States of America, by its attorneys, alleges as follows:

I. PRELIMINARY STATEMENT OF THE CASE

The United States of America brings this civil action against Defendant Philippe Bien-Aime, a/k/a Jean Philippe Janvier, to revoke his naturalized U.S. citizenship pursuant to 8 U.S.C. § 1451(a). With the attached affidavit showing good cause, the United States of America brings this civil action on the grounds that Defendant illegally procured his naturalization and that he willfully misrepresented and concealed material facts during the naturalization process, both of which require his denaturalization.

Before he became a U.S. citizen under the identity of Philippe Bien-Aime, Defendant used a fraudulent, "photo-switched" passport to enter the United States. In the United States, he used the name Jean Philippe Janvier, was placed in removal proceedings, and was ordered removed based on the fraudulently procured entry under the Janvier identity. He appealed the removal order, but he withdrew the appeal and represented that he had returned to live in Haiti. However, Defendant remained in the United States and, using the name Philippe Bien-Aime, married a U.S. citizen for the purpose of obtaining permanent resident status. In 2006, after making numerous false and fraudulent statements in his residency and naturalization proceedings, he naturalized under the Bien-Aime identity. At no time during his residency and naturalization proceedings did Defendant reveal that he had attempted to use the Janvier identity to procure immigration benefits, that he procured his entry through fraud, or that he was subject to a final removal order under the Janvier identity when he naturalized.

Defendant was not qualified for U.S. citizenship for several reasons. First, he was statutorily ineligible for naturalization because he was subject to a final removal order. Second, he was ineligible because he was never *lawfully* admitted for permanent resident status for the following independent reasons: (A) the former Immigration and Naturalization Service ("INS")[1] did not have jurisdiction to approve his adjustment application because he was subject to a removal order; (B) the marriage upon which he adjusted was not legally valid and was fraudulent; and (C) he was inadmissible for making material, false statements to obtain immigration benefits. Third, Defendant was not eligible for naturalization because he gave false oral testimony under oath in his adjustment and naturalization proceedings, demonstrating that he lacked the requisite good moral character to naturalize. For each of these reasons, Defendant was not statutorily qualified for naturalization and, therefore, illegally procured his naturalization, which requires the Court to revoke his U.S. citizenship. Also, Defendant's willful

[1] On March 1, 2003, the INS ceased to exist as an independent agency within the Department of Justice, and most 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. 2135 (Nov. 25, 2002). The INS was divided into three separate agencies, Immigration and Customs Enforcement, Customs and Border Protection, and Citizenship and Immigration Services ("USCIS"). USCIS assumed the INS's authority to adjudicate visa petitions, adjustment and naturalization applications, and other requests for immigration benefits. *Id.* at § 451.

misrepresentations and concealment of facts in his naturalization proceedings, which would have revealed the foregoing eligibility issues, provide an independent basis on which he must be denaturalized.

The United States therefore seeks to revoke and set aside the order admitting Defendant to U.S. citizenship and to cancel his certificate of naturalization under 8 U.S.C. § 1451(a).

II. PARTIES, 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]

2. Plaintiff is the United States of America.

3. Defendant is a naturalized U.S. citizen whose last known address of residence is in North Miami, Florida, which is in this District.

4. 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).

5. Venue is proper in the Southern District of Florida under 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because Defendant's last known residence is in this District.

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

III. FACTUAL BACKGROUND

7. Defendant is a native of Haiti.

8. Defendant entered the United States before 1997 using a fraudulent, "photo-switched" passport in which Defendant switched his photo for the original passport holder.

A. Defendant's Immigration History as Jean Philippe Janvier

9. On August 11, 1997, the INS issued a Form I-862, Notice to Appear ("NTA"), charging Defendant, under the name Jean Philippe Janvier, with removability under 8 U.S.C. § 1227(a)(1)(A), as an alien who, at the time of entry, was inadmissible under 8 U.S.C. § 1182(a)(1)(A)(i)(I) for not being in possession of a valid entry document. Ex. B (NTA).

10. On August 12, 1997, the INS served Defendant with the NTA, which ordered him to appear for a hearing on August 29, 1997, at the Immigration Court in Miami, Florida.

11. The NTA was filed before the Immigration Court on August 14, 1997, and thereby instituted removal proceedings against Defendant pursuant to 8 U.S.C. § 1229a.

12. From 1997 to 2000, Defendant appeared several times in removal proceedings with his purported wife, Sarahjane Ternier ("Ternier"), who was also charged with removability under 8 U.S.C. § 1227(a)(1)(A).

13. Defendant, under the name Jean Philippe Janvier, and Ternier submitted to the INS an extract of their purported Haitian marriage certificate indicating they were married on June 20, 1993, in Port-au-Prince, Haiti. Ex. C (Marriage Certificate Extract).

14. Defendant submitted to the INS a Haitian birth certificate indicating that he was born in Port-au-Prince, Haiti, in July 1965, under the name Jean Philippe Janvier. Ex. D (Birth Certificate).

15. On April 10, 1998, Defendant testified under oath before the Miami Immigration Court that his name was Jean Philippe Janvier. Ex. E (Tr. Excerpts of Removal Hr'gs).

