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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. ARNEL DACUMOS TABAFUNDA, Defendant.	Civil Action No. 5:26-cv-5353 **COMPLAINT TO REVOKE NATURALIZATION**

I. PRELIMINARY STATEMENT

The United States of America ("Plaintiff") brings this civil action under 8 U.S.C. § 1451(a) against Arnel Dacumos Tabafunda ("Defendant") to revoke his U.S. citizenship. Defendant fraudulently and unlawfully procured U.S. citizenship by concealing criminal conduct in which he engaged prior to naturalizing and for

which he was charged and convicted after naturalizing. Specifically, before he became a U.S. citizen, Defendant sexually abused a child under the age of thirteen. After Defendant naturalized, a jury found him guilty of two counts of committing lewd or lascivious acts upon a child under the age of fourteen years, in violation of Cal. Penal Code § 288(a), and he was sentenced to 8 years imprisonment.

This complaint seeks revocation of Defendant's naturalization on four independent grounds. First, Defendant illegally procured his naturalization in that he lacked the statutorily required good moral character to naturalize because he committed a crime involving moral turpitude ("CIMT") during the period when he was required to demonstrate good moral character. Second, he also lacked the statutorily required good moral character because, again during the period he was required to demonstrate good moral character, he committed unlawful acts adversely reflecting on his moral character, and no extenuating circumstances exist that would lessen his guilt. Third, Defendant lacked the required good moral character to naturalize because he falsely testified under oath during his naturalization interview about his prior criminal conduct. Finally, throughout his naturalization proceedings, Defendant willfully misrepresented and concealed facts that were material to determining his naturalization eligibility.

Based on Defendant's actions described further below and in the attached affidavit showing good cause, the United States brings this civil action under 8

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

2. This Court has subject-matter jurisdiction under 8 U.S.C. § 1451(a) and 28 U.S.C. §§ 1331 and 1345.

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

III. PARTIES

4. Plaintiff is the United States of America.

5. Defendant is a naturalized U.S. citizen and a native of the Philippines.

IV. FACTUAL BACKGROUND

6. The affidavit of Daisy Garza, Special Agent with U.S. Immigration and Customs Enforcement, showing good cause for this action as required by 8 U.S.C. § 1451(a) is attached as Exhibit A.

IMMIGRATION HISTORY

7. On June 29, 1997, Defendant was admitted to the United States on an IR-2 immigrant visa as an unmarried child under the age of 21 of a U.S. citizen.

8. Also on June 29, 1997, Defendant adjusted his status to permanent resident of the United States.

NATURALIZATION PROCEEDINGS

Naturalization Application

9. On or about May 11, 2005, Defendant filed with USCIS a Form N-400, Application for Naturalization ("Naturalization Application").

10. A true and complete copy of Defendant's Naturalization Application, except for the redaction of personally identifying information immaterial to this action, is attached as Exhibit B.

11. Part 10, Section D, Question 15 of Defendant's Naturalization Application asks, "Have you **EVER** committed a crime or offense for which you were NOT arrested?" (emphasis in original).

12. In completing his Naturalization Application and responding to Part 10, Section D, Question 15, Defendant checked the box marked "No."

13. Part 10, Section D, Question 23 of Defendant's Naturalization Application asks, "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).

14. In completing his Naturalization Application and responding to Part 10, Section D, Question 23, Defendant checked the box marked "No."

15. Part 11 of Defendant's Naturalization Application states, in part, "I certify, under penalty of perjury under the laws of the United States of America, that this application, and the evidence submitted with it, are all true and correct."

16. On or about May 5, 2005, Defendant dated and signed his Naturalization Application beneath the statement at Part 11, thereby certifying under penalty of perjury that all his responses in the application were true and correct.

Naturalization Interview

17. On September 22, 2005, a USCIS officer interviewed Defendant regarding his Naturalization Application to determine his eligibility for naturalization.

18. At the beginning of the naturalization interview, the USCIS officer placed Defendant under oath.

19. During the naturalization interview, the interviewing officer asked Defendant many of the same questions included in Defendant's written Naturalization Application.

