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

CASE NO. 1:26cv25974

UNITED STATES OF AMERICA, Plaintiff, vs. YUSMARY SHIRLEY DURAN MEJIA, Defendant.	**COMPLAINT TO REVOKE NATURALIZATION**

I. PRELIMINARY STATEMENT

The United States of America brings this civil action against Defendant Yusmary Shirley Duran Mejia ("Defendant"), to revoke her naturalized U.S. citizenship. This action under 8 U.S.C. § 1451(a) is based on Defendant's criminal conduct prior to naturalizing, for which she was charged and convicted after naturalizing. Beginning almost five years before she filed her application for naturalization and became a citizen of the United States, Defendant engaged in criminal activity that she concealed throughout the naturalization process and that disqualified her from U.S. citizenship.

Although Defendant was required to establish good moral character in the statutory period between 2013 and 2018, beginning in approximately August 2013, Defendant conspired with a co-defendant to engage in financial transactions involving the proceeds of computer fraud for the purpose of concealing and disguising the nature, location, source, ownership, and control of the proceeds, and to avoid transaction reporting requirements imposed by federal and state law. When Defendant filed her naturalization application in April 2018 and was interviewed in

October 2018, she stated that she had never committed a crime for which she had not been arrested. About a year later, on November 18, 2019, she pleaded guilty to—and was ultimately convicted of—conspiracy to commit money laundering in violation of 18 U.S.C. § 1956(h). Because of Defendant's fraudulent conspiracy, which she misrepresented and concealed throughout her naturalization proceedings, she was ineligible for naturalization and thus procured her citizenship unlawfully. Additionally, because Defendant withheld her prior crime from the government throughout her naturalization proceedings, she also procured her citizenship by concealment of a material fact or by willful misrepresentation. Accordingly, Defendant unlawfully naturalized, and this Court must order the denaturalization of Defendant.

II. PARTIES, JURISDICTION, AND VENUE

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

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

3. Venue is proper in this District under 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391, because Defendant can be found in and resides in this District.

4. Plaintiff is the United States of America, suing on behalf of itself.

5. Defendant is a native of Colombia and obtained her U.S. citizenship through naturalization.

6. Defendant's last known address of residence is in Miami-Dade County, Florida.

III. FACTUAL BACKGROUND

7. The affidavit of Tony Praznik, a Special Agent with U.S. Homeland Security Investigations, a component of the U.S. Department of Homeland Security, showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached hereto as Exhibit A.

A. Defendant Entered the United States in 2007 And Became a Lawful Permanent Resident

8. Defendant was born in 1979, in Colombia.

9. On September 20, 2006, Defendant's United States citizen husband, Leonardo Betancourt, submitted Form I-130, Immigration Petition for Relative, Fiancée, or Orphan ("I-130").

10. On December 14, 2006, U.S. Citizenship and Immigration Services ("USCIS") approved Betancourt's I-130 Petition.

11. Betancourt filed Form I-129F, Petition for Alien Fiancée, which USCIS approved on February 23, 2007.

12. On May 14, 2007, Defendant entered the United States on a K3 non-immigrant visa for Spouse of U.S. Citizen.

13. On June 19, 2007, Defendant filed with USCIS Form I-485, Application to Register Permanent Residents or Adjust Status ("Adjustment Application").

14. A true and accurate copy of Defendant's Form I-485 Adjustment Application, except for redactions of immaterial personally identifying information, is attached hereto as Exhibit B.

15. Defendant had signed the Adjustment Application under penalty of perjury, thereby certifying that her answers to the questions therein were true and correct, on June 8, 2007.

16. On December 17, 2007, USCIS approved Defendant's Adjustment Application based on the information in the application, her testimony at the adjustment of status interview, and the documentary evidence she provided.

17. On September 15, 2009, Defendant submitted Form I-751, Petition to Remove Conditions on Residence ("I-751").

18. USCIS approved Defendant's I-751 on February 12, 2010.

B. Defendant Applied For Naturalization And Became a Naturalized Citizen in 2018

19. On April 18, 2018, Defendant applied to naturalize and become a U.S. citizen by filing Form N-400, Application for Naturalization ("Naturalization Application") with USCIS.

