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**UNITED STATES DISTRICT COURT**
**EASTERN DISTRICT OF CALIFORNIA**
**SACRAMENTO DIVISION**

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| UNITED STATES OF AMERICA,<br><br>Plaintiff,<br><br>v.<br><br>BALWINDER SINGH, [redacted],[1]<br>[redacted],<br><br>Defendant. | Civil Action No.<br><br>**COMPLAINT TO REVOKE NATURALIZATION** |

[1] Pursuant to the Privacy Act, 5 U.S.C. § 552a(b), Plaintiff will redact information throughout this document and its exhibits that includes social security numbers, dates of birth, places of birth, alien numbers, passport numbers, phone numbers, and tax information, which are precluded from disclosure. *Rouse v. U.S. Dep't of State*, 567 F.3d 408, 413 (9th Cir. 2009).

## I. PRELIMINARY STATEMENT OF THE CASE

The United States of America ("Plaintiff") brings this civil action against Defendant Balwinder Singh ("Defendant"), to revoke his naturalized U.S. citizenship under 8 U.S.C. § 1451(a). Plaintiff alleges that Defendant procured his naturalization unlawfully and that he willfully misrepresented and concealed material facts in applying to naturalize.

Before he naturalized as a U.S. citizen on March 18, 2009, an Immigration Judge ("IJ") on August 8, 1995, had ordered Defendant, under the identity of Baljinder Dhrala, deported from the United States to India, *in absentia*. Defendant did not leave the country. Instead, he adopted a new identity, under which he adjusted status to permanent residence and eventually naturalized as a U.S. citizen, all while hiding his prior identity and his immigration history under that prior identity from government officials.

Defendant's actions and conduct to conceal his actions statutorily barred him from becoming a U.S. citizen. On this basis, Defendant illegally procured his naturalization. Additionally, because Defendant failed to disclose his criminal conduct throughout his naturalization application process, he procured his naturalization by concealment of a material fact or by willful misrepresentation, a separate ground on which Plaintiff seeks Defendant's naturalization revocation under 8 U.S.C. § 1451(a).

With the attached affidavit showing good cause, Plaintiff brings this civil action on the grounds that Defendant illegally procured his naturalization and concealed and willfully misrepresented material facts during the naturalization process.

## 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 18, 2009.

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

3. Venue is proper in the district pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391, because Defendant resides in Woodland, California, within the jurisdiction and venue of this Court.

## 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 India. Balwinder Singh ([redacted]) and Baljinder Dhrala ([redacted]) are one and the same person.

## IV. FACTUAL ALLEGATIONS

6. A true and complete affidavit of Catherine Nieves, Officer with United States Citizenship and Immigration Services ("USCIS"), an agency within the Department of Homeland Security ("DHS"), showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached as Exhibit A.

### A. Defendant's Immigration Proceedings under the Identity Baljinder Dhrala ([redacted])

7. In July 1992, using the name Baljinder Dhrala, Defendant filed an application for immigration benefits, and represented that he entered the United States at Blaine, Washington on April 4, 1992, without inspection.

8. On October 1, 1992, Defendant appeared before Immigration and Naturalization Services ("INS")[2] for his interview on his application for immigration benefits in San Francisco, California.

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

9. On March 5, 1994, INS denied Defendant's application for immigration benefits and placed Defendant into deportation proceedings upon service of the Order to Show Cause and Notice of Hearing ("OSC").

10. On July 27, 1995, Defendant appeared for his deportation hearing and admitted to the allegations in the OSC.

11. India was designated as the country of removal.

12. On December 3, 1996, Defendant failed to appear at his deportation hearing.

13. Accordingly, the IJ ordered Defendant deported from the United States to India, *in absentia*.

14. A true and accurate copy of Defendant's Order of Deportation, except for redactions of immaterial personally identifying information, is attached as Exhibit B.

15. On or about October 1, 1992, Defendant submitted fingerprint impressions to INS, in connection with his admission documents.

16. A true and accurate copy of the fingerprint impressions Defendant submitted on or about October 1, 1992, except for redactions of immaterial personally identifying information, is attached as Exhibit C.

