

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO. 1:26-cv-23236_____

UNITED STATES OF AMERICA,

Plaintiff,

v.

**COMPLAINT TO REVOKE
NATURALIZATION**

VICTOR MANUEL ROCHA,

Defendant.

_____ /

PRELIMINARY STATEMENT OF THE CASE

The United States of America brings this civil action against Defendant Victor Manuel Rocha to revoke his naturalization under 8 U.S.C. § 1451(a).

Rocha illegally procured his naturalization and obtained his naturalization by willful misrepresentation and concealment of material facts. During the naturalization process, Rocha represented that he had never knowingly committed any crime for which he had not been arrested, had no affiliation with the Communist Party, and believed in the U.S. Constitution and the form of government of the United States. None of these were true.

In 1973, five years before Rocha naturalized, he secretly began supporting the Republic of Cuba and its clandestine intelligence-gathering mission against the United States by serving as a covert agent of Cuba's intelligence services. In 2023, Rocha was charged with Conspiracy to Act as an Agent of a Foreign Government and to Defraud the United States, in violation of 18 U.S.C. § 371, and Acting as an Illegal Agent of a Foreign Government, in violation of 18 U.S.C. § 951, among other counts. In 2024, Rocha pleaded guilty to those crimes, admitting

under oath that he had begun serving as an unregistered, secret agent for the Republic of Cuba in 1973. At his plea colloquy and sentencing hearing, Rocha testified at length about the covert operations he had maintained against the United States long before he took the Oath of Allegiance to the United States.

Had Rocha been truthful during his naturalization proceedings regarding his affiliation with the Communist Party and actions as its secret agent, the former Immigration and Naturalization Service (“INS”)¹ would not have recommend approval of his Naturalization Petition and the United States District Court for the Eastern District of Virginia would have concluded that, as a matter of law, Rocha was ineligible to naturalize and denied his Naturalization Petition. Rocha therefore illegally procured his naturalization and, independently, procured his naturalization by willfully misrepresenting and concealing material facts during his naturalization proceedings. The Court therefore should revoke the order admitting Rocha to United States citizenship and cancel his Certificate of Naturalization No. 10649687 under 8 U.S.C. § 1451(a).

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff is the United States of America.
2. Rocha is a native of Colombia and a naturalized U.S. citizen.

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 naturalization applications and other requests for immigration benefits. *Id.* at § 451.

3. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Rocha to U.S. citizenship and to cancel Rocha's Certificate of Naturalization No. 10649687.

4. The court has subject-matter jurisdiction under 28 U.S.C. §§ 1331 and 1345 for a cause of action under 8 U.S.C. § 1451(a).

5. Venue is proper in this District under 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because Rocha last resided in Miami, Florida.

6. The affidavit of  Special Agent with the U.S. Homeland Security Investigations, a component of U.S. Immigration and Customs Enforcement, an agency with 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.

FACTUAL ALLEGATIONS

I. Rocha's Naturalization

7. On or about October 20, 1977, Rocha filed a Form N-400, Application to File Petition for Naturalization ("Naturalization Application") with the INS.

8. A true and complete copy of the Naturalization Application, except for redactions of personally identifying information immaterial to this action, is attached as Exhibit B.

9. Question 6(a) of the Naturalization Application asked Rocha if he had "ever, in or outside the United States: knowingly committed any crime for which you have not been arrested?"

10. In response to Question 6(a) of his Naturalization Application, Rocha checked the box "No."

11. Question 7 of the Naturalization Application asked Rocha to: “List your present and past membership in or affiliation with every organization, association, fund, foundation, party, club, society or similar group in the United States or in any other county or place, and your foreign military service,” and told the applicant: “If none, write ‘None.’”

12. In response to Question 7 of his Naturalization Application, Rocha answered “None.”

13. Question 8(a) of the Naturalization Application asked Rocha: “Are you now, or have you ever, in the United States or in any other place, been a member of, or in any other way connected or associated with the Communist Party?”

14. In response to Question 8(a) of his Naturalization Application, Rocha checked the box “No.”

15. Question 8(b) of the Naturalization Application asked Rocha: “Have you ever knowingly aided or supported the Communist Party directly, or indirectly through another organization, group or person?”

16. In response to Question 8(b) of his Naturalization Application, Rocha checked the box “No.”

17. Question 8(c) of the Naturalization Application asked Rocha: “Do you now or have you ever advocated, taught, believed in, or knowingly supported or furthered the interests of Communism?”

18. In response to Question 8(c) of his Naturalization Application, Rocha checked the box “No.”

19. Question 16 of the Naturalization Application asked Rocha: “Do you believe in the U.S. Constitution and form of government of the United States?”

20. In response to Question 16 of his Naturalization Application, Rocha checked the box “Yes.”

21. On January 20, 1978, Rocha appeared before INS Naturalization Examiner K.C. Williams for a preliminary examination of his qualifications for naturalization and admissibility to citizenship.

22. At the beginning of the examination, Naturalization Examiner Williams placed Rocha under oath.

23. Examiner Williams asked Rocha whether he had ever, in or outside the United States, knowingly committed any crime for which he had not been arrested, and Rocha orally answered “no” under oath to confirm his written answer to Question 6(a) of his Naturalization Application.

24. Examiner Williams asked Rocha to list his present and past membership in or affiliation with every organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other country or place, and his foreign military service, and Rocha orally answered “none” under oath to confirm his written answer to Question 7 of his Naturalization Application.

25. Examiner Williams asked Rocha whether he now or ever, in the United States or in any other place, been a member of, or in any other way connected or associated with the Communist Party, and Rocha orally answered “no” under oath to confirm his written answer to Question 8(a) of his Naturalization Application.

26. Examiner Williams asked Rocha whether he ever knowingly aided or supported the Communist Party directly or indirectly through any other organization, group, or person, and

Rocha orally answered “no” under oath to confirm his written answer to Question 8(b) of his Naturalization Application.