20. Consistent with Part 10, Section D, Question 15 of Defendant's Naturalization Application, the interviewing officer asked Defendant whether he had ever committed a crime or offense for which he was not arrested.

21. Consistent with his written response to Part 10, Section D, Question 15, Defendant orally testified under oath that he had never committed a crime or

offense for which he was not arrested.

22. The interviewing officer notated Defendant's response during the naturalization interview to Part 10, Section D, Question 15 by placing a handwritten checkmark in red ink next to Defendant's prior response.

23. Consistent with Part 10, Section D, Question 23 of Defendant's Naturalization Application, the interviewing officer also asked Defendant whether he had ever given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal.

24. Consistent with his written response to Part 10, Section D, Question 23, Defendant orally testified under oath that he had never given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal.

25. The interviewing officer notated Defendant's response during the naturalization interview to Part 10, Section D, Question 23 by placing a handwritten checkmark in red ink next to Defendant's prior response.

26. At the conclusion of his naturalization interview, Defendant signed his Naturalization Application at Part 13, thereby certifying a second time under penalty of perjury that the contents of his Naturalization Application, including corrections to the application made at his interview, were true and correct to the best of his knowledge and belief.

27. On or about September 22, 2005, based on Defendant's representations in his Naturalization Application and on Defendant's sworn oral testimony during his naturalization interview, USCIS approved Defendant's application.

Oath of Allegiance

28. Following USCIS's approval of his Naturalization Application, Defendant received a Form N-445, Notice of Naturalization Oath Ceremony ("Oath Notice"), which indicated that his oath ceremony would take place on September 28, 2005.

29. A true and complete copy of Defendant's Oath Notice is attached as Exhibit C.

30. On September 28, 2005, Defendant completed a questionnaire included in his Oath Notice.

31. Question 3 of the Oath Notice questionnaire asks, "AFTER the date you were first interviewed on your Application for Naturalization, Form N-400: [. . .] Have you knowingly committed any crime or offense, for which you have not been arrested[?]"

32. In response to Question 3 of the Oath Notice questionnaire, Defendant checked the box marked "No."

33. Also on September 28, 2005, Defendant signed his Oath Notice, thereby certifying that his answers provided in the Oath Notice questionnaire were

true and correct, and he then submitted his Oath Notice to USCIS.

34. Also on September 28, 2005, based on the responses Defendant provided that same day when he submitted the Oath Notice questionnaire, as well as on Defendant's approved Naturalization Application, Defendant was administered the oath of allegiance, was admitted to U.S. citizenship, and was issued his Certificate of Naturalization No. [redacted].

35. A true and complete copy of Defendant's Certificate of Naturalization, except for redactions of personally identifying information immaterial to this action, is attached as Exhibit D.

DEFENDANT'S STATE CRIMINAL CHARGES AND CONVICTION

36. Beginning in or about February 2005 and continuing through November 2005, Defendant willfully and lewdly committed lewd or lascivious acts upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of Defendant or the child.

37. On December 12, 2006, Defendant was charged in a four-count felony complaint filed in California Superior Court. *See* Felony Complaint, *People v. Tabafunda*, No. SWF-018-799 (Cal. Super. Ct. Dec. 12, 2006) ("Felony Complaint").

38. A true and complete copy of the Felony Complaint is attached as Exhibit E.

39. The Felony Complaint charged Defendant with willfully and lewdly committing four counts of lewd or lascivious acts upon a child under the age of fourteen years, in violation of Cal. Penal Code § 288(a), committed from on or about February 2005 through and including November 2005.

40. On October 15, 2009, an Amended Information was filed against Defendant. *See* Amended Information, *People v. Tabafunda*, No. SWF-018-799 (Cal. Super. Ct. Oct. 15, 2009) ("Amended Information").

41. A true and complete copy of the Amended Information is attached as Exhibit F.

42. The first four counts of the Amended Information are identical to those in the Felony Complaint, but the Amended Information includes a misdemeanor count of willfully and unlawfully annoying and molesting a child under the age of 18 years, in violation of Cal. Penal Code § 647.6.

