UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. PANUNCIO RAMIREZ, [redacted], a.k.a. FERNANDO EUGENIO SANTOS, [redacted], Defendant.	)	Civil Action No. 1:26-cv-00899 **COMPLAINT TO REVOKE NATURALIZATION**

I. PRELIMINARY STATEMENT OF THE CASE

The United States of America brings this civil action against Panuncio Ramirez a.k.a Fernando Eugenio Santos ("Defendant") to revoke his naturalized United States citizenship under 8 U.S.C. § 1451(a). As alleged in this Complaint, Defendant procured his naturalization unlawfully and willfully misrepresented and concealed material facts in his naturalization application.

Before he became a naturalized United States citizen on March 11, 2011, Defendant sought immigration benefits and was ordered removed from the United States. In 1993, under the name Fernando Eugenio Santos, Defendant filed an application for benefits with the Immigration and Naturalization Service ("INS").[1]

[1] On March 1, 2003, the INS ceased to exist as an independent agency within the Department of Justice, and many 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 several separate agencies, including United States Citizenship and Immigration Services ("USCIS"), Customs and Border Protection, and Immigration and Customs Enforcement.

He claimed to be from Guatemala, married to Elena Lopez, and father to a daughter. Several years later, after failing to appear for a scheduled interview on his application, INS referred Defendant's application to an immigration judge. INS served Defendant with a Form I-862, Notice to Appear (NTA), charging him with removability under Section 212(a)(6)(A)(i) of the Immigration and Nationality Act (INA), and ordering him to appear for a hearing before an immigration judge in 1999. Defendant failed to appear, and an immigration judge ordered him removed *in abstentia* to Guatemala on the charge listed in the NTA. Defendant failed to report on the scheduled date for his removal, and USCIS has no record that Defendant departed the United States pursuant to the final order of removal.

Before the immigration judge entered that removal order, however, Elizabeth Ramirez, a U.S. citizen, filed a Form I-130 Petition for Alien Relative on Defendant's behalf in 1998, but under the name Panuncio Ramirez-Eugenio. In support of that application, Defendant filed a Form G-325A, Biographic Information. In it, he changed, among other things, his name, his date of birth, his nation of origin, and his family and marital history. Two years later, he filed a Form I-485, Application to Register Permanent Resident or Adjust Status under the name Panuncio Ramirez-Eugenio with the biographical information he used in the Form G-325A. Defendant never disclosed his prior immigration history in any of his immigration applications or proceedings. In April 2003, USCIS approved

---

USCIS assumed naturalization authority from the INS. This Complaint will refer to INS where appropriate.

Defendant's Form I-485 application, and he became a lawful permanent resident. Seven years later, after filing a naturalization application, Defendant became a naturalized U.S. citizen.

Defendant's actions and conduct statutorily barred him from becoming a U.S. citizen and render his naturalization unlawfully procured. With the Affidavit of Good Cause attached as Exhibit 1, the United States brings this civil action to revoke and set aside the order admitting Defendant to citizenship and to cancel his certificate of naturalization.

II. JURISDICTION AND VENUE

1. This is an action 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], issued March 11, 2011.

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

3. Venue is proper in this district under 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391, because Defendant resides in Hamilton, Ohio, within this Court's jurisdiction and venue.

III. PARTIES

4. Plaintiff is the United States of America.

5. Defendant is a naturalized U.S. citizen and purports to be a native of Mexico. Fernando Eugenio Santos and Panuncio Ramirez are the same person.

IV. FACTS

6. The affidavit of Warren Lee, Immigration Service Officer, USCIS, an agency with the Department of Homeland Security, showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached as Exhibit 1.

A. Defendant's Immigration Proceedings as Fernando Eugenio Santos

7. In January 1993, Defendant filed an application for an immigration benefit. In that application, Defendant represented under penalty of perjury that:

a. His name was Fernando Eugenio Santos;

b. He arrived in the United States in July 1991 at Sonora, Arizona;

c. He was born in 1969 in Yaca, Huehuetenango, Guatemala;[2]

d. He had not used any other names;

e. He had a wife, Elena, and daughter with unknown birth dates;

8. In support of this application for immigration benefits, Defendant submitted a Form G-325A, Biographic Information, in which he represented that:

a. His name was Fernando Eugenio Santos;

b. He was born in 1969 in Yaca, Guatemala;

c. He had not used any other names;

d. He was married to Elena Lopez in Guatemala;

e. His last address outside the United States was in Yaca, Huehuetenango, Guatemala from 1969 to 1991.

---

[2] The month and day have been omitted due to Federal Rule of Civil Procedure 5.2(a)(2), but the United States can supply the date of birth upon request or under seal.

9. In connection with his application for an immigration benefit, Defendant provided fingerprints.

10. A month later, Defendant filed a Form I-765, Application for Employment Authorization, in which he represented:

a. His name was Fernando Eugenio-Santos;

b. He had not used any other names;

c. He was born in 1969 in Yaca, Huehuetenango, Guatemala;

d. He was married;

e. His last entry into the United States was in July 1991 at Sonora, Arizona without inspection.

11. On March 29, 1993, INS approved Defendant's Form I-765 and assigned him Alien Registration Number [redacted].

12. Several years later, on February 17, 1999, INS sent Defendant a Referral Notice. Defendant's case had been referred to an immigration judge for failing to appear for the scheduled interview on his application for an immigration benefit.