16. On April 10, 1998, Defendant testified under oath before the Miami Immigration Court that he was served with the NTA.

17. On April 10, 1998, Defendant testified under oath before the Immigration Court that allegations in the NTA were true, the immigration judge found him removable as charged, and the proceedings were continued to consider his request for relief from removal.

18. On April 6, 1999, Defendant testified under oath before the Miami Immigration Court that he used a fraudulent passport to enter the United States on July 25, 1995.

19. On April 6, 1999, Defendant testified under oath before the Miami Immigration Court that he married Ternier on June 20, 1993, in Haiti.

20. On June 28, 1999, Defendant appeared without Ternier at a hearing before the Miami Immigration Court, because her physician ordered her to bedrest pending the birth of her child with Defendant.

21. In August 1999, that daughter, S.B.A., was born to Defendant and Ternier in the United States.

22. In their removal proceedings, Defendant submitted that he and Ternier had resided in the following locations:

a. [redacted] Fort Lauderdale, Florida from 1994 through 1997;

b. [redacted] Miami, Florida in 1997;

c. [redacted] North Miami, Florida in 1997 and 1998;

d. [redacted] Biscayne Park, Florida from 1998 through 2000; and

e. [redacted] Miami, Florida in 2000.

23. On or about May 24, 1999, the INS served Defendant at the Miami Immigration Court with a Form I-261, Additional Charges of Inadmissibility/Deportability, which charged

Defendant under 8 U.S.C. § 1227(a)(1)(A) as an alien who procured admission to the United States by fraud or by willfully misrepresenting a material fact under 8 U.S.C. § 1182(a)(6)(C)(i), because he used a fraudulent passport and visa to enter the United States on July 25, 1995. Ex. F (Form I-261).

24. On January 6, 2000, Defendant, while under oath in the Miami Immigration Court, admitted that he procured admission into the United States by using a fraudulent passport and visa, and he conceded the additional charge of removability under 8 U.S.C. § 1227(a)(1)(A), as alleged and charged in the Form I-261 on May 24, 1999.

25. On July 31, 2000, an immigration judge found Defendant and Ternier removable as charged in the NTA and Form I-261 and ordered them deported to Haiti. Ex. G (Removal Order).

26. The Oral Decision of the Immigration Judge states Defendant "gained his admission into the United States by fraud or willfully mispresenting a material fact, to wit, the presentation of a photo-switched passport."

27. On or about August 28, 2000, Defendant and Ternier, through their attorney, filed a joint appeal of their removal orders with the Board of Immigration Appeals ("the Board").

28. On or about June 15, 2001, Defendant filed with the Board a Notice of Voluntary Dismissal of Jean Philippe Janvier, which sought to withdraw Defendant's appeal, but which also indicated that co-respondent Ternier wanted her appeal to go forward. Ex. H (Notice of Voluntary Dismissal and Attached Letter).

29. Defendant filed with the Notice of Voluntary Dismissal a letter indicating that he had returned to live in Haiti.

30. On or about July 6, 2001, the Board determined that, because the record reflected that Defendant departed the United States after filing the appeal, the departure constituted a withdrawal of Defendant's appeal and, as such, the removal order was final. Ex. I (Board Order).

31. On May 20, 2003, DHS issued a notice to Defendant indicating that arrangements were made to enforce his removal order and ordering him to report for removal on June 26, 2003. Ex. J (Notice to Report for Deportation).[2]

32. On June 26, 2003, Defendant did not report for his removal in accordance with the notice.

33. On June 26, 2003, DHS issued a Warrant of Removal/Deportation ordering Defendant's arrest and removal from the United States because he was subject to a final order of removal. Ex. K (Warrant of Removal/Deportation).

34. Defendant did not depart the United States to return to live in Haiti after he was ordered removed.

B. Defendant's Immigration History as Philippe Bien-Aime

35. From 1994 through 2006, Defendant submitted several applications for immigration benefits under the name Philippe Bien-Aime. The following applications are relevant to this case:

---

[2] The Notice described in Paragraph 31 and the Warrant described in Paragraph 33 were served on INS forms even though most of the INS's functions were transferred to new agencies in the U.S. Department of Homeland Security ("DHS") effective March 1, 2003.

Form I-485, Adjustment Application

36. On or about May 30, 2001, Defendant, using the name Philippe Bien-Aime, married Marie Rose Chauvet ("Chauvet"), a U.S. citizen, in Florida.

37. Defendant married Chauvet for the purpose of obtaining permanent resident status.

38. Defendant did not marry Chauvet for the purpose of maintaining a life together.

39. When Defendant was legally married to Chauvet, he had two sons with Ternier.

40. When Defendant was legally married to Chauvet, he lived at least part of the time with Ternier.

41. When Defendant was legally married to Chauvet, he maintained a bona fide spousal relationship with Ternier.

42. On or about January 11, 2002, Chauvet filed a Form I-130, Petition for Alien Relative ("Form I-130"), seeking immediate relative status for Defendant as her spouse.