20. A true and accurate copy of Defendant's Naturalization Application, except for redactions of immaterial personally identifying information, is attached hereto as Exhibit C.

21. On her Naturalization Application, Defendant checked "No" in response to Part 12, Question 22, which asked: "Have you **EVER** committed a crime or offense for which you were **NOT** arrested?"

22. On her Naturalization Application, Defendant checked "No" in response to Part 12, Question 32, which asked: "Have you **EVER** lied to any U.S. Government officials to gain entry or admission into the United States or to gain immigration benefits while in the United States?"

23. On or about April 18, 2018, Defendant signed the Naturalization Application under penalty of perjury, thereby certifying that her answers to the questions therein were true and correct.

24. On October 16, 2018, B. Martinez, an officer with USCIS, orally interviewed Defendant regarding her Naturalization Application to determine her eligibility for

naturalization. See Certified Form N-400 at 4-47; Declaration of B. Martinez (attached hereto as Exhibit D).

25. At the beginning of the interview, Officer Martinez placed Defendant under oath.

26. During the interview, Officer Martinez asked Defendant, consistent with Part 12, Question 22 of Defendant's Naturalization Application, whether she had ever committed a crime or offense for which she was not arrested.

27. Defendant orally confirmed her written response to Part 12, Question 22 of her Naturalization Application, testifying under oath that she had never committed a crime or offense for which she was not arrested.

28. During the interview, Officer Martinez asked Defendant, consistent with Part 12, Question 32 of Defendant's Naturalization Application, whether she had ever lied to any U.S. Government officials to gain entry or admission into the United States or to gain immigration benefits while in the United States.

29. Defendant orally confirmed her written response to Part 12, Question 32 of her Naturalization Application, testifying under oath that she had never lied to any U.S. Government officials to gain entry or admission into the United States or to gain immigration benefits while in the United States.

30. At no point during the naturalization process did Defendant disclose to USCIS that she had engaged in a conspiracy to commit money laundering.

31. At the end of the interview, Defendant certified under penalty of perjury that her Naturalization Application, including the testimony she provided at the interview, was complete, true, and correct.

32. Based on the information in her Naturalization Application, her testimony at the naturalization interview, and the documentary evidence provided, USCIS recommended Defendant's Naturalization Application for approval on October 16, 2018, and scheduled her for a Naturalization Oath Ceremony on October 27, 2018.

33. Before taking the Oath of Allegiance, Defendant submitted Form N-445, Notice of Naturalization Oath Ceremony to USCIS.

34. On October 27, 2018, Defendant took the Oath of Allegiance to become a U.S. citizen and was issued Certificate of Naturalization No. [redacted].

35. A true and accurate copy of Defendant's Certificate of Naturalization, except for redactions of immaterial personally identify information, is attached hereto as Exhibit E.

C. Defendant Was Convicted in 2020 For Her Participation In A Conspiracy to Commit Money Laundering Offenses That Took Place Between 2013 And 2018

36. On July 16, 2019, Defendant was charged in an Indictment with, among other charges, Conspiracy to Commit Money Laundering Offenses, in violation of 18 U.S.C. §§ 1956, 1957. See Indictment, United States v. Michael Aleu, et al., No. 1:19-cr-20435-DPG (S.D. Fla. July 16, 2019), ECF No. 3.

37. A true and accurate copy of the Indictment, except for redactions of immaterial personally identifying information, is attached hereto as Exhibit F.

38. The conduct charged in the Indictment as Conspiracy to Commit Money Laundering Offenses all occurred between January 2011 and October 2018.

39. On November 18, 2019, Defendant and her attorney signed a Plea Agreement that was filed in her criminal case.

40. A true and accurate copy of the Plea Agreement, United States v. Yusmary Shirley Duran, a/k/a Yusmary S. Duran Mejia, No. 1:19-cr-20435 (S.D. Fla. Nov. 18, 2019), ECF No.

113 ("Plea Agreement"), except for redactions of immaterial personally identifying information, is attached here to as Exhibit G.