27. Examiner Williams asked Rocha whether he had ever advocated, taught, believed in, or knowingly supported or furthered the interests of Communism, and Rocha orally answered “no” under oath to confirm his written answer to Question 8(c) of his Naturalization Application.

28. Examiner Williams asked Rocha whether he believed in the U.S. Constitution and form of government of the United States, and Rocha orally answered “yes” under oath to confirm his written answer to Question 16 of his Naturalization Application.

29. At the conclusion of the examination, Rocha signed an affidavit on the Naturalization Application swearing that he knew the contents of his Naturalization Application and that the contents were true and correct.

30. On January 20, 1978, Rocha signed and filed a Form N-405, Petition for Naturalization (“Naturalization Petition”).

31. A true and complete copy of the Naturalization Petition, except for redactions of personally identifying information immaterial to this action, is attached as Exhibit C.

32. Rocha signed the Naturalization Petition attesting under penalty of perjury that he knew the contents of the Naturalization Petition and the contents are true to the best of his knowledge and belief.

33. When Rocha signed the Naturalization Petition, he attested to the following statement: “I am not and have not been, within the meaning of the Immigration and Nationality Act, for a period of at least 10 years immediately preceding the date of this petition, a member of or affiliated with any organization proscribed by such Act, or any section, subsidiary, branch,

affiliate or subdivision thereof, nor have I during such period believed in, advocated, engaged in, or performed any of the acts or activities prohibited by such Act.”

34. When Rocha signed the Naturalization Petition, he attested to the following statement: “I am, and have been during all periods required by law, a person of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States.”

35. On September 17, 1978, Rocha signed a Form N-445 from the INS.

36. A true and complete copy of the Form N-445 letter, except for redactions of personally identifying information immaterial to this action, is attached as Exhibit D.

37. Rocha certified with his signature that each of the answers to questions on his Form N-445 were made by him or at his direction and were true and correct.

38. Question 3 of the Form N-445 asked: “Have you knowingly committed any crime or offense, for which you have not been arrested; or have you been arrested, cited, charged, indicted, convicted, fined, or imprisoned for breaking or violating any law or ordinance, including traffic violations?”

39. Rocha answered “NO” to Question 3 of his Form N-445.

40. Question 4 asked of the Form N-445 asked: “Have you joined any organization, including the Communist Party, or become associated or connected therewith in any way?”

41. Rocha answered “NO” to Question 4 of his Form N-445.

42. On September 17, 1978, Rocha took the Oath of Allegiance before a United States District Court Judge for the Eastern District of Virginia and was admitted as a citizen of the United States.

43. On September 17, 1978, Rocha was issued Certification of Naturalization No.



44. A true and complete copy of the Certificate of Naturalization, except for redactions of personally identifying information immaterial to this action, is attached as Exhibit E.

II. Rocha's Conviction for Spying

45. Starting in or around 1973, Rocha unlawfully conspired to act as an unregistered agent of Cuba.

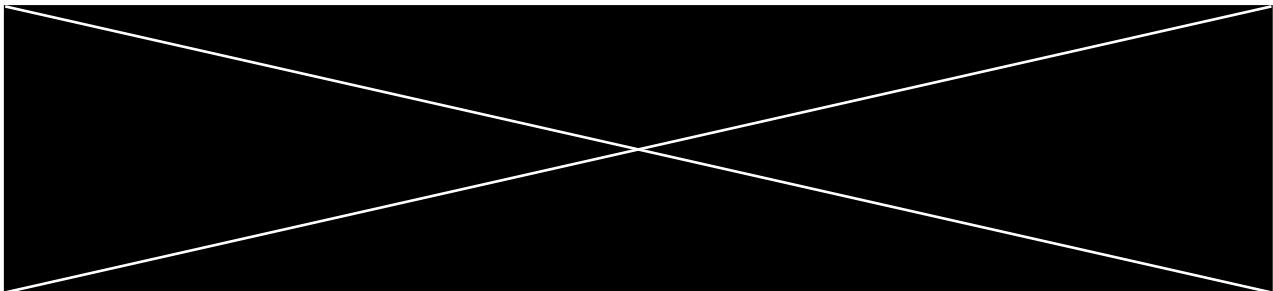
46. The Republic of Cuba has been a totalitarian Communist state since before Defendant naturalized.

47. The Communist Party has been constitutionally recognized, per the terms of the Cuban Constitution, as Cuba's only legal political party since before Defendant naturalized.

48. The Communist Party and its affiliated organizations have controlled the Cuban government since before Defendant naturalized.

49. Rocha was attending a student program in Chile in 1973 when he was first approached by and started conspiring to 

50. Rocha completed a master's degree in public administration from Harvard University in 1976 and a master's degree in international relations from Georgetown University in 1978 to 