43. On or about January 11, 2002, Defendant, using the name Philippe Bien-Aime, filed a Form I-485, Application to Register Permanent Residence or Adjust Status ("adjustment application"), based on the immediate relative status sought by Chauvet in her Form I-130. Ex. L (Adjustment Application).

44. Part 3, Section B of the adjustment application asked the applicant to "[l]ist your present husband/wife, [and] all of your sons and daughters."

45. Defendant listed Chauvet as his wife and listed no one else in response to Part 3, Section B of his adjustment application.

46. Part 3, Question 10 of the adjustment application asked the applicant whether he was "under a final order of civil penalty for violating section 274C of the Immigration Act for

use of fraudulent documents or have you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the U.S., or any other immigration benefit?"

47. Defendant checked the box "No" in response to Part 3, Section 10 of his adjustment application.

48. On or about June 13, 2001, Defendant signed his adjustment application under penalty of perjury attesting that the application and the evidence submitted with it is all true and correct.

49. Chauvet and Defendant submitted with her Form I-130 and his adjustment application copies of their Florida marriage certificate.

50. Defendant indicated on his adjustment application that he and Gelin were married on June 20, 1996, in Port-au-Prince, Haiti.

51. In support of his adjustment application, Defendant submitted a copy of a Haitian extract of the divorce certificate on the dissolution of his marriage, using the name Philippe Bien-Aime, to Gelin. Ex. M (Haitian Extract of Divorce).

52. The divorce act and extract stated that Defendant and Gelin were divorced on December 30, 1999, when Defendant was residing in Port-au-Prince, Haiti.

53. Defendant, using the name Philippe Bien-Aime, filed a Form G-325A, Biographic Information ("Form G-325A") with his adjustment application. Ex. N (Form G-325A).

54. The Form G-325A asked the applicant to list all other names used, to which Defendant answered "None."

55. The Form G-325A asked the applicant to list all former husbands or wives, and Defendant listed only Gelin, indicating they were married in June 1993 in Port-au-Prince, Haiti, and divorced December 30, 1999.

56. The Form G-325A asked Defendant to provide all addresses where he had resided for the last five years, and Defendant listed the following addresses:

a. [redacted] North Miami, Florida from 1996 to 2000.

b. [redacted], Tamarac, Florida from 2000 through 2001; and

c. [redacted] Port St. Lucie, Florida in 2001.

57. On or about June 13, 2001, Defendant signed the Form G-325A above the warning "Penalties: Severe penalties are provided by law for knowingly and willfully falsifying or concealing a material fact."

58. In April 2002, a son, P.B.A., was born to Defendant and Ternier in the United States.

59. On August 14, 2002, Defendant appeared under the name Philippe Bien-Aime before INS District Adjudications Officer Wanda Gail Lowry ("Officer Lowry") at an INS field office to submit fingerprints and to attend an interview on the adjustment application.

60. Officer Lowry placed Defendant under oath before starting the interview.

61. Officer Lowry asked Defendant to name all present spouses, and he orally answered under oath that he was married to Chauvet to confirm his answer to Section B, Part 3 of his adjustment application.

62. Officer Lowry asked Defendant to name his sons and daughters, and Defendant answered that he had one child, S.B.A., who was born in Haiti in August 1999.

63. Officer Lowry asked Defendant whether he was under a final order of civil penalty for violating section 274C of the Immigration Act for use of fraudulent documents or had he, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the United States, or any other immigration benefit, and Defendant orally answered "no" under oath to confirm his answer to Question 10, Part 3 of his adjustment application.

64. On August 14, 2002, the INS approved Chauvet's Form I-130 and Defendant's adjustment application, and Defendant was accorded conditional permanent resident status.

65. Defendant did not apply for a waiver of inadmissibility pursuant to 8 U.S.C. § 1182(i), and thus a waiver of his inadmissibility was not approved.

<u>Form I-751, Petition to Remove Conditions</u>

66. On or about June 18, 2004, Defendant, using the name Philippe Bien-Aime, and Chauvet filed a Form I-751, Petition to Remove the Conditions on Residence ("Form I-751"). Ex. O (Form I-751).

67. Part 3 of the Form I-751 asked the applicant to list other names used, to which Defendant answered "none.".

68. Part 5 of the Form I-751 asked the applicant to list his children.

69. Defendant listed Marc Peterson with a date of birth in August 1988 and no other children in response to Part 5 of the Form I-751.

70. On or about May 17, 2004, Defendant signed the Form I-751 under penalty of perjury attesting that the petition and evidence submitted with it were all true and correct.

71. In August 2004, a son, T.B.A., was born to Defendant and Ternier, in the United States.

72. On March 14, 2005, the INS approved the Form I-751, and Defendant was accorded permanent resident status as of August 14, 2002.

Form N-400, Naturalization Application

73. On or about July 6, 2005, Defendant, using the name Philippe Bien-Aime, filed a Form N-400, Application for Naturalization ("naturalization application"). Ex. P (Naturalization Application).

74. Part 1, Question C of the naturalization application asked the applicant to provide any other names he had "ever used."