17. There is no record that Defendant departed the United States as ordered.

**A. Defendant's Immigration Proceedings Under the Identity Balwinder Singh ([redacted])**

18. On February 12, 1996, Defendant filed an immigration benefit application with INS using the name Balwinder Singh.

19. The INS issued Defendant [redacted].

20. On his February 12, 1996 application for an immigration benefit, Defendant represented the following:

a. He entered the United States at San Ysidro, California on or about November 13, 1995, without inspection.

b. He was not in deportation proceedings.

c. He had not previously filed for a specific immigration benefit.

d. He had not used any other names.

e. His year of birth is 1971.

21. On April 16, 1996, Defendant interviewed with an immigration officer in San Francisco, California, regarding his application for immigration benefits.

22. On April 30, 1996, INS granted Defendant's request for admission to the United States, as of April 16, 1996.

23. In connection with his February 12, 1996 application for immigration benefits as Balwinder Singh, Defendant submitted his fingerprint impressions.

24. A true and accurate copy of the fingerprint impressions Defendant submitted on February 12, 1996, except for redactions of immaterial personally identifying information, is attached as Exhibit D.

**C. Defendant's Adjustment Application Under the Identity Balwinder Singh ([redacted])**

25. On April 26, 1999, using the name Balwinder Singh, Defendant filed Form I-485, Application to Register Permanent Residence or Adjust Status.

26. A true and accurate copy of Defendant's Form I-485, except for redactions of immaterial personally identifying information, is attached as Exhibit E.

27. In his Form I-485, signed under penalty of perjury on April 5, 1999, Defendant represented the following:

a. His name was Balwinder Singh;

b. He was born in 1971;

c. He is a citizen of India;

d. He last arrived in the United States on November 13, 1995, without inspection;

e. He had never been ordered deported or removed from the U.S. at government expense, excluded within the past year, nor is he now in exclusion or deportation proceedings;

f. He had never sought to procure, or procured, a visa, or other documentation, entry into the United States, or any immigration benefit by fraud or willful misrepresentation;

28. On September 12, 2003, USCIS approved Defendant's Form I-485 and adjusted his status to that of a permanent resident.

**D. Defendant's Naturalization Application Under the Identity Balwinder Singh ([redacted])**

29. On September 30, 2008, Defendant filed Form N-400, Application for Naturalization based on having been a lawful permanent resident for a period of five years.

30. A true and accurate copy of the Form N-400 Defendant filed on September 30, 2008, except for redactions of immaterial personally identifying information, is attached as Exhibit F.

31. In his naturalization application, Defendant represented as follows:

a. In response to Question A in Part 1, Defendant represented that his name was Balwinder Singh.

b. In response to Part 1, he listed the A-number ([redacted]) that had been assigned to him using the identity Balwinder Singh in February 1996.

c. In response to Question C in Part 1, Defendant listed "none" when asked about other names used.

d. In response to Question B in Part 3, Defendant represented that his date of birth was in 1971.

e. In response to Question 15 in Part 10 Defendant answered "no" , which asked: "Have you **ever** committed a crime or offense for which you were not arrested?" (emphasis in original).

f. Defendant answered "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).

g. Defendant answered "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).

h. Defendant answered "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).

i. Defendant answered "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).

32. Defendant signed his naturalization application under penalty of perjury pursuant to the laws of the United States, thereby certifying that the application and the evidence submitted with it were true and correct.

**E. Defendant's Naturalization Interview Under the Identity Balwinder Singh ([redacted])**

33. On February 5, 2009, an immigration officer interviewed Defendant on his Form N-400 application to determine his eligibility for naturalization.

34. At the start of the interview, the immigration officer placed Defendant under oath.

35. During the interview, Defendant testified orally and under oath to the contents of his Form N-400, consistent with his written answers that:

a. His legal name was Balwinder Singh;

b. His was born in 1971;

c. He was born in India;

d. He had never used any other names;

e. He had never applied for relief from removal, exclusion, or deportation;

f. He had never been ordered deported from the United States;

36. At the conclusion of the interview, Defendant signed his naturalization application in the presence of the immigration officer, thereby attesting that the information it contained was true and correct.

37. On February 5, 2009, based upon the information Defendant supplied in his naturalization application and on the sworn testimony he gave during his naturalization interview, USCIS granted the application.