43. On October 15, 2009, a jury found Defendant guilty of Counts One and Two of the Amended Information. *See* Verdict, *People v. Tabafunda*, No. SWF-018-799 (Cal. Super. Ct. Oct. 15, 2009) ("Jury Verdict Forms").

44. True and complete copies of the Jury Verdict Forms are attached as Exhibit G.

45. On June 11, 2010, the Superior Court of California issued judgment, sentenced Defendant to an incarceration term of eight years, and required Defendant's registration as a sex offender upon release. *See* Minute Order, *People*

v. Tabafunda, No. SWF-018-799 (Cal. Super. Ct. June 11, 2010) ("Minute Order").

46. A true and complete copy of the Minute Order is attached as Exhibit H.

V. GOVERNING LAW

Congressionally Imposed Prerequisites to the Acquisition of Citizenship

47. No individual has a right to naturalization "unless all statutory requirements are complied with." *United States v. Ginsberg*, 243 U.S. 472, 474-75 (1917). Indeed, the Supreme Court has underscored that "[t]here must be strict compliance with all the congressionally imposed prerequisites to the acquisition of citizenship." *Fedorenko v. United States*, 449 U.S. 490, 506 (1981); *see also id.* (quoting *Ginsberg*, 243 U.S. at 474-75) ("'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[.]'").

48. 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 . . . ." *See* 8 U.S.C. § 1427(a)(3). The required "statutory period" for good moral character begins five years before the date the applicant files the application for naturalization, and it continues until the applicant takes the oath of allegiance and becomes a U.S. citizen. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(1).

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

50. As a matter of law, an applicant necessarily lacks good moral character if he commits a crime involving moral turpitude ("CIMT") during the statutory period and later either is convicted of the crime or admits his commission of the criminal activity. 8 U.S.C. § 1101(f)(3) (cross-referencing 8 U.S.C. § 1182(a)(2)(A)); 8 C.F.R. § 316.10(b)(2)(i) (providing that an applicant "shall be found to lack good moral character" if, for example, he committed and was convicted of one or more crimes involving moral turpitude).

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

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

53. Thus, an individual who commits an unlawful act adversely reflecting upon his or her moral character cannot meet the good moral character requirement unless he or she proves that extenuating circumstances existed that would palliate

or ameliorate guilt. *See* 8 C.F.R. § 316.10(b)(3)(iii); *see also* 8 U.S.C. § 1101(f) (flush language).

54. Conviction of an unlawful act during the statutory period is not necessary; a naturalization applicant's commission of the act during this period suffices to preclude the applicant from establishing good moral character. *United States v. Suarez*, 664 F.3d 655, 661 (7th Cir. 2011); *United States v. Teng Jiao Zhou*, 815 F.3d 639, 644 (9th Cir. 2016) (quoting *Suarez*, 664 F.3d at 661) (focusing unlawful acts analysis on conviction of *or* commission of acts during the statutory good moral character period per 8 C.F.R. § 316.10(b)(3)(iii), rather than requiring conviction during this period).

55. Where an individual has been convicted, he or she is collaterally estopped from contesting all issues necessarily decided in the criminal matter. *See Teng Jiao Zhou*, 815 F.3d at 644 (citation omitted) (explaining that conviction "binds" the civil denaturalization court as to the criminal offense); *Suarez*, 664 F.3d at 663 (citing *United States v. Jean-Baptiste*, 395 F.3d 1190, 1192 (11th Cir. 2005), *cert. denied*, 546 U.S. 852 (2005)) (stating that a defendant "may not . . . re-litigate issues decided in his criminal case" in a subsequent civil denaturalization action).

The Naturalization Revocation Statute

56. Recognizing that there are situations where an individual has naturalized despite failing to comply with all congressionally imposed prerequisites to the acquisition of citizenship or by concealing or misrepresenting

facts that are material to the decision on whether to grant his or her naturalization application, Congress enacted 8 U.S.C. § 1451.

57. Under 8 U.S.C. § 1451(a), the Court must revoke an order of naturalization and cancel the individual's Certificate of Naturalization if his or her naturalization was either:

(i) illegally procured; or

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

58. Failure to comply with any of the congressionally imposed prerequisites to the acquisition of citizenship renders the citizenship "illegally procured." *Fedorenko*, 449 U.S. at 506.