13. In February 2000, INS served Defendant with a Form I-862, NTA. The NTA charged Defendant as removable under Section 212(a)(6)(A)(i) of the Immigration and Nationality Act ("INA") as an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General. He was further ordered

to appear for a hearing before an immigration judge in Miami, Florida on May 5, 1999.

14. Defendant, however, did not appear for that hearing.

15. Therefore, on May 5, 1999, an immigration judge ordered Defendant removed *in abstentia* to Guatemala on the charge in the NTA.

16. On June 25, 1999, INA issued the following to Defendant:

a. Form I-166, Notice to Deportable Alien to Surrender. This Form ordered Defendant to report to an immigration officer in Miami, Florda on July 22, 1999, for deportation to Guatemala;

b. Form I-205, Warrant of Removal/Deportation. This Form notified any INS officer that Defendant was subject to removal from the United States based on a final order of removal.

c. Form I-294, Warning to Alien Ordered Removed or Deported. This Form notified Defendant that, under Section 212(a)(9) of the INA, he was prohibited from entering, attempting to enter, or being in the United States for 10 years from the date of his departure because he had been found inadmissible by an immigration judge in removal proceedings.

17. On July 22, 1999, Defendant failed to report for deportation.

18. The government has no record that Defendant departed the United States pursuant to the May 5, 1999, removal order.

B. Defendant's Immigration Proceedings as Panuncio Ramirez-Eugenio

15. On June 1, 1998, Elizabeth Ramirez, a U.S. citizen, filed with INS a Form I-130 Petition for Alien Relative on behalf of Defendant, as her spouse. But Defendant was now using the name Panuncio Ramirez-Eugenio.

16. In support of the Form I-130, Defendant submitted a Form G-325A in which he represented:

a. His name was Panuncio Ramirez;

b. He had used no other names;

c. He was born on the same day and month, but in 1968 and in Oaxaca, Mexico;[3]

d. He married Elizabeth Baker on April 30, 1998, in Hamilton, Ohio;

e. He had no former spouse.

17. Defendant also submitted a copy of his birth certificate in support of the Form I-130. The birth certificate listed his name as Panuncio Ramirez-Eugenio, born in 1968 in Oaxaca, Mexico, to Margarito Ramirez Santos and Maria Anfela Augenio Dominguez.

18. On December 14, 1998, INS approved the Form I-130.

19. In March 2001, Defendant filed a Form I-485, Application to Register Permanent Residence or Adjust Status. The Form I-485 is attached as Exhibit 2.

20. In the Form I-485, Defendant represented, under penalty of perjury, that:

---

[3] The month and day have been omitted due to Federal Rule of Civil Procedure 5.2(a)(2), but the United States can supply the date of birth upon request or under seal. Defendant listed this different birth date in all applications submitted under the second A number.

a. His name was Panuncio Ramirez;

b. He was born in 1968 in Yusucanu Del Rosario, Mexico;[4]

c. He was married to Elizabeth Ramirez

d. He had never, in or outside the United States, been "arrested, cited, charged, indicted, fined or imprisoned for breaking or violating any law or ordinance, excluding traffic violations";

e. He had never been "deported from the U.S., or removed from the U.S. at government expense, excluded within the past year, or are you now in exclusion, deportation, removal or recission proceedings";

f. He had never, "by fraud or willful misrepresentation of material fact, ever sought to procure, or procured, a visa, other documentation, entry into the U.S. or any immigration benefit."

21. He left blank the boxes requesting his "A# (if any)," and "Date of Last Arrival."

22. He was assigned [redacted].

23. In connection with this application, Defendant provided fingerprints.

24. His Form I-485 included a Supplement A, signed under penalty of perjury that his application and the evidence submitted with it were all true and correct, where Defendant represented again that:

a. His name was Panuncio Ramirez;

[4] *See supra* footnote 3.

b. He was born in 1968 in Mexico;[5] and

c. He last entered the United States without inspection.

25. As before, Defendant left blank the section of the Supplement requesting his "INS A#."

26. In connection with his adjustment application, Defendant provided fingerprints.

27. Along with and to support his adjustment application, Defendant submitted another Form G-325A, Biographic Information (attached as Exhibit 4), in which he represented, under "severe penalties are provided by law for knowingly and willfully falsifying or concealing a material fact," that:

a. His name was Panuncio Ramirez; and

b. He was born in 1968 in Oaxaca, Mexico.[6]

28. He also left blank the question asking, "All Other Names Used," and represented "[redacted]" in the section under "File Number."

29. On July 30, 2001, an immigration officer with INS interviewed Defendant in Cincinnati. During that interview, he testified, among other things, that he entered the United States without inspection in 1992 at Tijuana, Mexico.

30. On April 1, 2003, USCIS approved Defendant's Form I-485. Accordingly, Defendant became a lawful permanent resident.

---

[5] *See supra* footnote 3.
[6] *See supra* footnote 3.

C. Defendant's Form N-400 Application for Naturalization

25. On December 7, 2010, Defendant filed a Form N-400, Application for Naturalization, based on having been a lawful permanent resident for at least five years. In that application, Defendant represented that:

a. His name was Panuncio Ramirez;

b. He left blank the box for other names used;

c. He did not want to legally change his name;

d. He was born in 1968[7] in Mexico, and his country of nationality was Mexico; and

e. He had married only once and was married to Elizabeth Ramirez.