38. On March 18, 2009, Defendant took the Oath of Allegiance, was admitted as a citizen of the United States, and was issued Certificate of Naturalization No. [redacted].

39. A true and accurate copy of the Certificate of Naturalization, except for redactions of immaterial personally identifying information, is attached as Exhibit G.

**F. Fingerprint Analysis Confirms Baljinder Dhrala ([redacted]) and Balwinder Singh ([redacted]) are the Same Person**

40. On August 25, 2026, Senior Fingerprint Specialist Kevin FitzGerald examined the fingerprint impression card for Baljinder Dhrala ([redacted]), and the fingerprint impression card for Balwinder Singh ([redacted]).

41. The Senior Fingerprint Specialist concluded that the impressions examined were made by the same individual.

42. A true and accurate copy of Senior Fingerprint Specialist Kevin FitzGerald's analysis report, except for redactions of immaterial personally identifying information, is attached as Exhibit H.

## V. GOVERNING LAW

**A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship**

43. 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 "there 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)(holding that "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)).

44. Congress has mandated that an individual may not naturalize unless that person "during all periods referred to in their 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 U.S. citizen. *Id.*

45. 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." *See* 8 U.S.C. § 1101(a)(20).

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

47. An individual who, by fraud or by 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 Immigration and Nationality Act ("INA") is inadmissible. *See* 8 U.S.C. § 1182(a)(6)(C)(i).

**B. The Denaturalization Statute**

48. 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 a naturalization application, Congress enacted 8 U.S.C. § 1451.

49. Under 8 U.S.C. § 1451(a), this Court must revoke a U.S. 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.

50. 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.

51. 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 because of the misrepresentation or concealment. *Kungys v. United States*, 485 U.S. 759, 767 (1988).

52. 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* at 517.

## VI. CAUSES OF ACTION

### COUNT ONE
### ILLEGAL PROCUREMENT OF NATURALIZATION
### ALIEN SUBJECT TO DEPORTATION ORDER

53. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this complaint.

54. No person shall be naturalized against whom there is outstanding a final finding of deportability pursuant to a warrant of arrest issued under the INA. 8 U.S.C. § 1429.

55. No application for naturalization shall be considered if there is pending against the applicant a removal proceeding pursuant to a warrant of arrest issued under the INA. 8 U.S.C. § 1429.

56. Defendant is the subject of a final deportation order because an IJ ordered him deported *in absentia* on December 3, 1996.

57. Because Defendant failed to appear for his deportation as scheduled, there is a pending deportation proceeding against him.

58. Because Defendant is the subject of a final deportation order and faces a pending deportation proceeding, he was and remains ineligible for naturalization under 8 U.S.C. § 1429.

59. Because he was ineligible to naturalize, Defendant illegally procured his citizenship.

60. Because Defendant illegally procured his citizenship, this Court must revoke his citizenship as provided for in 8 U.S.C. § 1451(a).

**COUNT TWO**
**ILLEGAL PROCUREMENT OF NATURALIZATION NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE**
**(Illegal Entrants and Immigration Violators—Misrepresentation**
**8 U.S.C. § 1182(a)(6)(C)(i)**

61. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this complaint. To qualify for naturalization, an applicant must have been "lawfully admitted" to the United States for permanent residence. *See* 8 U.S.C. §§ 1427(a)(1), 1429. The term "lawfully" denotes compliance with substantive legal requirements, not mere procedural regularity. 8 U.S.C. § 1101(a)(20). *Monet* at 753. Among the applicable provisions in the INA at the time of Defendant's adjustment of status to permanent resident was the requirement that he be admissible to the United States. 8 U.S.C. §§ 1159(b)(5), 1255(a).

62. Under the law in effect at the time that 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, using another identity, or other benefit provided under the INA, was inadmissible. *See* 8 U.S.C. § 1182(a)(6)(C)(i).

63. 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.

64. Defendant sought to procure admission into the United States and other benefits provided for in the INA by fraud or willfully misrepresenting a material fact.

65. Specifically, at the time Defendant adjusted his status to permanent resident using the name Balwinder Singh, he failed to disclose that he had previously sought and had been denied an immigration benefit using the name Baljinder Dhrala.