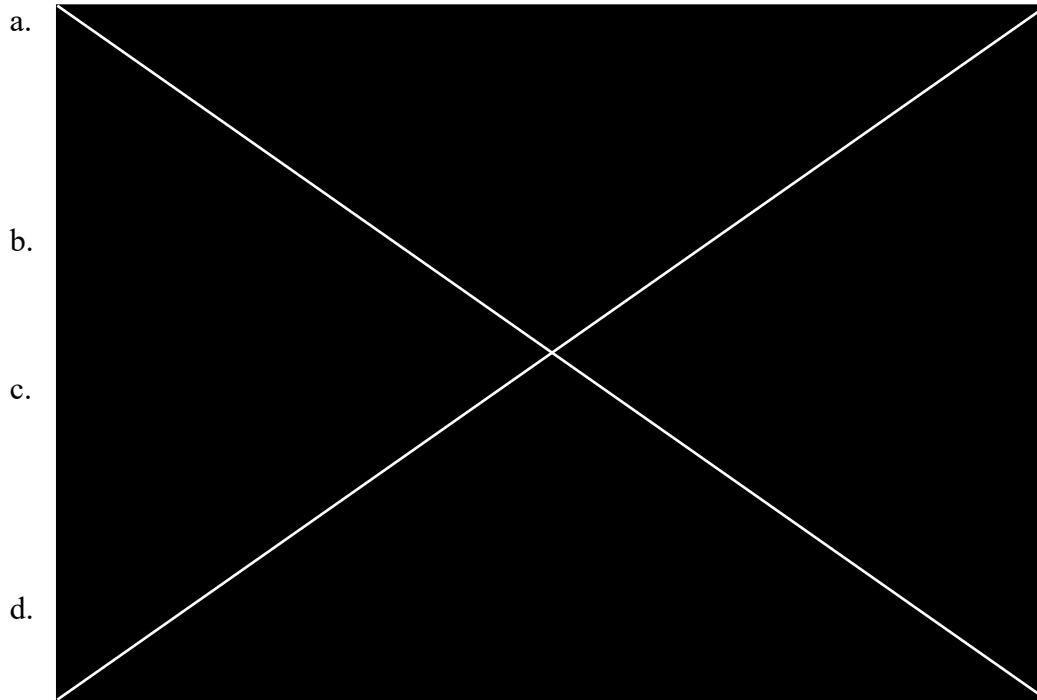


53. Over the following years, Rocha served in numerous diplomatic positions in several countries in Latin America.

54. On December 5, 2023, Rocha was charged by indictment in the United States District Court for the Southern District of Florida with Conspiracy to Act as an Agent of a Foreign Government and to Defraud the United States, in violation of 18 U.S.C. § 371; Acting as an Illegal Agent of a Foreign Government, in violation of 18 U.S.C. § 951; five counts of Wire Fraud, in violation of 18 U.S.C. § 1343; three counts of Making a False Statement in a Passport Application, in violation of 18 U.S.C. § 1542; four counts of Use of a Passport Obtained by a False Statement, in violation of 18 U.S.C. § 1542, and False Statement and Representation, in violation of 18 U.S.C. § 1001(a)(2). Indictment, *United States v. Rocha*, No. 1:23-cr-20464-Bloom (S.D. Fla. Dec. 5, 2023) (“Indictment”).

55. A true and complete copy of the Indictment is attached as Exhibit F.

56. In the Indictment, the government alleged:



Ex. F at 4, 9.

57. On April 12, 2024, Rocha signed a Plea Agreement and agreed to plead guilty to Conspiracy to Act as an Agent of a Foreign Government and to Defraud the United States, in violation of 18 U.S.C. § 371, and Acting as an Illegal Agent of a Foreign Government, in violation of 18 U.S.C. § 951. Plea Agreement, *United States v. Rocha*, No. 1:23-cr-20464-Bloom (S.D. Fla. Apr. 12, 2024), ECF No. 34 (“Plea Agreement”).

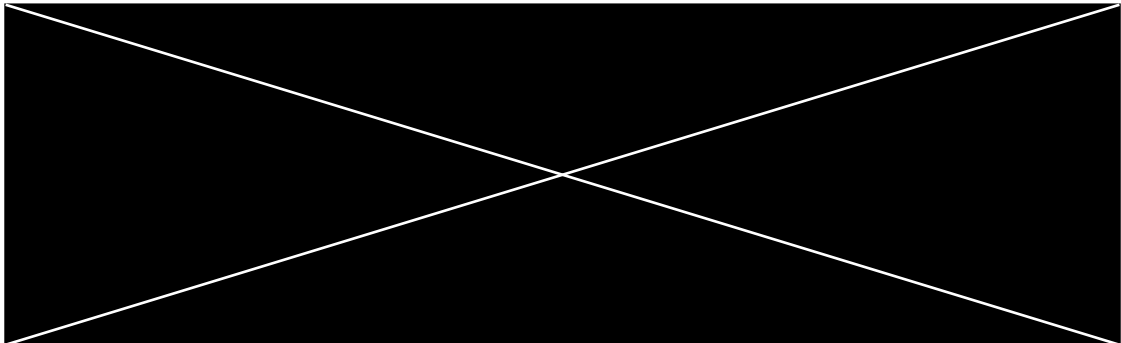
58. A true and complete copy of the Plea Agreement, except for redactions of personally identifiable information immaterial to this action, is attached as Exhibit G.