26. In his naturalization application, Defendant answered "no" to the following questions:

a. "Have you **ever** committed a crime or offense for which you were **not** arrested?" (emphasis in original);

b. "Have you **ever** given false or misleading information to any U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal?" (emphasis in original);

c. "Have you **ever** lied to any U.S. Government official to gain entry or admission into the United States?" (emphasis in original);

[7] *See supra* footnote 3.

d. "Have you **ever** been ordered to be removed, excluded or deported from the United States?" (emphasis in original); and

e. "Have you **ever** applied for any kind of relief from removal, exclusion or deportation?" (emphasis in original).

27. On or about October 29, 2010, Defendant signed his naturalization application under penalty of perjury under the laws of the United States, thereby certifying that the application and the evidence submitted with it were all true and correct.

D. Defendant's Naturalization Interview Before an Immigration Officer

28. On February 22, 2011, a USCIS Immigration Services Officer ("ISO") orally interviewed Defendant regarding his naturalization application to determine his eligibility for naturalization.

29. Before the interview, the ISO placed Defendant under oath.

30. During the interview, Defendant testified to the contents of his Form N-400 Application, in which he represented that

a. His current legal name was "Panuncio Ramirez. Eugenio";

b. He wished to legally change his name to "Panuncio Ramirez";

c. He was born in 1968 in Mexico;[8]

d. He had been married only one time and was married to Elizabeth Ramirez;

[8] *See supra* footnote 3.

e. He had never committed a crime or offense for which he was not arrested;

f. 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; and

g. He had never lied to any U.S. government official to gain entry or admission into the United States.

31. During his interview, Defendant made 11 corrections to the answers he initially provided on his Form N-400.

32. After his interview, Defendant signed his naturalization application under penalty of perjury, thereby attesting that the information it contained, including the 11 corrections, was true and correct.

33. Based on the written answers in the Form N-400 and Defendant's testimony during the naturalization interview, USCIS approved Defendant's N-400 that same day.

34. On March 11, 2011, Defendant took the oath of allegiance and became a naturalized U.S. citizen.

35. USCIS issued Certificate of Naturalization No. [redacted] to Defendant.

E. Fingerprint Analysis Confirms that Fernando Santos Eugenio and Panuncio Ramirez Are the Same Person.

36. As alleged above, Defendant provided fingerprint submissions in connection with the applications he filed as Fernando Eugenio Santos [redacted] and as Panuncio Ramirez [redacted].

37. Analysis and comparison of these fingerprint submissions confirm that the same individual provided the fingerprint impressions.

V. GOVERNING LAW

A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

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

39. Congress has mandated that an individual may not naturalize unless that person "during all periods referred to in this subsection has been and still is a person of good moral character . . . ." 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 United States citizen. *Id.*

40. Congress has 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).

41. The term "lawfully" in 8 U.S.C. § 1101(a)(20) requires "compliance with substantive legal requirements for admission, and not mere procedural regularity." *Monet v. INS*, 791 F.2d 752, 753 (9th Cir. 1978) (citation omitted).

42. An individual who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided for in the INA is inadmissible. 8 U.S.C. § 1182(a)(6)(C)(i).

B. The Denaturalization Statute

43. 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.

44. Under 8 U.S.C. § 1451(a), this Court must revoke a United States citizen's naturalization and cancel his Certificate of Naturalization if naturalization was either:

(a) illegally procured, or

(b) procured by concealment of a material fact or by willful misrepresentation.

45. 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.

46. Naturalization was procured by concealment of a material fact or by willful misrepresentation, where: (i) the naturalized citizen misrepresented or concealed some fact during the naturalization process; (ii) the misrepresentation or concealment was willful; (iii) the fact was material; and (iv) the naturalized citizen procured citizenship as a result of the misrepresentation or concealment. *Kungys v. United States*, 485 U.S. 759, 767 (1988).

47. 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.

VI. CAUSES OF ACTION

COUNT ONE

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

48. The United States realleges and incorporates by reference the allegations set forth previously in this Complaint.

49. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with the INA. 8 U.S.C. § 1429.

50. The term "lawfully" means compliance with substantive legal requirements, not mere procedural regularity. 8 U.S.C. § 1101(a)(20); *Monet*, 791 F.2d at 753.

51. Under the law in effect at the time Defendant adjusted to permanent resident status, the immigration court generally had exclusive jurisdiction over applications for adjustment of status filed by applicants (other than certain arriving aliens) in deportation or removal proceedings. 8 C.F.R. § 1245.2(a)(1).

52. Defendant was subject to a final order of removal under the name Fernando Eugenio Santos [redacted] as of May 5, 1999. On March 19, 2001, while that order remained outstanding, he filed his application for adjustment of, under the name Panuncio Ramirez [redacted].

53. Because Defendant made misrepresentations of fact in his adjustment application, including but not limited to, his name, date of birth, country of birth, marital history, and prior immigration proceedings, USCIS was not aware of he was

subject to a final order of removal and therefore did not recognize that jurisdiction over his adjustment application rested with the immigration court. USCIS consequently approved his adjustment application on April 1, 2003, despite lacking the jurisdiction to do so.