41. On November 18, 2019, Defendant also signed a Stipulated Factual Proffer that was filed in her criminal case.

42. A true and accurate copy of the Stipulated Factual Proffer, **United States v. Yusmary Shirley Duran, a/k/a Yusmary S. Duran Mejia**, No. 1:19-cr-20435 (S.D. Fla. Nov. 18, 2019), ECF No. 112 ("Factual Proffer"), except for redactions of immaterial personally identifying information, is attached hereto as Exhibit H.

43. On November 18, 2019, Defendant pleaded guilty to Conspiracy to Commit Money Laundering Offenses, in violation of 18 U.S.C. §§ 1956(a)(B)(i) and (ii), 1956(h), 1957.

44. In the Factual Proffer, the parties agreed that "if this case were to go to trial, the United States would establish the following facts beyond a reasonable doubt," and it states the following:

a. At all material times, Defendant resided with her co-defendant, Leonardo Betancourt ("Betancourt"), in Miami, Florida.

b. Between January 2011 and May 2015, Betancourt was employed as a Video Technician at Miccosukee Gaming, where he serviced electronic gaming machines ("EGMs").

c. Betancourt and other co-defendants, who were also employees of Miccosukee Gaming, used wires attached to points within certain EGMs to cause those EGMs to generate and record false and fraudulent "coin-in" amounts totaling thousands of dollars, to generate false and fraudulent credit vouchers for the

"coin-in" amounts, and presented the vouchers to Miccosukee Gaming for cash.

d. The cash that Betancourt and his co-defendants obtained was the proceeds of computer fraud, in violation of 18 U.S.C. § 1030(a)(4).

e. Beginning in at least August 2013 and through November 2018, Defendant and Betancourt conspired to engage in financial transactions of more than $10,000 involving the proceeds of computer fraud (hereinafter "proceeds") for the purpose of concealing and disguising the nature, location, source, ownership, and control of the proceeds, and to avoid transaction reporting requirements imposed by federal and state law.

f. Defendant knew that Betancourt had unlawfully obtained the initial cash proceeds from Miccosukee Gaming.

g. Together, Defendant and Betancourt laundered at least $147,591.33 in proceeds of computer fraud.

h. In particular, Defendant:

   i. Made a $6,000 down payment on a 2014 Nissan Pathfinder;

   ii. Opened a bank account with BB&T Bank into which she deposited a total of $4,000, which she knew to be the proceeds of unlawful activity;

   iii. Opened a second bank account with BB&T Bank into which she deposited a total of $32,000, which she knew to be the proceeds of unlawful activity;

   iv. Transferred over $28,000 from one of her bank accounts to the Florida Prepaid College Plan in her name;

   v. With Betancourt, used over $74,000 to make monthly mortgage payments;

vi. Used over $22,000 to make payments on her BB&T credit card; and

vii. With Betancourt, used over $15,000 to make cash payments on Betancourt's Bank of America credit card and on Defendant's Bank of America credit card.

45. On July 28, 2020, the District Court for the Southern District of Florida convicted Defendant of one count of Conspiracy to Commit Money Laundering Offenses, in violation of 18 U.S.C. § 1956.

46. A true and accurate copy of the Judgment in a Criminal Case, **United States v. Yusmary Shirley Duran, a/k/a Yusmary S. Duran Mejia**, No. 1:19-cr-20435 (S.D. Fla. July 28, 2020), ECF No. 344 ("Judgment"), except for redactions of immaterial personally identifying information, is attached hereto as Exhibit 1.

47. Defendant was sentenced to a prison term of ninety days as well as three years of supervised release following her imprisonment.

48. Defendant was also sentenced to pay criminal monetary penalties totaling $147,591.33 in restitution.

IV. GOVERNING LAW

A. Congressionally Imposed Prerequisites to the Acquisition of U.S. Citizenship.

49. No individual has a right to naturalization "unless all statutory requirements are complied with." **United States v. Ginsberg**, 243 U.S. 472, 474-75 (1917). Indeed, the Supreme Court has underscored that "[t]here must be strict compliance with all the congressionally imposed prerequisites to the acquisition of citizenship." **Fedorenko v. United States**, 449 U.S. 490, 506 (1981); **see also id.** (an individual "who seeks political rights as a member of

the Nation can rightfully obtain them only upon the terms and conditions specified by Congress.") (quoting Ginsberg, 243 U.S. at 474).