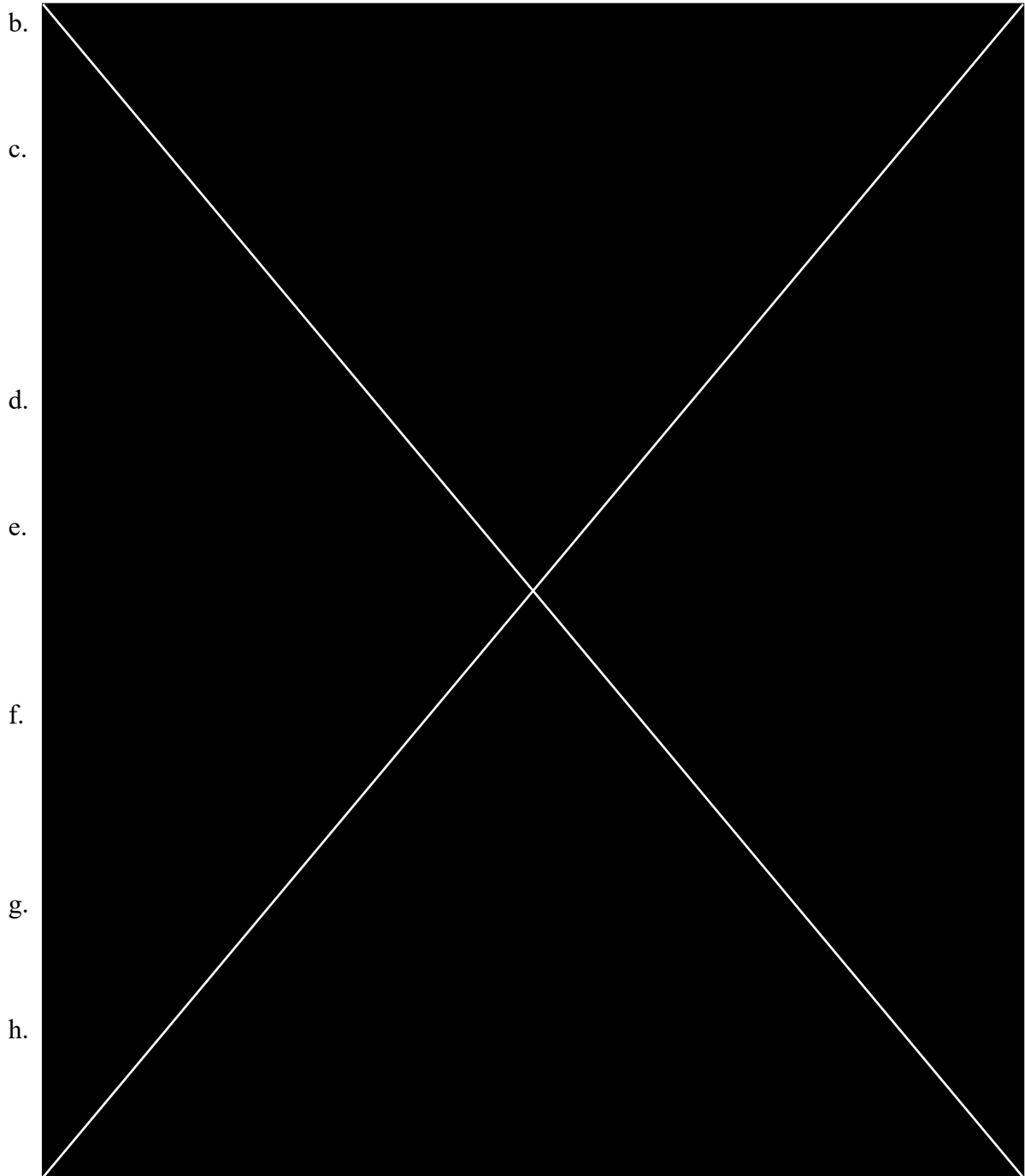
59. The Plea Agreement states: “The parties agree that neither this agreement nor any other applicable statute of limitations precludes the government from initiating civil denaturalization proceedings and from relying on any admission in this matter in such proceeding.” Ex. G ¶ 19.

60. On April 12, 2024, Rocha signed a Factual Proffer that was filed with the Plea Agreement. Factual Proffer, *United States v. Rocha*, No. 1:23-cr-20464-Bloom (S.D. Fla. Apr. 12, 2024), ECF No. 33 (“Factual Proffer”).

61. A true and complete copy of the Factual Proffer is attached as Exhibit H.

62. In the Factual Proffer, Rocha admitted and conceded the following:

a. 



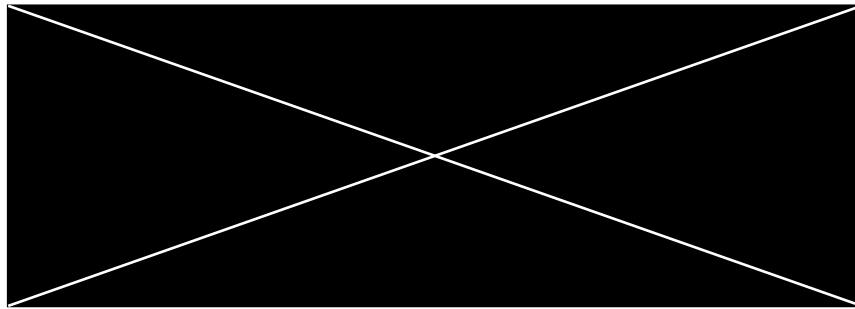
Ex. H at 1–2.

63. On April 12, 2024, the District Court held a plea colloquy and sentencing hearing (“Plea Hearing”) at which Rocha pleaded guilty to Conspiracy to Act as an Agent of a Foreign Government and to Defraud the United States, in violation of 18 U.S.C. § 371; and Acting as an

Illegal Agent of a Foreign Government, in violation of 18 U.S.C. § 951. Tr. of Plea Colloquy & Sentencing Hr'g, *United States v. Rocha*, No. 23-cr-20464-Bloom (S.D. Fla. May 21, 2024), ECF No. 38.

64. A true and complete copy of the Transcript of the Plea Colloquy and Sentencing Hearing is attached as Exhibit I.

65. At the Plea Hearing, Assistant United States Attorney Jonathan D. Stratton read facts from the factual proffer, which are described above in Paragraph 62, including:



Ex. I 64:13–20.

66. At the Plea Hearing, immediately after Assistant United States Attorney Stratton read the factual proffer described in Paragraph 60, the Court and Rocha had the following colloquy:

THE COURT: . . . Mr. Rocha, did you hear the statement of facts [the government attorney] presented to the Court?

THE DEFENDANT: I did, Your Honor.

THE COURT: Are those facts true, sir?

THE DEFENDANT: They are, Your Honor.

THE COURT: The Court has before it a Factual Proffer. As I stated previously, this Factual Proffer consists of 14 pages. Did you ready [sic] it completely?

THE DEFENDANT: I did, Your Honor.

THE COURT: Did you understand every word?

THE DEFENDANT: I did, Your Honor.

THE COURT: Did [your attorney] answer all of your questions?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Are the facts contained on these 14 pages true?

THE DEFENDANT: Yes, Your Honor.

THE COURT: And is this your signature on the thirteenth page, sir?

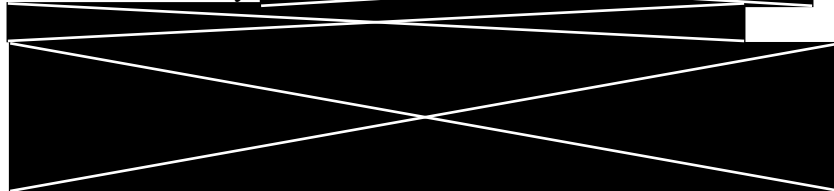
THE DEFENDANT: It is, Your Honor.