54. Because the immigration court had exclusive jurisdiction over Defendant's application for adjustment of status at the time it was approved by USCIS, Defendant was not lawfully admitted for permanent residence. He therefore illegally procured his naturalization.

COUNT TWO

ILLEGAL PROCUREMENT OF NATURALIZATION NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE (Inadmissible Based on Fraud or Misrepresentation)

55. The United States realleges and incorporates by reference the allegations set forth previously in this Complaint.

56. To qualify for naturalization, an applicant must have been "lawfully admitted" to the United States for permanent residence. 8 U.S.C. §§ 1427(a)(1), 1429.

57. The term "lawfully" means compliance with substantive legal requirements, not mere procedural regularity. 8 U.S.C. § 1101(a)(20); *Monet*, 791 F.2d at 753.

58. Among the INA provisions applicable when Defendant adjusted his status to permanent resident was the requirement that Defendant be admissible to the United States. 8 U.S.C. §§ 1159(b)(5), 1255(a).

59. Under the law in effect at the time Defendant adjusted his status, an individual who by fraud or by willfully misrepresenting a material fact was seeking to procure (or had sought to procure or had procured) a visa, other documentation, admission into the United States, or other benefit provided under the INA, was inadmissible. *See* 8 U.S.C. § 1182(a)(6)(C)(i).

60. Defendant was never lawfully admitted to the United States as a permanent resident and cannot satisfy the requirements of 8 U.S.C. §§ 1427(a)(1) and 1429, because he was inadmissible at the time of his adjustment to permanent resident status.

61. Defendant sought to procure admission into the United States and other benefits provided for in the INA by fraud or willfully misrepresenting material facts. Specifically, at the time Defendant adjusted his status to permanent resident, he made numerous misrepresentations of fact described throughout this complaint, including but not limited to, his name, date of birth, country of birth, marital history, and immigration history. Defendant also did not demonstrate that his prior marriage to Elena Lopez was legally terminated and that he was free to marry U.S. citizen Elizabeth Ramirez .

62. Defendant made sworn statements in immigration benefit applications that cannot be simultaneously true. He was therefore inadmissible.

63. Defendant's false statements, including those regarding his name, date of birth, country of birth, marital history, and immigration history were material to determining his eligibility for the immigration benefits for which he applied.

Defendant's false statements had the natural tendency to influence a decision by the immigration officer(s) to approve his application(s). Defendant thus sought to procure an immigration benefit by fraud or willfully misrepresenting a material fact.

64. Because Defendant was inadmissible at the time he adjusted to permanent resident status, he was never lawfully admitted for permanent residence in accordance with the substantive legal requirements to obtain that status.

65. Because Defendant was never lawfully admitted for permanent residence, he was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1), 1429.

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

COUNT THREE

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (Unlawful Acts with No Extenuating Circumstances and False Testimony)

67. The United States realleges and incorporates by reference the allegations set forth previously in this Complaint.

68. To be eligible for naturalization, Congress has mandated that an applicant must show that he or she has been a person of good moral character during the applicable statutory period before filing his or her naturalization

application until the time the applicant becomes a naturalized United States citizen. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(1).

69. An applicant, such as Defendant, must show that he or she has been a person of good moral character for the five-year statutory period before filing his or her naturalization application until the time the applicant becomes a naturalized United States citizen. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(i).

70. Defendant filed his application for naturalization on December 7, 2010. Accordingly, he had to establish that he was a person of good moral character during his "statutory period" from December 7, 2005, until March 11, 2011.

71. Defendant completed and filed his naturalization application during his "statutory period."

72. Defendant violated 18 U.S.C. § 1001(a)(1)-(3) by knowingly and willfully concealing in his naturalization application—a matter within the jurisdiction of the executive branch of the Government of the United States—that he had previously applied for an immigration benefit using the name Fernando Eugenio Santos with a different date of birth, different country of origin and nationality, and different marital history.

73. Defendant violated 18 U.S.C. § 1001(a)(1)-(3) by knowingly and willfully concealing in his naturalization application—a matter within the jurisdiction of the executive branch of the Government of the United States—that he had previously been ordered removed from the United States.

74. Defendant violated 18 U.S.C. § 1001(a)(1)-(3) when he completed and filed his naturalization application by answering "no" to Question 23 in Part 10, which asked: "Have you **ever** given false or misleading information to any U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal?" (emphasis in original);

75. Defendant violated 18 U.S.C. § 1001(a)(1)-(3) when he completed and filed his naturalization application by answering "no" to Question 24 in Part 10, which asked: "Have you **ever** lied to any U.S. Government official to gain entry or admission into the United States?" (emphasis in original);

76. Defendant violated 18 U.S.C. § 1001(a)(1)-(3) when he completed and filed his naturalization application by answering "no" to Question 27 in Part 10, which asked: "Have you **ever** been ordered to be removed, excluded or deported from the United States?" (emphasis in original).

77. Defendant violated 18 U.S.C. § 1001(a)(1)-(3) when he completed and filed his naturalization application by answering "no" to Question 28 in Part 10, which asked: "Have you **ever** applied for any kind of relief from removal, exclusion or deportation?" (emphasis in original).