75. Defendant provided no response to Part 1, Question C of his naturalization application.

76. Part 8, Question A of the naturalization application asked how many times the applicant had been married, including annulled marriages.

77. Defendant answered "2" to Part 8, Question A of his naturalization application.

78. Part 8, Question F of the naturalization application asked the applicant to provide his prior spouse's name, if he was "married before," and, if he had more than one prior spouse, to provide names and information on other prior spouses on a separate sheet of paper.

79. Defendant answered Part 8, Question F of his naturalization application by providing the name of Gelin and indicated that they were married on June 20, 1993, and divorced December 30, 1999, and by providing no information on any additional former spouses.

80. Part 9, Question A of the naturalization application asked the applicant how many sons and daughters he had.

81. Defendant answered "1" to answer Part 9, Question A of his naturalization application.

82. Part 9, Question B of the naturalization application asked the applicant to provide the names and other information about his sons and daughters.

83. Defendant listed only Marc Peterson, indicating he was born in June 1987 in Port-au-Prince, Haiti, in response to Part 9, Question B of his naturalization application.

84. Part 10, Question 22(d) of the naturalization application asked the applicant if he had "**EVER** been married to more than one person at the same time?" (emphasis in original).

85. Defendant checked the box "No" to answer Part 10, Question 22.

86. Part 10, Question 23 of the naturalization application asked the applicant if he had "**EVER** given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent removal, exclusion, or removal?" (emphasis in original).

87. Defendant checked the box "No" to answer Part 10, Question 23 of his naturalization application.

88. Part 10, Question 24 of the naturalization application asked the applicant if he had "**EVER** lied to any U.S. government official to gain entry or admission into the United States?" (emphasis in original).

89. Defendant checked the box "No" to answer Part 10, Question 24 of his naturalization application.

90. Part 10, Question 27 of the naturalization application asked the applicant if he had "**EVER** been ordered to be removed, excluded, or deported from the United States?" (emphasis in original).

91. Defendant checked the box "No" to answer Part 10, Question 27 of his naturalization application.

92. Part 10, Question 28 of the naturalization application asked the applicant if he had "**EVER** applied for any kind of relief from removal, exclusion, or deportation?" (emphasis in original).

93. Defendant checked the box "No" to answer Question 28, Part 10 of his naturalization application.

94. On or about June 17, 2005, Defendant signed his naturalization application under penalty of perjury certifying that the application and evidence submitted with it were all true and correct.

95. On February 23, 2006, Defendant appeared before USCIS Immigration Services Officer Francisco Villalba ("Officer Villalba") at a USCIS field office for an interview to determine Defendant's eligibility for naturalization.

96. Officer Villalba placed Defendant under oath before starting the interview.

97. During this naturalization interview, Officer Villalba asked Defendant whether he had any children other than Marc Peterson, and Defendant orally answered under oath that he had no other children, confirming his answer to Part 9, Question B of the naturalization application.

98. Officer Villalba asked Defendant if he had ever been married to more than one person at the same time, and Defendant orally answered under oath that he had never been married to more than one person at the same time, confirming his typed response to Part 10, Question 22(d) of his naturalization application.

99. Officer Villalba asked Defendant 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, and Defendant orally answered under oath that he had not, confirming his "No" response to Part 10, Question 23 of his naturalization application.

100. Officer Villalba asked Defendant whether he had ever lied to any U.S. government official to gain entry or admission into the United States, and Defendant orally answered under oath that he had never lied to any U.S. government official to gain entry or admission into the United States, confirming his "No" response to Part 10, Question 24 of his naturalization application.

101. Officer Villalba asked Defendant whether he had ever been ordered to be removed, excluded, or deported from the United States, and Defendant orally answered under oath that he had never been ordered to be removed, excluded, or deported from the United States, confirming his "No" response to Part 10, Question 27 of his naturalization application.

102. At the conclusion of the interview, Defendant signed the naturalization application attesting under penalty of perjury that the contents of the application, including the eight corrections made during the interview, were true and correct.

103. At no point during the naturalization process did Defendant disclose that he used the name Jean Philippe Janvier.

104. At no point during the naturalization process did Defendant disclose that he had been married to Ternier.

105. At no point during the naturalization process did Defendant disclose that he had a daughter who was born in August 1999 in the United States.

106. At no point during the naturalization process did Defendant disclose that he had a son who was born in April 2002 in the United States.

107. At no point during the naturalization process did Defendant disclose that he had a son who was born in August 2004 in the United States.

108. At no point during the naturalization process did Defendant disclose that an immigration judge ordered him removed on July 31, 2000, under the identity of Jean Philippe Janvier.

109. At no point during the naturalization process did Defendant disclose that he gave false and misleading information to U.S. government officials while applying for adjustment of status and naturalization.

110. At no point during the naturalization process did Defendant disclose that he gave false and misleading information to U.S. government officials to prevent deportation, exclusion, or removal.

111. At no point during the naturalization process did Defendant disclose that he lied to U.S. government officials to gain entry or admission into the United States.

112. On or about September 11, 2006, based on his written application and on the oral testimony that he provided at the naturalization interview, USCIS approved Defendant's naturalization application.