Ex. I 80:24–81:10.

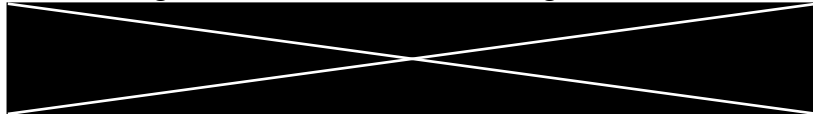
67. At the Plea Hearing, the Court explained to Rocha:

THE COURT: Mr. Rocha, let me state that the Court is going to sentence you to the maximum permitted by law. It is appropriate.

For 51 years, you betrayed the United States. While your sentiments may have been influenced by politics, as recent as 2022 and 2023, by 



The facts bear out that you became a naturalized citizen in 1978. And by your own admission, your allegiance to Cuba, and your lack of allegiance to the United States, began well before that.



Ex. I 87:15–21.

68. At the Plea Hearing, the Court explained to Rocha:

THE COURT: I don't know if the Government will proceed with denaturalization proceedings, but that will be a collateral consequence. It would appear to this Court that one who continues to support an enemy of the United States should not

be granted that privilege. It was, in essence, an ill-gotten privilege.

Ex. I 90:1–6.

69. The Court adjudicated Rocha guilty of Conspiracy to Act as an Agent of a Foreign Government and to Defraud the United States, in violation of 18 U.S.C. § 371, and Acting as an Illegal Agent of a Foreign Government, in violation of 18 U.S.C. § 951. Judgment, *United States v. Rocha*, No. 23-cr-20464-Bloom (S.D. Fla. May 21, 2024), ECF No. 36 (“Judgment”).

70. A true and complete copy of the Judgment is attached as Exhibit J.

71. The Court sentenced Rocha to 60 months on the former count and 120 months on the latter count, to be served consecutively.

72. Rocha is serving the sentence at FCI Coleman in Sumter County, Florida.

GOVERNING LAW

I. Statutory Prerequisites to the Acquisition of Citizenship through Naturalization

73. 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).

74. 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)).

75. Congress has mandated that an individual may not naturalize unless they are “attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States.” 8 U.S.C. § 1427 (1976).

76. Congress has mandated that an individual may not naturalize if that person is affiliated with the Communist Party of any foreign state unless such person establishes that he did not have knowledge or reason to believe at the time he became affiliated that such organization was a “Communist-front organization.” 8 U.S.C. § 1424(a)(2) (1976).

77. Congress has mandated that an individual may not naturalize if that person advocates for or is affiliated with any organization that advocates for the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship. 8 U.S.C. § 1424(a)(3) (1976).

78. Congress has mandated that an individual may not naturalize if that person at any time within a period of ten years immediately preceding the filing of the petition for naturalization or after such filing and before taking the final oath of citizenship is, or has been found to be within any of the classes enumerated within 8 U.S.C. § 1424(a)(2) or (3), notwithstanding that at the time the petition is filed he may not be included within such classes. 8 U.S.C. § 1424(c) (1976).

79. Congress has mandated that an individual may not naturalize unless that person “during all periods referred to in [8 U.S.C. § 1427 (1976)] has been and still is a person of good moral character.” 8 U.S.C. § 1427 (1976).

80. The required statutory period for good moral character begins five years before the date the applicant files a naturalization petition and continues until the applicant takes the Oath of Allegiance and becomes a U.S. citizen. 8 U.S.C. § 1427 (1976).

81. Congress has 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) (1976).

II. The Denaturalization Statute

82. 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.

83. Under 8 U.S.C. § 1451(a), this Court must revoke an order of naturalization and cancel an 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.

84. Failure to comply with any of the congressionally imposed prerequisites to the acquisition of citizenship through naturalization renders the order granting citizenship “illegally procured.” *Fedorenko*, 449 U.S. at 506.

85. Naturalization has been 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).

86. Congress has mandated that, if a defendant, within five years after naturalization, becomes a member of or affiliated with any organization that, at the time of naturalization, would have precluded such person from naturalization under 8 U.S.C. § 1424 (1976), the affiliation or membership shall be prima facie evidence that the person was not attached to the principles of the Constitution of the United States and was not well-disposed to the good order and happiness of the United State at the time of naturalization and, therefore, in the absence of

countervailing evidence, such affiliation or membership shall be sufficient to authorize the revocation of the person's naturalization and cancellation of that person's certificate of naturalization as having been obtained by the concealment of a material fact or willful misrepresentation. 8 U.S.C. § 1451(c).

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

CAUSES OF ACTION

COUNT I **ILLEGAL PROCUREMENT OF NATURALIZATION** **(Lack of Good Moral Character – False Testimony)**

88. Rocha was required for lawful naturalization to establish that he was a person of good moral character from January 20, 1973, five years before he filed his naturalization petition, until the date he became a U.S. citizen on September 17, 1978 (the "statutory period"). 8 U.S.C. § 1427 (1976).

89. Rocha was statutorily barred from showing that he was a person of good moral character during the statutory period because he gave false testimony, under oath, for the purpose of obtaining immigration benefits, namely naturalization. 8 U.S.C. § 1101(f)(6) (1976).

90. As alleged in Paragraph 23, Rocha orally testified under oath on January 20, 1978, for the purpose of obtaining naturalization that he had never, in or outside the United States, knowingly committed any crime for which he had not been arrested.

91. Rocha's testimony, as alleged in Paragraph 90, was false because, as described in Paragraphs 45, 56, 62, 65, and 67, he unlawfully conspired to act as a secret agent of Cuba and to defraud the United States starting in 1973 and continuing through his naturalization proceedings.