78. No extenuating circumstances exist that would palliate Defendant's guilt for violating 18 U.S.C. § 1001(a)(1)-(3).

79. Further, as alleged previously, Defendant provided false testimony during his naturalization interview. Such false testimony included, but was not limited to, his current legal name, date of birth, country of birth, number of prior

marriages, that he had never lied to a government official to gain entry or admission, and that he had never given false or misleading information when applying for an immigration benefit.

80. Because Defendant committed unlawful acts during the statutory period during which he was required to maintain good moral character, he was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1), 1429.

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

COUNT FOUR

PROCUREMENT OF NATURALIZATION BY CONCEALMENT OF MATERIAL FACT OR WILLFUL MISREPRESENTATION

82. The United States realleges and reincorporates by reference the allegations set forth previously in this Complaint.

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

84. Throughout the naturalization process, Defendant willfully misrepresented or concealed, among other things: (i) his use of another identity, including a different name, different date of birth, different country of birth, and his number of prior marriages; (ii) his prior application for an immigration benefit; (iii) that he had given false or misleading information to a U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or

removal; (iv) that removal, exclusion, rescission, or deportation proceedings were pending against him; and (v) that he had been ordered to be removed, excluded, or deported from the United States.

85. Defendant made such misrepresentations voluntarily and deliberately, despite knowing that such representations were false and misleading. Accordingly, Defendant made these misrepresentations willfully.

86. Defendant's misrepresentations were material to his naturalization because the disclosure of his multiple identities, his prior application for an immigration benefit, prior order of removal, and prior representations to U.S. Government officials while applying for an immigration benefit would have had a natural tendency to influence USCIS's decision whether to approve Defendant's application for naturalization. Indeed, had USCIS been aware of this information, it would have denied his naturalization application.

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

PRAYER FOR RELIEF

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

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

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

(3) Judgment revoking and setting aside the order admitting Defendant to citizenship and canceling Defendant's Certificate of Naturalization, effective as of the original date of the certificate;

(4) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages under any document which evidences United States citizenship obtained as a result of his naturalization;

(5) Judgment requiring the Defendant, within ten (10) days of the entry of judgment against him, to surrender and deliver his Certificate of Naturalization and any copies thereof in his possession or control (and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession or control of others), to the Attorney General, or his designated representative, including undersigned counsel;

(6) Judgment requiring the Defendant, within ten (10) days of the entry of judgment, to surrender and deliver any other indicia of U.S. citizenship (including, but not limited to, United States passports and passport cards, Enhanced Drivers License, and other relevant documents), whether current or expired, and any copies thereof in his possession or control—and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession or control of others—to the Attorney General, or his representative, including undersigned counsel; and

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

Respectfully submitted,

DOMINICK S. GERACE II
United States Attorney

s/Matthew J. Horwitz
MATTHEW J. HORWITZ (0082381)
Assistant United States Attorney
Attorney for Plaintiff
221 East Fourth Street, Suite 400
Cincinnati, Ohio 45202
Office: (513) 684-3711
Fax: (513) 684-6972
E-mail: Matthew.Horwitz@usdoj.gov

UNITED STATES OF AMERICA	)	
	)	
In the Matter of Revocation of Naturalization of	)	AFFIDAVIT OF GOOD CAUSE
	)	
Panuncio Ramirez, [redacted]	)	
	)	
a.k.a. Fernando Eugenio Santos, [redacted]	)	
	)	

I, Warren Lee, declare under penalty of perjury as follows:

I am an Adjudication Officer with U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).[1] In this capacity, I have access to the official records of DHS, including the immigration files of Panuncio Ramirez, [redacted], (Ramirez), a.k.a. Fernando Eugenio Santos, [redacted].

I have examined records relating to Ramirez, including but not limited to, his immigration files. Based upon my review of records relating to Ramirez, I state, on information and belief that the information set forth in this Affidavit of Good Cause is true and correct.

Based on the facts and law contained herein, good cause exists to institute proceedings pursuant to section 340(a) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1451(a),[2] to revoke the citizenship of Ramirez and to cancel his Certificate of Naturalization.

The last known place of residence for Ramirez is [redacted].

[1]Pursuant to the Department of Homeland Security Reorganization Plan, Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135 (2002), 6 U.S.C. §§ 101-557, as of March 1, 2003, the Immigration and Naturalization Service (INS) was abolished, and its functions were transferred to USCIS within the DHS. This Affidavit will refer to INS or USCIS as appropriate.

[2] While some provisions of the Immigration and Nationality Act, as contained in the United States Code, have been renumbered throughout the years, not all provisions have undergone such renumbering. Where necessary, this Affidavit of Good Cause lists the applicable year for a United States Code reference. If no year is included within the citation, it means that the United States Code citation is the same today as it was during the time in question.

EXHIBIT 1

BACKGROUND

DHS records, including fingerprint comparison, establish that the person who naturalized as Ramirez is the same person who was ordered removed under the name Fernando Eugenio Santos.