59. Naturalization was procured by concealment of a material fact or by willful misrepresentation where: (1) the naturalized citizen misrepresented or concealed some fact during the naturalization process; (2) the misrepresentation or concealment was willful; (3) the fact was material; and (4) the naturalized citizen procured citizenship as a result of the misrepresentation or concealment. *Kungys v. United States*, 485 U.S. 759, 767 (1988).

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

VI. CAUSES OF ACTION

COUNT I

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (Crime Involving Moral Turpitude)

61. Plaintiff re-alleges and incorporates by reference the factual and legal allegations contained in Sections II through V of this Complaint.

62. 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 his or her 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)(1).

63. Defendant filed his Naturalization Application on May 11, 2005, and naturalized on September 28, 2005. Thus, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during his statutory period from May 11, 2000, until September 28, 2005.

64. Defendant was statutorily barred from establishing the requisite good moral character for naturalization because he committed a CIMT during the statutory period and subsequently was convicted of a CIMT. *See* 8 U.S.C. § 1101(f)(3); 8 C.F.R. § 316.10(b)(2)(i).

65. As described above in paragraph 43, a jury found Defendant guilty of willfully and lewdly committing lewd or lascivious acts on a child under the age of 14, in violation of Cal. Penal Code § 288(a).

66. Defendant's Amended Information and the jury's guilty determination regarding Counts 1 and 2 establish that Defendant violated Cal. Penal Code § 288(a) beginning in February 2005 and continuing through November 2005, a period that overlaps with Defendant's statutory period.

67. The crime of committing a lewd or lascivious act, in violation of Cal. Penal Code § 288(a), is a CIMT. *See United States v. Farmer*, 627 F.3d 416, 420 (9th Cir. 2010); *Syed v. Barr*, 969 F.3d 1012, 1018-20 (9th Cir. 2020).

68. Because Defendant committed a CIMT during the statutory period for which he later was convicted, he was barred under 8 U.S.C. § 1101(f)(3) from showing that he had the good moral character necessary to become a naturalized U.S. citizen.

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

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

COUNT II

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (Unlawful Acts)

71. Plaintiff re-alleges and incorporates by reference the factual and legal allegations contained in Sections II through V of this Complaint.

72. To be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during the "statutory period," which began here on May 11, 2000 (five years before Defendant filed his Naturalization Application), and continued until September 28, 2005 (when Defendant naturalized). *See* 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(1).

73. Defendant could not establish the requisite good moral character for naturalization because he committed an unlawful act during his statutory period that reflected adversely upon his moral character, and no extenuating circumstances exist that would lessen his guilt. *See* 8 U.S.C. § 1101(f) (flush language); 8 C.F.R. § 316.10(b)(3)(iii).

74. As described above in paragraph 43, a jury found Defendant guilty of willfully and lewdly committing lewd or lascivious acts on a child under the age of 14, in violation of Cal. Penal Code § 288(a).

75. Defendant's Amended Information and the jury's guilty determination regarding Counts 1 and 2 establish that Defendant violated Cal. Penal Code

§ 288(a) beginning in February 2005 and continuing through November 2005, a period that overlaps with Defendant's statutory period.

76. Defendant's commission of the crime of lewd or lascivious acts, in violation of Cal. Penal Code § 288(a), adversely reflected on Defendant's moral character.

77. There were no extenuating circumstances with regard to Defendant's unlawful activity that would lessen his guilt. He therefore cannot avoid the regulatory bar on establishing good moral character found at 8 C.F.R. § 316.10(b)(3)(iii).

78. Defendant's commission during his statutory period of the unlawful act of lewd or lascivious acts, in violation of Cal. Penal Code § 288(a), reflects so adversely on Defendant's moral character that no evidence of his good moral character would permit Defendant to satisfy his burden of establishing good moral character as required for naturalization.

79. Because Defendant committed unlawful acts that adversely reflected on his moral character during the statutory period, and because no extenuating circumstances exist, he cannot show under 8 U.S.C. § 1101(f) and 8 C.F.R. § 316.10(b)(3)(iii) that he had the good moral character necessary to naturalize as a U.S. citizen.