92. Rocha's testimony, as alleged in Paragraph 90, was false also because, as alleged in Paragraphs 119 and 120, he committed the unlawful act of perjury when he provided false testimony under oath at his naturalization examination.

93. Rocha's testimony, as alleged in Paragraph 90, was false also because, as alleged in Paragraphs 121 to 123, he made a false declaration under oath to the United States District Court for the Eastern District of Virginia when he took the Oath of Allegiance.

94. As alleged in Paragraph 24, Rocha orally testified under oath on January 20, 1978, for the purpose of obtaining naturalization that he had never been affiliated with any party in the United States or in any other country or place.

95. As alleged in Paragraph 25, Rocha orally testified under oath on January 20, 1978, for the purpose of obtaining naturalization that he had never been connected or associated with the Communist Party.

96. As alleged in Paragraph 26, Rocha orally testified under oath on January 20, 1978, for the purpose of obtaining naturalization that he had never knowingly aided or supported the Communist Party directly or indirectly through any other organization, group, or person.

97. As alleged in Paragraph 27, Rocha orally testified under oath on January 20, 1978, for the purpose of obtaining naturalization that he had never advocated, taught, believed in, or knowingly supported or further the interests of Communism.

98. As alleged in Paragraph 28, Rocha orally testified under oath for the purpose of obtaining naturalization that he believed in the U.S. Constitution and the form of government of the United States.

99. Rocha's testimony, as alleged in Paragraphs 94 to 98, was false because, as described in Paragraphs 45, 56, 62, 65, and 67 starting in 1973 and continuing through his naturalization proceedings, he unlawfully conspired to act as a secret agent of Cuba; was affiliated, connected, and associated with the Communist Party in Cuba; and, through his clandestine activities, knowingly worked to aid, support, advocate for, and further the interests of the Communist Party and communism while defrauding the United States and undermining the U.S. Constitution and the form of government in the United States,.

100. Rocha's false testimony occurred on January 20, 1978, which was during the statutory period of his naturalization.

101. Because Rocha provided false, oral testimony under oath for the purpose of obtaining naturalization during the statutory period when he was required to show good moral character, he was barred under 8 U.S.C. § 1101(f)(6) (1976) from establishing that he had the good moral character necessary to become a naturalized U.S. citizen.

102. Because Rocha could not establish the requisite moral character under 8 U.S.C. § 1427 (1976), he was ineligible for naturalization.

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

COUNT II
ILLEGAL PROCUREMENT OF NATURALIZATION
(Lack of Good Moral Character –Crimes Involving Moral Turpitude)

104. As alleged in Paragraph 88, to lawfully naturalize, Rocha was required to establish that he was a person of good moral character from January 20, 1973, until September 17, 1978. 8 U.S.C. § 1427 (1976).

105. Rocha was statutorily barred from showing that he was a person of good moral character because he committed crimes involving moral turpitude during the statutory period and was convicted of those crimes. 8 U.S.C. § 1101(f)(3) (1976).

106. As alleged in Paragraphs 45, 56, 62, 65, and 67, Rocha started unlawfully conspiring to act as a secret agent of Cuba and to defraud the United States in 1973, which was during the statutory period.

107. As alleged in Paragraph 69, Rocha was convicted of Conspiracy to Act as an Agent of a Foreign Government and to Defraud the United States, in violation of 18 U.S.C. § 371, and Acting as an Illegal Agent of a Foreign Government, in violation of 18 U.S.C. § 951, both of which adversely reflected on his moral character.

108. Conspiracy to Defraud the United States, in violation of 18 U.S.C. § 371, categorically involves moral turpitude because, by definition, it involves fraud, namely “an intent to obtain some benefit” from or “cause a detriment” to the United States government. *Zarate v. U.S. Att’y Gen.*, 26 F.4th 1196, 1201 (11th Cir. 2022).

109. Conspiracy to Act as an Agent of a Foreign Government, in violation of 18 U.S.C. §§ 371 and 951, and Acting as an Illegal Agent of a Foreign Government, in violation of 18 U.S.C. § 951, both would entail the same exact analysis to determine whether they involve moral turpitude because inchoate offenses qualify as crimes involving moral turpitude so long as

the underlying offense does. *See, e.g., Daye v. Att’y Gen.*, 38 F.4th 1355, 1362 n.5 (11th Cir. 2022).

110. Acting as an Illegal Agent of a Foreign Government, in violation of 18 U.S.C. § 951, categorically involves moral turpitude because it involves a culpable mental statute and conduct that is “reprehensible, i.e. inherently base, vile, or depraved.” *Zarate*, 26 F.4th at 1207.

111. Rocha committed the crimes alleged in Paragraphs 107 and 109 during the statutory period during which he was required to demonstrate good moral character.

112. Rocha, therefore, could not demonstrate the good moral character for naturalization, which made him ineligible for naturalization.

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

COUNT III
ILLEGAL PROCUREMENT OF NATURALIZATION
(Lack of Good Moral Character – Unlawful Acts)

114. As alleged in Paragraph 88, to lawfully naturalize, Rocha was required to establish that he was a person of good moral character from January 20, 1973, until September 17, 1978. 8 U.S.C. § 1427 (1976).

115. In 1978, a naturalization applicant was required to demonstrate that his moral character “measured up to that of the average citizen in the community in which he resides.” *Brukiewicz v. Savoretti*, 211 F.2d 541 (5th Cir. 1954).

116. Rocha was unable to demonstrate that he was a person of good moral character because he committed unlawful acts during the statutory period that reflected adversely on his moral character. 8 U.S.C. § 1101(f) (flush language) (1976).

117. As alleged in Paragraphs 45, 56, 62, 65, and 67, Rocha started unlawfully conspiring to act as a secret agent of Cuba and to defraud the United States in 1973, which was during the statutory period.

118. As alleged in Paragraph 69, Rocha was convicted of Conspiracy to Act as an Agent of a Foreign Government and to Defraud the United States, in violation of 18 U.S.C. § 371, and Acting as an Illegal Agent of a Foreign Government, in violation of 18 U.S.C. § 951, both of which adversely reflected on his moral character.