Immigration History as Fernando Eugenio Santos
D.O.B. [redacted], [redacted]

1. On or about January 27, 1993, the individual in question, using the name Fernando Eugenio Santos, filed with the Immigration and Naturalization Service (INS) an application for immigration benefits. On his application, signed under penalty of perjury, he represented the following:
    a. His name was Fernando Eugenio Santos.
    b. He had not used any other names.
    c. His date of birth was [redacted].
    d. His place of birth was Yaca, Huehuetenango, Guatemala.
    e. He arrived in the U.S. on July 7, 1991, at Sonora, AZ.
    f. He had a spouse and daughter both named [redacted] with unknown birth dates.
2. In support of his application for immigration benefits, he submitted Form G-325A, Biographic Information (Form G-325A), dated January 27, 1993, in which he represented:
    a. His name was Fernando Eugenio Santos.
    b. His was born on [redacted], in Yaca, Guatemala.
    c. He had not used any other names.
    d. He was married to [redacted] Lopez on an unknown date in Guatemala.
    e. His last address outside the United States was in Yaca, Huehuetenango, Guatemala, from September 1969 to July 1991.
3. On February 17, 1993, he filed with INS a Form I-765, Application for Employment Authorization (Form I-765), in which he represented:
    a. His name was Fernando Eugenio-Santos.
    b. He had not used any other names.
    c. He was born on [redacted], in Yaca, Huehuetenango, Guatemala.

d. He was married.

e. His last entry into the U.S. was made without inspection on July 7, 1991, at Sonora, AZ.

4. On March 29, 1993, the INS approved his Form I-765 and assigned him Alien Registration Number (A-Number) [redacted].

5. On February 17, 1999, the INS sent him a Referral Notice. The notice informed him that his case had been referred to an immigration judge because he failed to appear for his scheduled interview.

6. On February 18, 1999, INS served him via regular mail Form I-862, Notice to Appear (NTA). The NTA charged him removable pursuant to INA Section 212(a)(6)(A)(i), as amended, as an alien present in the United States without being admitted or paroled. He was ordered to appear for a hearing before an immigration judge at 155 South Miami Ave., Room 800, Miami, Florida 33130, at 9:00 AM on May 5, 1999.

7. On May 5, 1999, the immigration judge ordered him removed *in absentia* to Guatemala on the charge contained in the NTA.

8. On June 25, 1999, the INS issued the following forms to him:

   a. Form I-166, via certified mail. The Form I-166 ordered him to report to an immigration officer at 7880 Biscayne Boulevard, Miami, Florida 33138, at 9:00 AM on July 22, 1999, for deportation to Guatemala.

   b. Form I-205, Warrant of Removal/Deportation (Form I-205). The Form I-205 informed any INS officer that he was subject to removal from the United States based upon a final order by an immigration judge in removal proceedings.

   c. Form I-294, Warning to Alien Ordered Removed or Deported (Form I-294). The Form I-294 informed him that in accordance with the provisions of INA Section 212(a)(9), he was prohibited from entering, attempting to enter, or being in the United States for a period of 10 years from the date of his departure from the United States because he had been found inadmissible under INA Section 212 and ordered removed by an immigration judge in proceedings under INA Section 240.

9. On July 22, 1999, he failed to report for deportation. USCIS has no record that he departed the United States pursuant to the May 5, 1999, order of removal.

Immigration History as Panuncio Ramirez
D.O.B. [redacted], [redacted]

10. On June 1, 1998, Elizabeth Ramirez, a United States Citizen, filed with the INS Form I-130, Petition for Alien Relative (Form I-130), on behalf of the same individual in question, using the name Panuncio Ramirez-Eugenio, as a spouse of a United States citizen.
11. In support of the Form I-130, Ramirez submitted a Form G-325A, dated May 1, 1998, in which he represented:
    a. His name was Panuncio Ramirez.
    b. He represented that he had used no other names.
    c. He was born on [redacted], in Oaxaca, Mexico.
    d. He married Elizabeth Baker on April 30, 1998, in Hamilton, Ohio.
    e. He represented that he had no former spouse.
12. Ramirez additionally submitted a copy of his birth certificate in support of the Form I-130. The birth certificate was in the name of Panuncio Ramirez Eugenio, born on [redacted], in Oaxaca, Mexico, to Margarito Ramirez Santos and Maria Anfela Augenio Dominguez.
13. On December 14, 1998, the INS approved the Form I-130.
14. On March 19, 2001, Ramirez filed Form I-485, Application to Register Permanent Residence or Adjust Status (Form I-485), and the INS assigned him A-Number [redacted]. On the Form I-485, which signed under penalty of perjury, he represented the following:
    a. His name was Panuncio Ramirez.
    b. His date of birth was [redacted].
    c. His country of birth was Mexico.
    d. He left the sections under 'A# (if any)' and 'Date of Last Arrival' blank.
    e. He was married to Elizabeth A. Ramirez.
    f. He was born in Yusucanu Del Rosario.
    g. He had never, in or outside the United States, been arrested, cited, charged, indicted, fined or imprisoned for breaking or violating any law or ordinance, excluding traffic violations.

h. He was not then in exclusion or deportation proceedings.

i. He had never sought to procure, or procured, a visa, other documentation, entry into United States or any immigration benefit, by fraud or willful misrepresentation of a material fact.

15. Ramirez's Form I-485 included a Supplement A, signed under the penalty of perjury that his application and the evidence submitted with it were all true and correct, where he represented that:

    a. His name was Panuncio Ramirez.

    b. He left the section under 'INS A#' blank.

    c. His date of birth was [redacted].

    d. His country of birth was Mexico.

    b. He last entered the United States without inspection.