66. Indeed, at the time that Defendant adjusted to permanent resident status, he was subject of an outstanding deportation order under the name Baljinder Dhrala.

67. Defendant's false statements regarding his prior identity, deportation order, and immigration history were material to determining his eligibility for the immigration benefits for which he applied.

68. 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. 8 U.S.C. § 1182(a)(6)(C)(i).

69. 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.

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

71. Because he was ineligible to naturalize, Defendant illegally procured his citizenship.

72. Because Defendant illegally procured his citizenship, 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 Adversely Reflecting Moral Character With No Extenuating Circumstances)**

73. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this Complaint.

74. As outlined above, 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 for the five-year statutory period before filing a naturalization application until the time the applicant becomes a naturalized U.S. citizen. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(i).

75. On September 30, 2008, Defendant filed his Form N-400, Application for Naturalization; and he naturalized on March 18, 2009. Thus, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during his "statutory period" of September 30, 2003, through March 18, 2009.

76. Defendant could not show he was a person of good moral character during the statutory period, because he committed unlawful acts during that period that adversely reflected on his good moral character, with no extenuating circumstances that would ameliorate or palliate his guilt.

77. During the statutory period, Defendant violated 18 U.S.C. § 1001(a)(1)-(a)(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 used a different identity and that he had been ordered excluded and deported under that identity.

78. Specifically, Defendant violated 18 U.S.C. § 1001(a)(1)-(a)(3) during the statutory period when he completed and filed his naturalization application under the identity of Balwinder Singh by stating that he had never used any other names to be admitted to the United States and that he had never been involved in deportation proceedings.

79. Defendant also represented in his naturalization application that he had never committed a crime or offense for which he was not arrested.

80. Defendant also represented in his naturalization application that he had never been arrested, cited, or detained by any law enforcement officer (including INS and military officers) for any reason.

81. Defendant also violated 18 U.S.C. § 1546(a) and (b)(3) by knowingly and willfully presenting a fraudulent application and attesting to misrepresentations made under oath.

82. Specifically, Defendant violated 18 U.S.C. § 1546(a) and (b)(3) during the statutory period when he completed and filed his naturalization application by stating that he had never used any other names to be admitted to the United States and that he had never been involved in deportation proceedings nor ordered deported.

83. At his naturalization interview, Defendant testified that his name was Balraj Singh.

84. At his naturalization interview, Defendant testified that he was born in India in 1971; although under the identity of Baljinder Dhrala Defendant represented that he was born in 1969.

85. No extenuating circumstances exist that would palliate Defendant's guilt for violating 18 U.S.C. § 1001(a)(1)-(3) or 18 U.S.C. § 1546(a) and (b)(3). *United States v. Zhou,* 815 F.3d 639, 644-645 (9th Cir. 2016).

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

87. Because he was ineligible to naturalize, Defendant illegally procured his citizenship.

88. Because Defendant illegally procured his citizenship, this Court must revoke his citizenship as provided for in 8 U.S.C. § 1451(a).

**COUNT FOUR**
**ILLEGAL PROCUREMENT OF NATURALIZATION**
**LACK OF GOOD MORAL CHARACTER**
**(False Testimony - 8 U.S.C. § 1101(f)(6))**

89. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this complaint.

90. As outlined above, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during his "statutory period" of September 30, 2003, through March 18, 2009.

91. At his naturalization interview, in response to Part 1, Defendant stated orally and under oath that his name was Balwinder Singh.

92. At his naturalization interview, in response to Question B in Part 3, Defendant stated orally and under oath that his date of birth was in 1971, when, in fact, he had previously submitted an application indicating a date of birth in 1969 under the identity of Baljinder Dhrala.

93. At his naturalization interview, Defendant orally and under oath answered "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), when, in fact, he had given false or misleading information to a U.S. Government official while applying for any immigration benefit.

94. At his naturalization interview, Defendant orally and under oath answered "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), when, in fact, he had lied to U.S. Government official to gain entry or admission into the United States.

95. At his naturalization interview, Defendant orally and under oath answered "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), when, in fact, he had been ordered removed, excluded, or deported from the United States.