119. As alleged in Paragraphs 90 to 99, Rocha knowingly provided false, oral testimony under oath in response to at least five questions at his naturalization examination on January 20, 1978.

120. Rocha's false testimony at his naturalization examination constituted perjury, in violation of 18 U.S.C. § 1621 (1976), because he was under oath, the statements were material, and he knew his statements were not true.

121. As alleged in Paragraph 42, Rocha took the Oath of Allegiance before a United States District Court Judge on September 17, 1978.

122. In taking the Oath of Allegiance, Rocha was required to swear, *inter alia*, that he will "support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic" and "will bear true faith and allegiance to the same." 8 U.S.C. § 1448 (1976); 8 C.F.R. § 337.1(a) (1978).

123. When Rocha took the Oath of Allegiance, he made a False Declaration Before Grand Jury or Court, in violation of 18 U.S.C. § 1623 (1976), because he was under oath, his statements were material, and, as evidenced by his conviction for conspiring to be a secret agent of Cuba and defraud the United States, he knew that he would not support and defend the

Constitution and laws of the United States of America against all enemies, foreign and domestic—including Cuba—and would not bear true faith and allegiance to the same.

124. Rocha committed the crimes alleged in Paragraphs 118, 120, and 123 during the statutory period during which he was required to demonstrate good moral character.

125. Each crime described in Paragraphs 118, 120, and 123 precluded Rocha from demonstrating that his moral character measured up to that of the average citizen in the community where he resided.

126. As evidenced by his conviction, Rocha could not establish extenuating circumstances that would mitigate his culpability for his crimes. *United States v. Jean-Baptiste*, 395 F. 3d 1190, 1195 (11th Cir. 2005) (describing and citing case history for extenuating circumstances pertaining to an applicant's culpability for a crime in determining good moral character).

127. Rocha, therefore, could not demonstrate the good moral character for naturalization, which made him ineligible for naturalization.

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

COUNT IV
ILLEGAL PROCUREMENT OF NATURALIZATION
(Not Attached to the Principles of the U.S. Constitution and Not Well-Disposed
to the Good Order and Happiness of the United States)

129. As alleged in Paragraph 75, Rocha was required for lawful naturalization to be attached to the principles of the Constitution of the United States and well-disposed to the good order and happiness of the United States. 8 U.S.C. § 1427 (1976).

130. Rocha was required to be attached to the U.S. Constitution to be able to take the Oath of Allegiance. 8 C.F.R. § 337.1(c) (1978).

131. Specifically, Rocha was required to establish, before being naturalized, “that it is his intention, in good faith, to assume and discharge the obligations of the oath of allegiance and that his attitude toward the Constitution and laws of the United States renders him capable of fulfilling the obligations of such oath.” 8 C.F.R. § 337.1(c) (1978).

132. Rocha was required to take an Oath of Allegiance before a United States District Court Judge. 8 U.S.C. § 1448(a) (1976); *see also Sebastian-Soler v. U.S. Att’y Gen.*, 409 F.3d 1280, 1284 (11th Cir. 2005) (explaining Oath of Allegiance requirements).

133. The Oath of Allegiance is more than a formality; it is a statutory necessity to naturalization. *Tovar-Alvarez v. U.S. Att’y Gen.*, 427 F.3d 1350, 1353 (11th Cir. 2005).

134. In taking the Oath of Allegiance, Rocha was required to swear, *inter alia*, that he will “support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic” and “will bear true faith and allegiance to the same.” 8 U.S.C. § 1448 (1976); 8 C.F.R. § 337.1(a) (1978).

135. Rocha was unable to demonstrate that he was attached to the principles of the Constitution of the United States and well-disposed to the good order and happiness of the United States because, as alleged in Paragraphs 45, 56, 62, 65, and 67, he unlawfully conspired to act as a secret agent of Cuba and, through his clandestine activities, worked to defraud the United States by undermining the U.S. Constitution and the form of government in the United States.

136. Because Rocha was not attached to the principles of the Constitution of the United States and was not well-disposed to the good order and happiness of the United States, he was ineligible for naturalization under 8 U.S.C. § 1427 (1976).

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

COUNT V
ILLEGAL PROCUREMENT OF NATURALIZATION
(Affiliated with Communist Party of Cuba)

138. As alleged in Paragraph 76, Rocha was barred from lawful naturalization if he was affiliated with the Communist Party of any foreign state unless such he established that he did not have knowledge or reason to believe at the time he became affiliated that such organization was a “Communist-front organization.” 8 U.S.C. § 1424(a)(2) (1976).

139. Rocha was statutorily barred from naturalization because, as alleged in Paragraphs 45, 56, 62, 65, and 67, he unlawfully conspired to act as a secret agent of Cuba and, thus, became affiliated with the Communist Party of Cuba, starting in 1973 and continuing through his naturalization proceedings.

140. Rocha knew when he conspired to act as a secret agent of Cuba that he became affiliated with the government of the Republic of Cuba and, thus, the Communist Party of Cuba.

141. Rocha’s affiliation with the Communist Party of Cuba was meaningful and was not involuntary, by operation of law, or for the purpose of obtaining employment, food rations, or other essentials of living. 8 U.S.C. § 1424(d) (1976).

142. Because Rocha became affiliated with the Communist Party of Cuba, he was barred from naturalization under 8 U.S.C. § 1424(a)(2) (1976).

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

COUNT VI
ILLEGAL PROCUREMENT OF NATURALIZATION
(Advocated for Communism)

144. As alleged in Paragraph 77, Rocha was barred from lawful naturalization if he advocated for or was affiliated with any organization that advocates for the economic, international, and governmental doctrines of world communism or the establishment in the United States of a totalitarian dictatorship. 8 U.S.C. § 1424(a)(3) (1976).