16. In support of his Form I-485, Ramirez submitted a Form G-325A. Ramirez signed the Form G-325A which states: "Severe penalties are provided by law for knowingly and willfully falsifying or concealing a material fact." The information in the form reflects:

    a. His name was Panuncio Ramirez.

    b. He left blank the question asking, "All Other Names Used."

    c. His date of birth was [redacted].

    d. He represented "[redacted]" in the section under 'File Number.'

    e. His city and country of birth were Oaxaca, Mexico.

17. On July 30, 2001, Ramirez was interviewed at the USCIS Field Office in Cincinnati, OH, regarding his Form I-485. appeared for interview for adjustment of status. During the interview, he testified that he entered the United States without inspection in 1992 via Tijuana, Mexico. The I-485 was continued for additional documents.

18. On April 1, 2003, USCIS approved Ramirez's I-485 and accorded him Lawful Permanent Resident (LPR) status.

19. On December 7, 2010, Ramirez filed a Form N-400, Application for Naturalization (Form N-400), based on having been a lawful permanent resident for at least five years. On the Form N-400, signed under penalty of perjury, he represented that:

    a. His current legal name is Panuncio Ramirez.

    b. He left blank the box for other names used.

c. He did not want to legally change his name.

d. His date of birth is [redacted].

e. His country of birth was Mexico.

f. His country of nationality was Mexico.

g. He was married only once, and he was married to Elizabeth Ramirez since April 30, 1997.

h. He had never committed a crime or offense for which he was not arrested.

i. 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.

j. He had never lied to a U.S. government official to gain entry or admission into the United States.

k. He had never been ordered to be removed, excluded, or deported from the United States.

l. He had never applied for any kind of relief from removal, exclusion, or deportation.

20. On February 22, 2011, Ramirez appeared for a Form N-400 interview at the USCIS Cincinnati Field Office to determine his eligibility for naturalization. Immigration Services Officer (ISO) Jeanne Luce placed him under oath after confirming Ramirez's identity after reviewing identity documents. Ramirez was then asked, among other questions, the following questions and gave the following responses:

a. What is your current legal name? He confirmed his answer was "Panuncio Ramirez. Eugenio" (Part 1, Section A.)

b. Would you like to legally change your name? He confirmed his answer was "Yes" and that he wanted to change his name to "Panuncio Ramirez." (Part 1, Section D, Questions 1 and 2.)

c. What is your date of birth? He confirmed his answer was "[redacted]." (Part 3, Section B.)

d. How many times have you been married? He confirmed his answer was "One." (Part 8, Section A.)

e. Have you ever committed a crime or offense for which you were not arrested? He confirmed his answer was "No." (Part 10, Section D, Question 15.)

f. Have you ever given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal? He confirmed his answer was "No." (Part 10, Section D, Question 23.)

g. Have you ever lied to any U.S. government official to gain entry or admission into the United States? He confirmed his answer was "No." (Part 10, Section D, Question 24.)

21. During the naturalization interview, 11 corrections were made to the answers initially provided on his Form N-400. At the conclusion of the interview, Ramirez swore under penalty of perjury that the contents of his Form N-400 including the 11 corrections were true and correct.

22. On the basis of his written application and the testimony he provided during his naturalization interview, Ramirez's Form N-400 was approved on February 22, 2011.

23. On March 11, 2011, Ramirez took the Oath of Allegiance and was sworn in as a citizen of the United States. He was issued Certificate of Naturalization No. [redacted].

ILLEGAL PROCUREMENT OF NATURALIZATION

Illegal Procurement of Naturalization
Not Lawfully Naturalized under INA Section 318
Final Finding of Removability at Grant of Naturalization

24. To be eligible for naturalization, an applicant must meet all of the applicable requirements of the naturalization provisions. INA § 318, 8 U.S.C. § 1429.

25. Under the law in effect at the time of Ramirez's application for naturalization, as today, no person shall be naturalized against whom there is outstanding a final finding of removability pursuant to a warrant of arrest issued under the provisions of the INA or any other Act. INA § 318, 8 USC § 1429.

26. On February 18, 1999, the INS issued a charging document pursuant to a warrant for arrest placing Ramirez in removal proceedings under the name of Fernando Eugenio Santos. On May 5, 1999, Ramirez was issued a final order of removal.

27. On December 7, 2010, Ramirez filed an application for naturalization with USCIS. Because he misrepresented certain facts in connection with his application, USCIS was not aware of his outstanding order of removal and approved his naturalization application on February 22, 2011.

28. Because Ramirez was under a final order of removal at time of naturalization grant, he was not eligible for naturalization; accordingly, he illegally procured his naturalization.

Illegal Procurement of Naturalization
Not Lawfully Admitted for Permanent Residence
Final Order of Removal Outstanding at Adjustment

29. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1429.

30. Under the law in effect at the time of Ramirez's adjustment of status to permanent resident, as today, the immigration court generally had exclusive jurisdiction over applications for adjustment of status filed by applicants (other than certain arriving aliens) in deportation or removal proceedings, including applicants with a final order of deportation or removal. 8 C.F.R. § 245.2(a)(1).