113. On September 22, 2006, Defendant took the Oath of Allegiance to the United States and was admitted as a citizen of the United States using the name Philippe Bien-Aime.

114. On September 22, 2006, USCIS issued Certificate of Naturalization No. [redacted] to Defendant in the name of Philippe Bien-Aime. Ex. Q (Naturalization Certificate).

C. <u>Report of Overseas Verification</u>

115. On or about August 14, 2019, USCIS issued a Report of Overseas Verification ("Verification Report") concluding, based on an inquiry conducted at the National Archives of Haiti, that the extract of a marriage certificate of Janvier and Ternier described in Paragraph 13 is a fraudulent document. Ex. R (Verification Report).

116. The Verification Report concluded that a marriage certificate for Gelin and Philippe Bien-Aime described in Paragraph 50 was found in the National Archives of Haiti and, therefore, was presumably valid.

117. The Verification Report concluded, based on an inquiry conducted at the National Archives of Haiti, that the divorce extract of Philippe Bien-Aime and Gelin described in Paragraph 51. is a fraudulent document.

D. Defendant's Fingerprints

118. On or about June 15, 1997, Defendant had his fingerprints taken in Miami, Florida, which were later submitted to the INS.

119. Defendant indicated on the June 15, 1997 fingerprint card that his name was Jean Philippe Janvier and he was born in Haiti in July 1965.

120. On August 14, 2002, Officer Lowry took the fingerprints of Defendant for a Form I-551, Permanent Resident Card.

121. On or about April 19, 2005, USCIS took the fingerprints of Defendant for a Form I-551, Permanent Resident Card, under the name Phillipe Bien-Aime.

122. On September 9, 2005, USCIS took the fingerprints of Defendant under the name Philippe Bien-Aime for his naturalization application.

123. On or about September 16, 2019, Stephanie Fox, Senior Fingerprint Specialist at Homeland Security Investigation's Forensic Laboratory, concluded that the fingerprint impressions described in Paragraphs 118 to 122 were from the same person.

IV. GOVERNING LAW

A. Statutory Prerequisites to the Acquisition of Citizenship through Naturalization

124. 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).

125. 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) ("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).

126. Among other eligibility requirements, Congress has mandated that an alien may not be naturalized if that person is subject to a final removal order pursuant to a warrant of arrest. 8 U.S.C. § 1429.

127. Congress also mandated that an applicant for naturalization must demonstrate that he or she has been *lawfully* admitted to the United States for permanent residence. 8 U.S.C. §§ 1427(a)(1), 1429.

128. Congress 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." 8 U.S.C. § 1101(a)(20).

129. Thus, for an alien to be "lawfully admitted," his adjustment of status must be "in compliance with the substantive requirements of the law." *Savoury v. U.S. Att'y Gen.*, 449 F.3d 1307, 1317 (11th Cir. 2006).

130. An alien may adjust to permanent resident if the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence, and an immigrant visa is immediately available to the alien when he files a petition seeking permanent resident status. 8 U.S.C. § 1255(a).

131. An alien is inadmissible, and thus not qualified for adjustment to permanent resident status, if he sought to procure or procured admission into the United States or other immigration benefits by fraud or willfully misrepresenting material facts. 8 U.S.C. § 1182(a)(6)(C)(i).

132. Except under limited circumstances not applicable here, the immigration judge presiding over an alien's removal proceedings has exclusive jurisdiction over any petition that the alien files seeking adjustment to permanent resident status. 8 C.F.R. § 1245(a)(1).

133. Congress also mandated that an individual may not naturalize unless he or she, "during all periods referred to in [8 U.S.C. § 1427(a)]," has been and still is a person of good moral character. 8 U.S.C. § 1427(a).

134. This statutory period for the requisite good moral character for an applicant who is married to a U.S. citizen begins three years before the date the applicant files the application for naturalization and continues until the applicant takes the Oath of Allegiance and becomes a U.S. citizen. 8 U.S.C. §§ 1427(a)(3), 1430(a); 8 C.F.R. § 316.10(a)(1).

135. Congress explicitly precluded individuals who give false testimony during the statutory period 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

136. 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.

137. Under 8 U.S.C. § 1451(a), this 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.

138. 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 (quoting 8 U.S.C. § 1451(a)).

139. 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).

140. 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 I

ILLEGAL PROCUREMENT OF NATURALIZATION
Final Removal Order Outstanding at Time of Naturalization

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

142. An individual is ineligible for naturalization if he or she is subject to a final removal order. 8 U.S.C. § 1429.

143. As alleged in Paragraph 25, an immigration judge found Defendant removable as charged and ordered him removed to Haiti on July 31, 2000.

144. As alleged in Paragraph 30, Defendant's removal order became final on September 6, 2001.

145. Because Defendant did not depart the United States, his removal order remained in effect when he applied for naturalization and until he became a United States citizen.