96. At his naturalization interview, Defendant orally and under oath answered "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), when, in fact, he had applied for relief from removal, exclusion, or deportation.

97. At his naturalization interview, Defendant orally and under oath answered "no" to Question 15 in Part 10, which asked: "Have you **ever** committed a crime or offense for which you were **not** arrested?" (emphasis in original), when, in fact, he had committed a crime or offense for which he was not arrested.

98. Defendant provided false testimony during his naturalization interview.

99. Providing false testimony to gain immigration benefits is an enumerated act for failing to show good moral character. 8 U.S.C. § 1101(f)(6).

100. Accordingly, Defendant was ineligible to naturalize.

101. Because he was ineligible to naturalize, Defendant illegally procured his citizenship.

102. Because Defendant illegally procured his citizenship, this Court must revoke his citizenship as provided for in 8 U.S.C. § 1451(a).

## COUNT FIVE
## ILLEGAL PROCUREMENT OF NATURALIZATION/NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE
**(Not Statutorily Eligible to Adjust Status - 8 U.S.C. § 1255(a))**

103. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this complaint.

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

105. As noted above, the term "lawfully" denotes compliance with substantive legal requirements, not mere procedural regularity. 8 U.S.C. § 1101(a)(20). *Monet* at 753.

106. USCIS may adjust the status of an alien who was inspected and admitted or paroled into the United States in its discretion if (i) the alien makes an application for such

adjustment; (ii) the alien is eligible to receive an immigrant visa and is admissible to the United States; and (iii) an immigrant visa is immediately available for the alien. 8 U.S.C. § 1255(a).

107. Even though adjustment is discretionary and vested in USCIS, the applicant must first satisfy the statutory criteria to be eligible to naturalize. *See Elkins v. Moreno,* 435 U.S. 647, 664-65 (1978).

108. Because Defendant falsified his applications and concealed a second identity, he was not lawfully admitted to the U.S., when, on April 30, 1996, INS granted Defendant's request for admission to the United States.

109. Because Defendant was not lawfully admitted to the U.S, he failed to meet the statutory eligibility requirements to adjust his status to that of permanent resident. 8 U.S.C. § 1255(a)

110. Because Defendant did not lawfully adjust his status to that of permanent resident, he was and is ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

111. Because he was ineligible to naturalize, Defendant illegally procured his citizenship.

112. Because Defendant illegally procured his citizenship, this Court must revoke his citizenship as provided for in 8 U.S.C. § 1451(a).

**COUNT SIX**
**ILLEGAL PROCUREMENT OF NATURALIZATION/NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE**
**(USCIS Lacked Jurisdiction to Adjust Status - 8 U.S.C. § 1229a(a)(1))**

113. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this complaint.

114. Congress has afforded authority to IJs to conduct removal proceedings under 8 U.S.C. § 1229a(a)(1). *See Jianhua Dong v. Chertoff,* 513 F. Supp. 2d 1158, 1172, n. 8 (N.D.Cal. 2007) (citing *Abu-Khaliel v. Gonzales*, 436 F.3d 627, 634 (6th Cir. 2006).

115. Importantly, the power conferred upon an IJ is statutory, not delegated.

116. Here, Defendant was still in deportation proceedings under the Baljinder Dhrala identity when he applied for immigration benefits under the identity of Balwinder Singh.

117. Moreover, the IJ ordered him deported under the identity of Baljinder Dhrala, prior to his application under the identity of Balwinder Singh. 8 U.S.C. § 1231(a)(2).

118. Because Defendant was in deportation proceedings when he applied to adjust status to that of permanent resident, USCIS lacked jurisdiction to adjust his status. 8 U.S.C. § 1229a(a)(1).

119. Because USCIS lacked jurisdiction to adjust his status, Defendant did not lawfully adjust his status to that of permanent resident.

120. Because Defendant did not lawfully adjust his status to that of permanent resident, he was and is ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

121. Because he was ineligible to naturalize, Defendant illegally procured his citizenship.

122. Because Defendant illegally procured his citizenship, this Court must revoke his citizenship as provided for in 8 U.S.C. § 1451(a).

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

123. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this Complaint.