50. Among other requirements, Congress has mandated that an individual may not naturalize unless that person "during all the periods referred to in this subsection has been and still is a person of good moral character . . . ." See 8 U.S.C. § 1427(a)(3). The required statutory period for good moral character begins five years before the date the applicant files the application for naturalization, and it continues until the applicant takes the oath of allegiance and becomes a U.S. citizen. Id.; 8 C.F.R. § 316.10(a).

51. Although Congress has not specifically defined what constitutes good moral character for naturalization purposes, the Immigration and Nationality Act ("INA") lists certain classes of applicants who cannot be found to have the requisite good moral character. 8 U.S.C. § 1101(f).

52. Congress has explicitly precluded individuals who give false testimony for the purpose of obtaining immigration benefits from being able to establish the good moral character necessary to naturalize. 8 U.S.C. § 1101(f)(6).

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

54. Individuals who commit unlawful acts adversely reflecting upon their moral character cannot meet the good moral character requirement, unless they prove that extenuating circumstances existed. See 8 C.F.R § 316.10(b)(3)(iii); 8 U.S.C. § 1101(f).

55. An individual unlawfully procured naturalization if he or she committed unlawful acts during the statutory period, even if he or she was convicted of those crimes after being

granted citizenship. See United States v. Jean-Baptiste, 395 F.3d 1190, 1193-94 (11th Cir. 2005).

B. The Denaturalization Statute

56. 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.

57. 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.

58. 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.

59. 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. See Kungys v. United States, 485 U.S. 759, 767 (1988).

60. Where the government establishes that a 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 LACK OF GOOD MORAL CHARACTER (UNLAWFUL ACTS)

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

62. To be eligible for naturalization, Defendant was required to establish that she was a person of good moral character from April 18, 2013—five years prior to the date on which she filed her naturalization application—until the date she became a U.S. citizen, October 27, 2018.

63. Defendant could not establish the requisite good moral character for naturalization because she committed unlawful acts during the statutory period that reflected adversely on her moral character, and there were no extenuating circumstances that would lessen her guilt. 8 U.S.C. § 1101(f); 8 C.F.R. § 316.10(b)(3)(iii).

64. Specifically, as set forth above at paragraph 44, beginning in August 2013 and continuing until November 2018, Defendant conspired with another co-defendant to launder the proceeds of computer fraud in the amount of over $147,000.

65. On November 18, 2019, Defendant pleaded guilty to the crime of Conspiracy to Commit Money Laundering Offenses, in violation of 18 U.S.C. § 1956.

66. Defendant committed the crime of Conspiracy to Commit Money Laundering Offenses within the statutory period.

67. The crime of Conspiracy to Commit Money Laundering Offenses is a crime that adversely reflected upon Defendant's moral character.

68. Defendant cannot establish extenuating circumstances regarding the conspiratorial conduct and fraudulent acts underlying her guilty plea pursuant to 18 U.S.C. § 1956 that would render her conduct less reprehensible than it otherwise would be or that tend to palliate or mitigate her guilt. She therefore cannot avoid the regulatory bar on establishing good moral character found in 8 C.F.R. § 316.10(b)(3)(iii).

69. The regulatory "unlawful acts" bar on establishing good moral character found in 8 C.F.R. § 316.10(b)(3)(iii) applies to Defendant.

70. Defendant's unlawful conduct precluded her under 8 U.S.C. § 1101(f) and 8 C.F.R. § 316.10(b)(3)(iii) from showing that she had the good moral character necessary to become a naturalized U.S. citizen.

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

72. Because Defendant was ineligible to naturalize, she illegally procured her naturalization.

73. Because Defendant illegally procured her naturalization, this Court must revoke her citizenship, as provided for by 8 U.S.C. § 1451(a).