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

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

COUNT III

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (False Testimony)

82. Plaintiff re-alleges and incorporates by reference the factual and legal allegations contained in Sections II through V of this Complaint.

83. To be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during the "statutory period," which began here on May 11, 2000 (five years before Defendant filed his Naturalization Application), and continued until September 28, 2005 (when Defendant naturalized). *See* 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(1).

84. Defendant was statutorily barred from showing that he was a person of good moral character because, during his statutory period, he gave false testimony, under oath, for the purpose of obtaining the immigration benefit of naturalization. *See* 8 U.S.C. § 1101(f)(6); 8 C.F.R. § 316.10(b)(2)(vi).

85. As outlined above in paragraphs 17 through 22, after being placed under oath during his September 22, 2005 naturalization interview, and in responding to Question 15 of Part 10(D) of his Naturalization Application,

Defendant testified that he had *never* committed a crime or offense for which he was not arrested.

86. Defendant's testimony was false because, beginning in February 2005 and continuing through November 2005, Defendant willfully and lewdly committed lewd or lascivious acts upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of Defendant or the child and had not, as of the date of his naturalization interview, been arrested for that crime.

87. As outlined above in paragraphs 17 through 19 and 23 through 25, after being placed under oath during his September 22, 2005 naturalization interview, and in responding to Question 23 of Part 10(D) of his Naturalization Application, Defendant testified that he had *never* given false or misleading information to any U.S. government official while applying for any immigration benefit.

88. Defendant's testimony was false because he *had* given false information in his Naturalization Application and at his naturalization interview by representing that – notwithstanding his commission of lewd or lascivious acts, in violation of Cal. Penal Code § 288(a), beginning in February 2005 and continuing through November 2005 – he had *never* committed a crime or offense for which he was not arrested.

89. Defendant provided the foregoing false testimony for the purpose of obtaining the immigration benefit of naturalization.

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

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

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

COUNT IV

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

93. Plaintiff re-alleges and incorporates by reference the factual and legal allegations contained in Sections II through V of this Complaint.

94. Under 8 U.S.C. § 1451(a), a court must revoke naturalization where it is procured by concealment of a material fact or by willful misrepresentation.

95. As outlined above in paragraphs 9 through 12 and 17 through 22, during the naturalization process, including in submitting his Naturalization Application and in testifying at his interview in support of it, Defendant

represented that he had *never* committed a crime for which he was not arrested.

96. Defendant's representation outlined in the paragraph immediately above was false because, as the jury determination described above in paragraph 43 demonstrates, prior to his naturalization proceedings, Defendant had willfully and lewdly committed lewd or lascivious acts upon a child under the age of fourteen years, in violation of Cal. Penal Code § 288(a).

97. As also outlined above in paragraphs 9 through 10, 13 through 14, 17 through 19, and 23 through 25, during the naturalization process, including in submitting his Naturalization Application and in testifying at his interview in support of it, Defendant represented that he had *never* provided false information to a U.S. government official while applying for any immigration benefit.

98. Defendant's representation outlined in the paragraph immediately above was false because Defendant *had* given false information in his Naturalization Application and at his naturalization interview by representing that – notwithstanding his commission of lewd or lascivious acts, in violation of Cal. Penal Code § 288(a), beginning in February 2005 and continuing through November 2005 – he had *never* committed a crime or offense for which he was not arrested.

99. Additionally, as outlined above in paragraphs 30 through 32, on the day he naturalized, Defendant represented that, after the date of his naturalization interview, he had not knowingly committed any crime or offense for which he had

not been arrested.

100. Defendant's representation outlined in the paragraph immediately above was false because, as the jury determination described above in paragraph 43 demonstrates, after the date of his September 2005 naturalization interview, Defendant continued to commit lewd or lascivious acts, in violation of Cal. Penal Code § 288(a), through November 2005.

101. Defendant knew his representations were false and misleading, and he therefore made them willfully.

102. Defendant's concealment and misrepresentation regarding his crime, his provision of false information to a U.S. government official while applying for the immigration benefit of naturalization, and the crime he had committed after the date of his naturalization interview were material to determining his eligibility for naturalization because they had the natural tendency to influence, or were capable of influencing, USCIS's decision whether to approve Defendant's Naturalization Application and whether he was eligible to naturalize.