124. 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 because of the misrepresentation or concealment. *Kungys*, 485 U.S. at 767.

125. As set forth herein, throughout the naturalization process, Defendant willfully misrepresented and concealed, among other things: (i) his use of another identity, (ii) his prior

order of deportation; (iii) his prior application for an immigration benefit; (iv) 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; (v) that he had lied to a U.S. Government official to gain entry or admission into the United States; (vii) that he had been ordered to be removed, excluded, or deported from the United States; (viii) and that he had previously applied for relief from removal, exclusion, or deportation.

126. Defendant knew each of these statements to be false.

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

128. Defendant's misrepresentations and omissions were material to his naturalization because the disclosure of his multiple identities, prior application for immigration benefits, prior order of exclusion and deportation, 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 misinformation, USCIS would have likely denied his naturalization application.

129. Defendant thus procured his naturalization by willful misrepresentation and concealment of material facts, and this Court must revoke his citizenship pursuant to 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 Certificate of Naturalization No. [redacted], effective as of the original date of the certificate, March 18, 2009;

(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 March 18, 2009 naturalization;

(5) Judgment requiring the Defendant, within ten (10) days of the entry of judgment against his, to surrender and deliver his Certificate of Naturalization No. [redacted] 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 to 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 Driver's 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 to his representative, including undersigned counsel; and

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

Dated: September 8, 2026

Respectfully submitted,

ERIC GRANT
United States Attorney

BRETT A. SHUMATE
Assistant Attorney General

JENNIFER J. KEENEY
Associate Director
Office of Immigration Litigation

JOHN J.W. INKELES
Chief, Denaturalization Unit

s/ *Raymond S. Dietrich*
Raymond S. Dietrich
Trial Attorney
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Raymond.S.Dietrich@usdoj.gov

*Counsel for Plaintiff*

**Exhibit A**

| | | |
|---|---|---|
| UNITED STATES OF AMERICA | ) | |
| | ) | |
| In the Matter of the Revocation | ) | AFFIDAVIT OF GOOD CAUSE |
| of the Naturalization of | ) | |
| | ) | |
| Balwinder Singh, [redacted] | ) | |
| a/k/a Baljinder Dhrala, [redacted] | ) | |
| | ) | |

I, Catherine Nieves, declare under penalty of perjury as follows:

I am an 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 Balwinder Singh, [redacted], a.k.a. Baljinder Dhrala, [redacted] (hereafter Singh).

I have examined records relating to Balwinder Singh, including but not limited to, his immigration files. Based upon my review of records relating to Balwinder Singh, 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 Balwinder Singh and to cancel his Certificate of Naturalization.

The last known place of residence for Balwinder Singh is [redacted] Woodland, CA 95776.

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[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.

## BACKGROUND

DHS records, including fingerprint comparison, establish that the person who naturalized as Balwinder Singh is the same person who was previously in deportation proceedings under the name Baljinder Dhrala.

**Immigration History as Baljinder Dhrala**
**D.O.B** [redacted]

1. On July 15, 1992, Singh, using the name Baljinder Dhrala, filed an application for immigration benefit with the Immigration and Naturalization Service (INS). Under this identity, INS issued him Alien Registration Number (A-Number) [redacted]
2. On this application, signed under penalty of perjury, he represented that:
    - His name was Baljinder Dhrala
    - He was born on [redacted] 1969
    - He was a citizen of India
    - He last entered the United States at Blaine, WA on April 4, 1992, without inspection.
3. On October 1, 1992, he appeared at the INS Office in San Francisco, California for an interview related to his benefit request.
4. On March 10, 1993, the INS Office issued a Notice of Intent to Deny (NOID) his application for immigration benefit. The NOID indicated that his testimony was not credible and he was afforded thirty (30) days from the date of the NOID to provide rebuttal or new evidence.
5. On March 5, 1994, the INS Office issued him a written decision denying his immigration benefit application and a Form I-221, Order to Show Cause and Notice of Hearing (OSC), thereby placing him in deportation proceedings. The OSC charged him as deportable under INA Section 241(a)(1)(B) for entering the United States without inspection.
6. On June 20, 1994, he submitted a renewed request for the denied immigration benefit application with the Immigration Court.