COUNT II

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (FALSE TESTIMONY)

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

75. To be eligible for naturalization, Defendant was required to establish that she was a person of good moral character from April 18, 2013—five years prior to the date on which she filed her naturalization application—until the date she became a U.S. citizen, October 27, 2018.

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

77. During the statutory period, Defendant provided false testimony for the purpose of obtaining an immigration benefit when she swore, orally and under oath, during her October 16, 2018 naturalization interview, that she had never committed a crime or offense for which she had not been arrested.

78. During the statutory period, Defendant provided false testimony for the purpose of obtaining an immigration benefit when she swore, orally and under oath, during her October 16, 2018 naturalization interview, that she had never lied to any U.S. Government officials to gain entry or admission into the United States or to gain immigration benefits while in the United States.

79. Defendant's testimony on each of the foregoing issues was knowingly false and for the purpose of obtaining an immigration benefit, namely naturalization.

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

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

82. Because she was ineligible to naturalize, Defendant illegally procured her naturalization.

83. Because Defendant illegally procured her naturalization, this Court must revoke her citizenship, as provided for by 8 U.S.C. § 1451(a).

COUNT III

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

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

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

86. As set forth above, throughout the naturalization process, Defendant willfully misrepresented and concealed her involvement in a criminal conspiracy to commit money laundering offenses that began in August 2013 and continued until November 2018, for which she later pleaded guilty in the U.S. District Court for the Southern District of Florida to one count of Conspiracy to Commit Money Laundering Offenses.

87. Specifically, Defendant represented on her Naturalization Application and during her naturalization interview that she had never knowingly committed any crime or offense for which she had not been arrested, despite knowing that such representations were false and misleading.

88. Defendant also represented on her Naturalization Application and during her naturalization interview that she had never lied to any U.S. Government officials to gain entry or

admission into the United States or to gain immigration benefits while in the United States, despite knowing that her representation was false and misleading.

89. Defendant knew the representations that she had never knowingly committed any crime or offense for which she had not been arrested were false because starting in approximately August 2013, she had been member of a conspiracy to commit money laundering offenses that she had joined with knowledge of its unlawful purpose, as she later admitted to in her Stipulated Factual Proffer in support of her Plea Agreement and for which she was later convicted.

90. Defendant knew the representations that she had never lied to any U.S. Government official while applying for any immigration benefit were false because she had signed her Naturalization Application and submitted it to USCIS on April 18, 2018, even though starting in approximately August 2013, she had been member of a conspiracy to commit money laundering offenses that she had joined with knowledge of its unlawful purpose, as she later admitted to in her Stipulated Factual Proffer in support of her Plea Agreement and for which she was later convicted.

91. Defendant's misrepresentations were material to her naturalization because the disclosure of her participation in a conspiracy to commit money laundering offenses would have had a natural tendency to influence USCIS's decision whether to approve her Naturalization Application.

92. Had Defendant disclosed the truth about her criminal conduct, USCIS would have discovered her statutory ineligibility for naturalization and could not have approved her Naturalization Application or administered the oath of allegiance.

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

PRAYER FOR RELIEF

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

1. A declaration that Defendant illegally procured her citizenship;

2. A declaration that Defendant procured her citizenship by concealment and willful misrepresentation of material facts;

3. Judgment revoking and setting aside Defendant's naturalization and canceling Certificate of Naturalization No. [redacted], effective as of the original date of the order and certificate, October 27, 2018;

4. Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages related to U.S. citizenship that she obtained as a result of her October 27, 2018 naturalization;

5. Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment against her, her Certificate of Naturalization and any copies thereof in her possession—and to make good faith efforts to recover and immediately surrender any copies thereof that she knows are in the possession of others—to the Attorney General or his representative, including undersigned counsel;

6. Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment against her, any other indicia of U.S. citizenship (including, but not limited to, U.S. passports, passport cards, and Enhanced Drivers Licenses, whether valid or expired), and any copies thereof in her possession—and to make good faith efforts to recover and then

surrender any copies thereof that she knows are in the possession of others—to the Attorney General or his representative, including undersigned counsel; and

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

Dated: August 31, 2026

Respectfully submitted,

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