103. Defendant procured his naturalization as a result of his misrepresentations.

104. Had Defendant disclosed his criminal conduct, USCIS would not have approved his Naturalization Application.

105. Had Defendant disclosed his provision of false information, USCIS would not have approved his Naturalization Application.

106. Indeed, Defendant's crimes of lewd or lascivious acts, in violation of Cal. Penal Code § 288(a), constituted CIMTs and unlawful acts that precluded Defendant from establishing the good moral character required for naturalization. *See* 8 U.S.C. §§ 1101(f) (flush text), 1101(f)(3), 1182(a)(2)(A)(i)(I), 1427(a)(3); 8 C.F.R. § 316.10(b)(3)(iii).

107. Accordingly, Defendant procured his naturalization by concealment and willful misrepresentation of material facts, and this Court must revoke his naturalization under 8 U.S.C. § 1451.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests:

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

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

(3) Judgment revoking and setting aside the order admitting Defendant to citizenship and canceling Certificate of Naturalization No. [redacted], effective as of the original date of the order and certificate, September 28, 2005;

(4) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages under any document that evidences U.S. citizenship obtained as a result of his September 28, 2005 naturalization;

(5) Judgment requiring Defendant to surrender and deliver, within ten days of judgment, his Certificate of Naturalization, as well as any copies thereof in his

possession or control (and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession or control of others), to the Attorney General through the Attorney General's designated representative, undersigned counsel;

(6) Judgment requiring Defendant to surrender and deliver, within ten days of judgment, any other indicia of U.S. citizenship (whether current or expired), including, but not limited to, U.S. passports and passport cards, as well as any Enhanced Driver's License, 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 through the Attorney General's designated representative, undersigned counsel; and

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//

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

Dated: September 15, 2026

Respectfully submitted,

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Counsel for the United States of America

Exhibit A

Affidavit of Good Cause

UNITED STATES OF AMERICA)
)
LOS ANGELES, CALIFORNIA)

In the Matter of the Revocation
of the Naturalization of

Arnel Dacumos Tabafunda
AKA: Arnel Dacumos Tabafundo; Arnel Tabafunda
X[redacted]

AFFIDAVIT OF GOOD CAUSE

I, Daisy Garza, declare, under penalty of perjury as follows:

I. I am a Special Agent with the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI). I have been employed by HSI since March 2022. I am currently assigned to the HSI Los Angeles – Fraud Investigations Group (FIG) in Los Angeles, California, which is tasked with conducting federal investigations involving identity theft, immigration fraud, government benefit fraud, and human rights violations. In this capacity, I have access to the official records maintained by DHS, including the immigration file of Arnel Dacumos Tabafunda.

II. I have examined the records relating to this individual. Accordingly, I state on information and belief that the information set forth in this Affidavit of Good Cause is true and correct.

III. On May 11, 2005, Mr. Tabafunda filed an Application for Naturalization (Form N-400) with the Western Service Center of U.S. Citizenship and Immigration Services (USCIS) pursuant to section 316(a) of the Immigration and Nationality Act (Act), as amended, 8 U.S.C. § 1427(a). On September 22, 2005, a USCIS officer interviewed

Mr. Tabafunda regarding his eligibility for naturalization. On September 22, 2005, USCIS approved Mr. Tabafunda's application for naturalization. On the basis of his complete application for naturalization, Mr. Tabafunda was allowed to take the oath of allegiance, and he became a United States citizen on September 28, 2005. He was issued a Certificate of Naturalization (Form N-550), Certificate No. [redacted].

IV. Mr. Tabafunda was ineligible to naturalize, and consequently, illegally procured his citizenship. As an applicant for naturalization, pursuant to section 316(a) of the Act, 8 U.S.C. § 1427(a), Mr. Tabafunda was required to prove that he was, and continued to be, a person of good moral character from May 11, 2000, five years before he filed his application for naturalization, until the time he took the oath of allegiance on September 28, 2005 (the statutory period).