7. On July 27, 1995, he appeared for his deportation hearing. He conceded service of the OSC and admitted the allegations contained therein. India was designated as the country of removal.
8. On December 3, 1996, he failed to appear to his deportation hearing, although his attorney was present. The Immigration Judge ordered him deported in absentia.
9. On January 9, 1997, INS issued Form I-166 informing him to present himself for deportation on January 21, 1997, at 630 Sansome Street, San Francisco, CA 94111 at 11:00 am.
10. On January 21, 1997, he failed to appear.
11. There is no record that he departed the United States.

**Immigration History as Balwinder Singh**
**D.O.B** [redacted]

12. On February 12, 1996, the same individual, using the name Balwinder Singh, filed an immigration benefit application with the Immigration and Naturalization Service (INS). Under this identity, INS issued him Alien Registration Number (A-Number) [redacted]. On this application, signed under penalty of perjury, he represented that:
    - He did not have an alien registration number
    - His name was Balwinder Singh
    - He was born on [redacted] 1971
    - He was a citizen of India
    - He had last entered the United States at San Ysidro, California on November 13, 1995, without inspection
    - He was not now in exclusion or deportation proceedings
    - He had not used any other names
13. On April 16, 1996, he appeared at the INS Office in San Francisco, CA for an interview related to his benefit request.
14. On April 30, 1996, Singh reappeared at the INS Office in San Francisco, CA and he was served with an approval notice indicating that his immigration benefit request was granted as of April 16, 1996.
15. On April 26, 1999, Singh filed Form I-485, Application to Adjust Status with INS. On his Form I-485, signed under penalty of perjury, he represented that:

- His name was Balwinder Singh
- He was born on [redacted], 1971
- He was a citizen of India
- He had last entered the United States on November 13, 1995, without inspection
- He had never been deported from the U.S., or removed from the U.S. at government expense, excluded within the past year, and was not now in exclusion or deportation proceedings; and
- He had never sought to procure, or procured, a visa, other documentation, entry into the U.S. or any other immigration benefit by fraud or willful misrepresentation.

16. On September 12, 2003, Singh's Form I-485 was approved without interview, thereby granting him the status of lawful permanent resident.
17. On September 30, 2008, Singh filed with USCIS a Form N-400, Application for Naturalization, under INA § 316, 8 U.S.C. § 1427, based on having been a lawful permanent resident for a period of five years. On his Form N-400, he represented that:
    - His current legal name was Balwinder Singh.
    - He had not used any other names.
    - His date of birth was [redacted] 1971.
    - 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;
    - He had never lied to any U.S. government official to gain entry or admission into the United States;
    - He had never committed a crime or offense for which he was not arrested;
    - He had never been removed, excluded or deported from the United States;
    - He had never been ordered to be removed, excluded or deported from the United States; and
    - He had never applied for any kind of relief from removal, exclusion, or deportation
18. On February 5, 2009, Singh was interviewed at the USCIS Field Office in Sacramento, California to determine his eligibility for naturalization. During the course of the interview, Sean Cole placed Balwinder Singh under oath and asked him the following:

- What is your current legal name?
- Have you ever used any other names?
- What is your date of birth?
- 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?
- Have you ever committed a crime or offense for which you have not been arrested?
- Have you ever lied to any U.S. government official to gain entry or admission into the United States?
- Have you ever been removed, excluded, or deported from the United States?
- Have you ever been ordered to be removed, excluded, or deported from the United States?
- Have you ever applied for any kind of relief from removal, exclusion, or deportation?

19. In response, Singh testified that his name was Balwinder Singh. He further testified that his date of birth was [redacted] 1971. He orally answered "no" to the remaining questions above.
20. During the course of the naturalization interview, six changes were made to the written answers initially provided on his Form N-400. At the conclusion of his interview, Singh swore that the contents of his Form N-400, including the six corrections, were true and correct.
21. On the basis of Singh's written application and the testimony that he provided during his naturalization interview, USCIS approved Singh's Form N-400 was approved on February 5, 2009.
22. On March 18, 2009, Singh took the Oath of Allegiance and was admitted as a citizen of the United States. USCIS issued his Certificate of Naturalization No. [redacted].