145. Rocha was statutorily barred from naturalization because, as alleged in Paragraphs 45, 56, 62, 65, and 67, he unlawfully conspired to act as a secret agent of Cuba and, through his clandestine activities, worked to defraud the United States by undermining the U.S. Constitution and the form of government in the United States, starting in 1973 and continuing through his naturalization proceedings.

146. Rocha advocated for the economic, international, and governmental doctrines of world communism by conspiring as a secret agent to conduct clandestine activities on behalf of Cuba and, thus, the Communist Party of Cuba.

147. When Rocha conspired to act as a secret agent of Cuba and, thus, became affiliated with the Communist Party of Cuba, he became affiliated with an organization that advocated for the economic, international, and governmental doctrines of world communism.

148. Rocha's advocating for affiliation with the Communist Party of Cuba was meaningful and was not involuntary, by operation of law, or for the purpose of obtaining employment, food rations, or other essentials of living. 8 U.S.C. § 1424(d) (1976).

149. Because Rocha advocated for and became affiliated with an organization that advocated for the economic, international, and governmental doctrines of world communism, he was barred from naturalization under 8 U.S.C. § 1424(a)(3) (1976).

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

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

151. Under 8 U.S.C. § 1451(a), this Court must revoke and set aside the order admitting Rocha to citizenship and cancel his Certificate of Naturalization because he procured his naturalization by concealment of material facts or by willful misrepresentations.

152. As alleged in Paragraphs 90 to 93, during the naturalization process Rocha willfully misrepresented and concealed that he had committed crimes for which he had not been arrested.

153. As alleged in Paragraphs 94 and 99, during the naturalization process Rocha willfully misrepresented and concealed that he had had been affiliated with the Communist Party of Cuba.

154. As alleged in Paragraphs 95 and 99, during the naturalization process Rocha willfully misrepresented and concealed that he was connected and associated with the Communist Party of Cuba.

155. As alleged in Paragraphs 96 and 99, during the naturalization process Rocha willfully misrepresented and concealed that he knowingly aided and supported the Communist Party of Cuba.

156. As alleged in Paragraphs 97 and 99, during the naturalization process Rocha willfully misrepresented and concealed that he advocated for, believed in, and knowingly supported and furthered the interests of communism.

157. As alleged in Paragraphs 98 and 99, during the naturalization process Rocha willfully misrepresented and concealed that he did not believe in the U.S. Constitution and the form of government of the United States.

158. Rocha's testimony, as alleged in Paragraphs 94 to 98, was false because, as described in Paragraphs 45, 56, 62, 65, and 67, starting in 1973 and continuing through his naturalization proceedings, Rocha unlawfully conspired to act as a secret agent of Cuba and, thus, was affiliated with the Communist Party in Cuba, and, through his clandestine activities on its behalf, Rocha worked to defraud the United States by undermining the U.S. Constitution and the form of government in the United States.

159. Rocha misrepresented and concealed these facts to procure naturalization.

160. Rocha made the concealments and misrepresentations voluntarily despite knowing that such representations were false and misleading. Accordingly, Rocha made these representations willfully.

161. At no point during the naturalization process did Rocha disclose that he was conspiring to serve as a secret agent for the Republic of Cuba and conspiring to defraud the United States.

162. Rocha's misrepresentations and concealments were material to his Naturalization Application, because each would have had a natural tendency to influence the INS's recommendation on Rocha's Naturalization Petition and the United States District Court's decision on whether to enter an order granting his Naturalization Petition.

163. If the INS had known that Rocha was conspiring to serve as a secret agent of the Republic of Cuba, the INS would not have recommended Rocha for naturalization because he was not qualified to be naturalized under 8 U.S.C. §§ 1424(a)(2), 1424(a)(3), and 1427 (1976).

164. Indeed, if the United States District Court had known that Rocha was conspiring to serve as a secret agent of the Republic of Cuba, the Court would not have granted Rocha's Naturalization Petition because he was not qualified to naturalize under 8 U.S.C. §§ 1424(a)(2), 1424(a)(3), and 1427 (1976).

165. Further, as alleged in Paragraphs 51 to 53, after Rocha naturalized, he assumed positions of trust with the U.S. Department of State during the five years after he naturalized.

166. In these positions, Rocha was able to gather and share information with the Republic of Cuba while he worked as a secret agent.

167. Rocha's secret work for the Republic of Cuba and, thus, his affiliation with the Communist Party of Cuba, within the five years after he naturalized, which would have precluded him from naturalization under 8 U.S.C. § 1424, is prima facie evidence that Rocha obtained naturalization by concealment of a material fact or willful misrepresentation.

168. Rocha therefore procured his naturalization by concealment of material facts and willful misrepresentations, and this Court must revoke his naturalization as a U.S. citizen under 8 U.S.C. § 1451(a).

PRAYER FOR RELIEF

WHEREFORE, the United States of America respectfully requests:

- (1) A declaration that Rocha illegally procured his U.S. citizenship;
- (2) A declaration that Rocha procured his U.S. citizenship by concealment of material facts and by willful misrepresentation;
- (3) Judgment revoking and setting aside the order admitting Rocha to citizenship and canceling Certificate of Naturalization No. , effective as of the original date of the order and certificate, September 17, 1978.

(4) Judgment forever restraining and enjoining Rocha from claiming any rights, privileges, benefits, or advantages related to U.S. citizenship that he obtained as a result of his September 17, 1978, naturalization;

(5) Judgment requiring the Rocha to surrender and deliver, within ten days of entry 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 Acting Attorney General, through his undersigned representative;

(6) Judgment requiring the Rocha to immediately surrender and deliver, within ten days of entry of Judgment, any other indicia of U.S. citizenship, including, but not limited to, U.S. passports (whether valid or expired), U.S. passport cards (whether valid or expired), and Enhanced Driver's Licenses (whether valid or expired), 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 Acting Attorney General through his undersigned representative; and

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

Dated: May 7, 2026

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