146. Defendant, therefore, was subject to a final removal order and was ineligible to naturalize.

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

COUNT II

ILLEGAL PROCUREMENT OF NATURALIZATION
NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE
Final Order of Removal Outstanding at Time of Adjustment

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

149. An applicant for naturalization must demonstrate that he has been lawfully admitted to the United States for permanent residence "in compliance with the substantive requirements of the law." *Savoury*, 449 F.3d at 1317.

150. Except under limited circumstances not applicable here, the immigration judge presiding over an alien's removal proceedings has exclusive jurisdiction over any petition that the alien files seeking adjustment to permanent resident status. 8 C.F.R. §§ 245(a)(1), 1245(a)(1).

151. Defendant was subject to a final removal order as of July 6, 2001, and he remained subject to the final removal order when he filed his adjustment application and when the INS granted him conditional permanent resident status.

152. Because Defendant was subject to a final removal order, the Miami Immigration Court had exclusive jurisdiction over Defendant's adjustment application.

153. Because the Miami Immigration Court had exclusive jurisdiction over Defendant's adjustment application, the INS did not have the authority to adjudicate and approve his adjustment application and grant conditional permanent resident status.

154. Because the INS did not have jurisdiction to adjudicate and approve Defendant's adjustment application, Defendant was not lawfully admitted for permanent residence.

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

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

COUNT III

ILLEGAL PROCUREMENT OF NATURALIZATION
NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE
Not Eligible to Receive an Immigrant Visa because Marriage not Legally Valid

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

158. An applicant for naturalization must demonstrate that he has been lawfully admitted to the United States for permanent residence "in compliance with the substantive requirements of the law." *Savoury*, 449 F.3d at 1317; 8 U.S.C. §§ 1427(a)(1), 1429, 1430(a).

159. An alien may adjust to permanent resident if the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence, and an immigrant visa is immediately available to the alien when he files a petition seeking permanent resident status. 8 U.S.C. § 1255(a).

160. An alien may qualify for a family-based immigrate relative visa and adjust status to permanent resident based on immediate relative status as the spouse of a U.S. citizen in a bona fide and legally valid marriage. 8 U.S.C. §§ 1151(b)(2)(A)(i); 1154(a)(1)(A).

161. A person is properly classified as a "spouse" for adjustment purposes only if the marriage is valid under the law of the place where contracted. *Claver v. U.S. Att'y Gen.*, 245 F. App'x 904, 906 (11th Cir. 2007).

162. A polygamous marriage cannot convey eligibility to receive an immigrant visa based on that marriage. *Matter of H-*, 9 I. & N. Dec. 640, 642 (BIA 1962); *see also Smith v.*

Smith, 224 So. 3d 740, 747 n.5 (Fla. 2017) (citing *Jones v. Jones,* 161 So. 836, 839 (Fla. 1935) (recognizing bigamous marriages as void)).

163. As alleged in Paragraphs 42 to 64, Defendant sought and was accorded permanent resident status based on his marriage to Chauvet.

164. As alleged in Paragraphs 116 and 117, Defendant provided a certified Haitian marriage certificate evidencing that he married Gelin in 1993, but the divorce extract purportedly evidencing his divorce from Gelin was fraudulent.

165. Because Defendant was not legally divorced from Gelin, his marriage to Chauvet was not legally valid.

166. Because the marriage between Chauvet and Defendant was not legally valid, Defendant was not qualified for immediate relative status based on his marriage to Chauvet.

167. Because Defendant was not qualified for immediate relative status, he was not eligible for a visa, and a visa was not immediately available when he applied for adjustment. 8 U.S.C. §§ 1151(b)(2)(A)(i), 1255(a).

168. Because Defendant was not eligible for a visa, and a visa was not immediately available when he applied for adjustment, he did not lawfully adjust status to permanent resident. 8 U.S.C. § 1255(a).

169. Because Defendant was not lawfully admitted for permanent residence, Defendant was ineligible to naturalize. 8 U.S.C. §§ 1430(a), 1429, 1430.

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

COUNT IV

ILLEGAL PROCUREMENT OF NATURALIZATION
NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE
Inadmissible for Fraud or Misrepresentation

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

172. An applicant for naturalization must demonstrate that he has been lawfully admitted to the United States for permanent residence "in compliance with the substantive requirements of the law." *Savoury*, 449 F.3d at 1317; 8 U.S.C. §§ 1427(a)(1), 1429, 1430(a).

173. An alien may adjust to permanent resident status if the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence, and an immigrant visa is immediately available to the alien when he files a petition seeking permanent resident status. 8 U.S.C. § 1255(a).

174. Defendant was not qualified for permanent resident status because he was inadmissible when he adjusted status. 8 U.S.C. § 1255(a).

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

176. As alleged in Paragraphs 23 to 26, removal proceedings were instituted against Defendant in which he admitted that he procured his admission into the United States through use of a fraudulent passport.

177. Moreover, he was issued a final removal order based on charge of removability under 8 U.S.C. § 1227(a)(1) for being inadmissible at entry pursuant to U.S.C. § 1182(a)(6)(C)(i)

for being inadmissible for procuring admission by fraud or willful misrepresentation of a material fact.

178. As alleged in Paragraphs 42 to 64, Defendant sought and was accorded permanent resident status based on his marriage to Chauvet.