31. Ramirez was subject to an order of removal under the name of Fernando Eugenio Santos as of May 5, 1999, and filed his application for adjustment of status on March 19, 2001. Because Ramirez misrepresented certain facts in connection with his application, USCIS was not aware of the outstanding order of removal and approved his application for adjustment of status on April 1, 2003.

32. Because the immigration court had exclusive jurisdiction over Ramirez's application for adjustment of status at the time it was approved by USCIS, he was not lawfully admitted for permanent residence; accordingly, he illegally procured his naturalization.

Illegal Procurement of Naturalization
Not Lawfully Admitted for Permanent Residence
Inadmissible Based on Fraud or Misrepresentation

33. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1429.

34. Among the INA provisions applicable at the time of Ramirez's adjustment of status to permanent resident was the requirement that he be admissible to the United States. INA § 245(a), 8 U.S.C. § 1255(a).
35. Under the law then in effect, an individual who by fraud or willfully misrepresenting a material fact was seeking to procure (or had sought to procure or had procured) a visa, other documentation, admission into the United States, or other benefit provided under the INA was inadmissible. INA § 212(a)(6)(C)(i), 8 U.S.C. § 1182(a)(6)(C)(i).
36. Based on the information contained above, Ramirez willfully misrepresented material facts, specifically, his immigration history.
37. Because Ramirez misrepresented material facts, he was inadmissible to the United States at the time of his adjustment of status and was not lawfully admitted for permanent residence; accordingly, he illegally procured his naturalization.

Illegal Procurement of Naturalization
Lack of Good Moral Character
Unlawful Acts

38. As an applicant for naturalization under section 316(a) of the INA, Ramirez was required to establish that he was a person of good moral character during the period beginning five years prior to the filing of his application for naturalization and continuing until the time of admission to citizenship. This period is generally referred to as the "statutory period."
39. Ramirez filed his application for naturalization on December 7, 2010; accordingly, he was required to establish that he was a person of good moral character from December 7, 2005, until the time of his admission to citizenship on March 11, 2011.
40. Under the law then in effect, an individual could not establish good moral character if, during the statutory period, he committed unlawful acts that adversely reflected on his moral character, unless he could establish extenuating circumstances. INA § 101(f); 8 U.S.C. §1101(f); 8 C.F.R. § 316.10(b)(3)(iii).
41. Based on the facts contained above, during the statutory period Ramirez committed unlawful acts that adversely reflected on his moral character. Specifically, Ramirez provided false information regarding:
    a. his identity;
    b. his immigration history; and

c. whether he ever provided false or misleading information, or lied, to a U.S. Government official while applying for an immigration benefit or to prevent deportation.

42. Because Ramirez provided false testimony to obtain an immigration benefit during the statutory period, he was not eligible for naturalization; accordingly, he illegally procured his naturalization.

Illegal Procurement of Naturalization
Lack of Good Moral Character
False Testimony

43. As an applicant for naturalization under section 316(a) of the INA, Ramirez was required to establish that he was a person of good moral character during the period beginning five years prior to the filing of his application for naturalization and continuing until the time of admission to citizenship. This period is generally referred to as the "statutory period."
44. Ramirez filed his application for naturalization on December 7, 2010; accordingly, he was required to establish that he was a person of good moral character from December 7, 2005, until the time of his admission to citizenship on March 11, 2011.
45. Under the law then in effect, an individual who, during the statutory period, provided false testimony for the purpose of obtaining an immigration benefit could not establish good moral character. INA § 101(f)(6); 8 U.S.C. § 1101(f)(6).
46. Based on the facts contained above, Ramirez provided false testimony while under oath during his naturalization interview. Specifically, Ramirez provided false testimony regarding:
    a. his current legal name;
    b. his date of birth;
    c. the number of times he had been married;
    d. whether he had ever committed a crime or offense for which he was not arrested;
    e. 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
    f. whether he had ever lied to any U.S. government official to gain entry or admission into the United States.

47. Because Ramirez provided false testimony to obtain an immigration benefit during the statutory period, he was not eligible for naturalization; accordingly, he illegally procured his naturalization.

PROCUREMENT OF NATURALIZATION BY WILLFUL MISREPRESENTATION OR CONCEALMENT OF MATERIAL FACTS

48. A naturalized citizen is subject to revocation of naturalization if he procured naturalization by willfully misrepresenting or concealing material facts.
49. Based on the facts contained above, Ramirez willfully misrepresented his identity and immigration history throughout the naturalization process.
50. The misrepresentations made by Ramirez during the naturalization process were material to determining his eligibility for naturalization because they would have had the natural tendency to influence the decision whether to approve his naturalization application. In fact, Ramirez misrepresented and concealed facts that would have shown that he was not lawfully admitted for permanent residence in accordance with all applicable provisions of the INA and thus was ineligible for naturalization under INA § 318, 8 U.S.C. § 1429.
51. Ramirez was able to procure his naturalization because he concealed or misrepresented material facts regarding his identity and immigration history.

DECLARATION IN LIEU OF JURAT PURSUANT TO 28 U.S.C. § 1746

I declare under penalty of perjury that the foregoing is true and correct.

WARREN C LEE Digitally signed by WARREN C LEE Date: 2026.09.04 10:01:03 -07'00'

Warren Lee
Adjudication Officer
United States Citizenship and Immigration Services
Department of Homeland Security