## ILLEGAL PROCUREMENT OF NATURALIZATION

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

23. 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.
24. Among the INA provisions applicable at the time of Singh's adjustment of status to permanent resident was the requirement that he be admissible to the United States. INA § 209(b), 8 U.S.C. § 1159(b).
25. 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).
26. Based on the information contained above, Singh willfully misrepresented material facts, specifically, his identity and immigration history.
27. Because Singh 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, Singh's naturalization was procured illegally.

### Illegal Procurement of Naturalization
### Not Lawfully Admitted for Permanent Residence
### In Immigration Court Proceedings at Time of Adjustment

28. 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.
29. Among the INA provisions applicable at the time of Singh's adjustment of status to permanent resident, 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. § 209.2(c).
30. Singh was subject to deportation proceedings under the name of Baljinder Dhrala as of March 5, 1994, and filed his application for adjustment of status on April 26, 1999.

31. Because Singh misrepresented material facts regarding his immigration history in connection with his adjustment application, USCIS was not aware of the pending deportation proceedings. USCIS lacked jurisdiction over Singh's adjustment application as his deportation proceedings remained pending when USCIS approved his application for adjustment of status on September 12, 2003.
32. Because the Immigration Court had exclusive jurisdiction over Singh's application for adjustment of status at the time it was approved by USCIS, he was not lawfully admitted for permanent residence. Accordingly, Singh's naturalization was procured illegally.

**Illegal Procurement of Naturalization**
**Lack of Good Moral Character**
**Unlawful Acts**

33. As an applicant for naturalization under section 316(a) of the INA, Singh 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 he is administered the oath of allegiance as a US citizen. This period is generally referred to as the "statutory period."
34. Singh filed his application for naturalization on September 30, 2008; accordingly, he was required to establish that he was a person of good moral character from September 30, 2003, until the time he is administered the oath of allegiance as a US citizen on March 18, 2009.
35. 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).
36. Based on the facts contained above, during the statutory period Singh committed unlawful acts that adversely reflected on his moral character. Singh violated criminal code 18 U.S.C. § 1001(a)(3) as he made false statements in connection with his naturalization application. Specifically, Singh provided false information regarding his name, date of birth, whether he had been in deportation proceedings, and whether he ever gave false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation. Singh cannot establish extenuating

circumstances considering the deliberate and ongoing nature of his violations. Accordingly, he was not eligible for naturalization and illegally procured his naturalization.

**Illegal Procurement of Naturalization**
**Lack of Good Moral Character**
**False Testimony**

37. As an applicant for naturalization under section 316(a) of the INA, Singh 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 he is administered the oath of allegiance as a US citizen. This period is generally referred to as the "statutory period."
38. Singh filed his application for naturalization on September 30, 2008; accordingly, he was required to establish that he was a person of good moral character from September 30, 2003, until the time he is administered the oath of allegiance as a US citizen on March 18, 2009.
39. 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).
40. Based on the facts contained above, Singh provided false testimony while under oath during his naturalization interview on February 5, 2009. Specifically, Singh provided false testimony regarding:
    - Whether he had ever used any other names
    - 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;
    - Whether he had ever lied to any U.S. Government official to gain entry or admission into the United States;
    - Whether he had ever committed a crime or offense for which he was not arrested;
    - Whether he had ever been ordered to be removed, excluded, or deported from the United States;
    - Whether he had ever applied for any kind of relief from removal, exclusion or deportation

41. Because Singh 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**

42. A naturalized citizen is subject to revocation of naturalization if he procured naturalization by willfully misrepresenting or concealing material facts.
43. Based on the facts contained above, Singh willfully misrepresented his identity and immigration history throughout the naturalization process.
44. The misrepresentations made by Singh 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, Singh 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 he was ineligible for naturalization under INA § 318, 8 U.S.C. § 1429.
45. Singh was able to procure his naturalization because he concealed or misrepresented material facts regarding his identity and immigration history.

DECLARATION IN LIEU OF JURAT
(28 U.S.C. § 1746)

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

Executed on September 1, 2026 at Holtsville, NY.

Catherine Nieves

Catherine Nieves
Immigration Services Officer
United States Citizenship and Immigration Services
Department of Homeland Security