179. As alleged in Paragraphs 37 to 41, Defendant married Chauvet for the purpose of obtaining permanent resident status and not for purpose of maintaining a life together, but he maintained a bona fide spousal relationship with Ternier.

180. Defendant was inadmissible under 8 U.S.C. § 1182(a)(6)(C)(i) when he sought adjustment to permanent resident based on his marriage to Chauvet because he procured his admission into the United States through use of a fraudulent passport and he was issued a final removal order based on charge of removability under 8 U.S.C. § 1227(a)(1) for being inadmissible at entry pursuant to U.S.C. § 1182(a)(6)(C)(i) for being inadmissible for procuring admission by fraud or willful misrepresentation of a material fact.

181. Defendant was also inadmissible under 8 U.S.C. § 1182(a)(6)(C)(i) when he sought adjustment to permanent resident based on his marriage to Chauvet because of the following material facts in seeking adjustment based on his marriage to Chauvet:

a. When asked in Part 3, Section B of the adjustment application to "[l]ist your present husband/wife, [and] all of your sons and daughters," he listed Chauvet as his wife and listed no one else, which was false because he had a son named Mark Peterson who was born in 1987 or 1988;

b. When asked in Part 3, Section B of the adjustment application to "[l]ist your present husband/wife, [and] all of your sons and daughters," he listed Marie Rose

E. Chauvet as his wife and listed no one else, which was false because he had a daughter, S.A.B.J., who was born in 1999;

c. When asked in the Form G-325A to list all other names used, Defendant answered "None," which was false because he used the name Jean Philippe Janvier in removal proceedings;

d. When asked in the Form G-325A to list all former husbands or wives, Defendant listed Gelin, indicating they were married in June 1993 in Port-au-Prince, Haiti, and divorced December 30, 1999, which was false because he was not divorced from Gelin;

e. When asked, at the interview on his adjustment application, whether he was under a final order of civil penalty for violating section 274C of the Immigration Act for use of fraudulent documents or had he, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the United States, or any other immigration benefit, Defendant orally answered under oath that he had not, to confirm his answer to Part 3, Question 10, which was false because he used the name Jean Philippe Janvier in removal proceedings; and

f. When asked on his Form I-751 to list other names used, he answered "none," which was false because he used the name Jean Philippe Janvier in removal proceedings.

182. Because Defendant committed fraud or willfully misrepresented material facts when seeking adjustment of status, he was inadmissible under 8 U.S.C. § 1182(a)(6)(C)(i), and, therefore, he was not lawfully admitted for permanent residence. 8 U.S.C. § 1255(a).

183. Because Defendant was not lawfully admitted for permanent residence, he was ineligible for naturalization under 8 U.S.C. §§ 1429, 1430(a).

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

COUNT V

ILLEGAL PROCUREMENT OF NATURALIZATION
LACK OF GOOD MORAL CHARACTER
False Testimony

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

186. To be eligible for naturalization, Defendant was required to show that he was a person of good moral character for the three-year statutory period before he filed a naturalization application, and until the time he become a naturalized U.S. citizen. 8 U.S.C. § 1430(a); 8 C.F.R. § 316.10(a)(1).

187. Thus, Defendant was required to establish that he was a person of good moral character from July 6, 2002, three years before he filed his naturalization application, until the date he naturalized as a U.S. citizen on September 22, 2006 (the "statutory period").

188. Defendant was statutorily barred from showing that he was a person of good moral character because he gave false testimony, orally and under oath, during the statutory period, for the purpose of obtaining an immigration benefit. 8 U.S.C. § 1101(f)(6).

189. Defendant testified falsely, under oath, during the statutory period of his naturalization when, as described in Paragraph 61, he was asked to name all present spouses, and he orally answered under oath that he was married to Chauvet. His testimony was false because he was also married to Gelin.

190. Defendant testified falsely, under oath, during the statutory period of his naturalization when, as described in Paragraph 62, he was asked to name his sons and daughters, and Defendant answered that he had one child, S.B.A., who was born in Haiti in August 1999. His testimony was false because he also had a son, Mark Peterson, and because S.B.A. was not born in Haiti, but was born in the United States.

191. Defendant testified falsely, under oath, during the statutory period of his naturalization when, as described in Paragraph 63, he was asked whether he was under a final order of civil penalty for violating section 274C of the Immigration Act for use of fraudulent documents or had he, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the United States, or any other immigration benefit, and he answered no. His testimony was false because he had sought to procure adjustment of status by fraud or willful misrepresentation of material facts.

192. Defendant testified falsely, under oath, during the statutory period of his naturalization when, as described in Paragraph 97, he was asked if he had ever been married to more than one person at the same time, and Defendant orally answered under oath that he had never been married to more than one person at the same time. His testimony was false because he was married to Gelin when he married Chauvet.

193. Defendant testified falsely, under oath, during the statutory period of his naturalization when, as described in Paragraph 98, he was asked 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, and Defendant orally answered under oath that he had not. His testimony was false because he provided false and misleading

information to the officer who interviewed him on his adjustment application and to the officer interviewing him on his naturalization application.

194. Defendant testified falsely, under oath, during the statutory period of his naturalization when, as described in Paragraph 99, he was asked whether he had ever lied to any U.S. government official to gain admission into the United States, and he orally answered under oath that he had not. His testimony was false because he lied to Officer Lowry in his spousal adjustment interview to the answers described in Paragraphs 61 through 63.

195. Defendant testified falsely, under oath, during the statutory period of his naturalization when, as described in Paragraph 100, he was asked whether he had ever been ordered to be removed, excluded, or deported from the United States, and Defendant orally answered under oath that he had never been ordered to be removed, excluded, or deported from the United States. His testimony was false because, as described in Paragraph 25, he was ordered to Haiti on July 31, 2000, and, as described in Paragraph 30, that order became final on July 6, 2001.

196. Because Defendant could not establish the requisite good moral character during his statutory period, he was ineligible for naturalization. 8 U.S.C. § 1427(a)(3).

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

COUNT VI

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

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

199. 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 material facts and by willful misrepresentations.

200. As set forth above, Defendant willfully misrepresented and concealed throughout the naturalization process—on his sworn written naturalization application and in his oral testimony under oath at the naturalization interview—numerous material facts.

201. Defendant indicated on his naturalization application that he had never used any name other than Philippe Bien-Aime.

202. At no point during his naturalization proceedings did Defendant disclose that he used the name Jean Philippe Janvier in removal proceedings.

203. Defendant indicated on his naturalization application and testified at his naturalization interview that he had never been married to more than one person at the same time.

204. At no point during his naturalization proceedings did Defendant disclose that he was married to Gelin when he married Chauvet on May 31, 2001.

205. Defendant indicated on his naturalization application and testified at his naturalization interview that 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.

206. At no point during his naturalization proceedings did Defendant disclose that he sought to procure and procured admission to the United States and other immigration benefits by fraud or willfully misrepresenting material facts.

207. Defendant indicated on his naturalization application and testified at his naturalization interview that he had never been ordered removed.

208. At no point during his naturalization proceedings did Defendant disclose that on July 31, 2000, he was ordered removed, and the removal order became final on or about July 6, 2001.

209. Each of Defendant's misrepresentations and concealments was willful, as Defendant had knowledge that the information he provided was false and/or incomplete.

210. Each of Defendant's misrepresentations and concealments was material to his naturalization application because it had a natural tendency to influence USCIS's decision whether to approve his naturalization application.

211. Defendant procured his naturalization because of his misrepresentations and concealments. Indeed, as but one example, the fact that he was subject to a removal order under the identity of Jean Philippe Janvier, which he did not disclose in his naturalization proceedings, rendered him ineligible for naturalization and precluded the INS's jurisdiction to approve his naturalization application.

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

PRAYER FOR RELIEF

WHEREFORE, 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 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, September 22, 2006.

(4) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages related to U.S. citizenship that he obtained as a result of his September 22, 2006 naturalization;

(5) Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment against him, his Certificate of Naturalization No. [redacted] 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 her designated representative, including undersigned counsel;

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

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

Dated: December 3, 2025

Respectfully submitted,

JASON A. REDING QUIÑONES
United States Attorney
Southern District of Florida

/s/ Natalie Diaz
NATALIE DIAZ
Assistant United States Attorney
Florida Bar No. 85834
E-mail: Natalie.Diaz@usdoj.gov
99 N.E. 4th Street, Suite 300
Miami, Florida 33132
Telephone: (305) 961-9306

BRETT A. SHUMATE
Assistant Attorney General
Civil Division

JENNIFER J. KEENEY
Associate Director
Office of Immigration Litigation

JOHN J. W. INKELES
Chief, Affirmative Litigation Unit

J. MAX WEINTRAUB
Senior Litigation Counsel

/s/ Troy Liggett
TROY LIGGETT
Florida Bar No. 86788
Senior Trial Attorney
Affirmative Litigation Unit
Office of Immigration Litigation
Civil Division
United States Department of Justice
P.O. Box 878, Ben Franklin Station
Washington, DC 20044
(202) 532-4765
troy.liggett@usdoj.gov

Attorneys for the United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 1:26-cv-21064

UNITED STATES OF AMERICA, Plaintiff, v. PHILIPPE BIEN-AIME, a/k/a JEAN PHILIPPE JANVIER, Defendant.	**EXHIBITS IN SUPPORT OF COMPLAINT TO REVOKE NATURALIZATION**

TABLE OF CONTENTS

L. Form I-485, Application to Register Permanent Residence or Adjust Status (January 11, 2002)

M. Haitian Divorce Extract of Phillippe Bien-Aime and Beatrice Gelin with English Translation

N. Form G-325A, Biographic Information (May 30, 2001)

O. Form I-751, Petition to Remove the Conditions on Residence (June 18, 2004)

P. Form N-400, Application for Naturalization (July 6, 2005)

Q. Naturalization Certificate No. [redacted] (Sept. 22, 2006)

R. Report of Overseas Verification of Haitian Marriage and Divorce Records (Aug. 14, 2019)