A. Mr. Tabafunda could not have established that he was a person of good moral character during the statutory period because: (1) he committed unlawful acts during the statutory period that adversely reflected upon his moral character; and (2) he committed crimes involving moral turpitude during the statutory period for which he was convicted.

1. Unless there are extenuating circumstances, an applicant for naturalization is precluded from establishing good moral character if, during the statutory period, he commits unlawful acts that adversely reflect upon his moral character. Likewise, an applicant for naturalization generally is precluded from establishing good moral character if, during the statutory period, he commits a crime involving moral turpitude that he admits committing or for which he is convicted.

2. Mr. Tabafunda could not have established that he was a person of good moral character because, during the statutory period, he engaged in lewd or lascivious

with a child under 14 on multiple occasions – crimes that qualified as unlawful acts that adversely reflected on his moral character and that involved moral turpitude.

a. An individual, who during the statutory period has committed a crime involving moral turpitude ("CIMT") that he admits committing or for which he is convicted is barred from establishing good moral character. 8 U.S.C. 1101(f)(3); 8 C.F.R. 316.10(b)(2)(i). California Penal Code § 288(a), Lewd or Lascivious Act with a Child under 14 is a crime involving moral turpitude.

b. Also, an individual who, during the statutory period, commits unlawful acts that reflect adversely on their moral character and for which there are no extenuating circumstances cannot establish good moral character. 8 C.F.R. § 316.10(b)(3)(iii); 8 U.S.C. § 1101(f) (flush language).

c. Commencing between February 2005 and ending in November 2005, within the statutory period, Mr. Tabafunda committed lewd or lascivious acts upon a child. He repeatedly engaged in sexual acts with a minor during this period. He inappropriately touched the twelve-year-old victim on various portions of her body in a sexual manner.

d. On or about January 10, 2007, Mr. Tabafunda was arrested by the Riverside County Sheriff's Office for four counts of Lewd or Lascivious Act with a Child under 14.

e. On June 11, 2010, after a jury trial, Mr. Tabafunda was convicted in the Superior Court of the State of California for the County of Riverside for two counts of Lewd or Lascivious Acts with a Child under 14 in violation of California Penal Code § 288(a).

f. For these convictions, on June 11, 2010, the court sentenced Mr. Tabafunda to state prison for a total term of eight years, restitution, and to register as a sex offender.

g. Mr. Tabafunda's commission of a CIMT during his statutory period, and his subsequent conviction of the CIMT, statutorily barred him from establishing the good moral character required to naturalize. He therefore was ineligible for naturalization, and his naturalization should be revoked in accordance with Title 8 U.S.C. § 1451(a).

h. Also, Mr. Tabafunda's commission of unlawful acts during his statutory period for which there are no extenuating circumstances precluded him from establishing the good moral character required to naturalize. He therefore was ineligible for naturalization, and his naturalization should be revoked in accordance with Title 8 U.S.C. § 1451(a).

B. Mr. Tabafunda could not have established that he was a person of good moral character because he provided false testimony during her naturalization interview for the purpose of obtaining his naturalization.

1. On September 25, 2005, Mr. Tabafunda appeared before a USCIS officer for an interview regarding his application for naturalization.
2. At the beginning of the naturalization interview, Mr. Tabafunda took an oath and affirmed that he would answer all questions truthfully.
3. During the naturalization interview, and in order to adjudge his eligibility for naturalization, the USCIS officer asked Mr. Tabafunda whether he had ever committed any crime or offense for which he had not been arrested.
4. In response to this question, Mr. Tabafunda testified, under oath, that he had never committed any crime or offense for which he had not been arrested.
5. This testimony was false. Mr. Tabafunda had, in fact, committed crimes for which he had not been arrested. As indicated above, from on or about February 2005 until on or about November 2005, Mr. Tabafunda committed crimes involving moral turpitude by engaging in sexual activity with a minor approximately age twelve. Mr. Tabafunda was not arrested for this offense until January 10, 2007, after his naturalization. On June 11, 2010, Mr. Tabafunda was convicted of two counts of Lewd or Lascivious Act with a Child under 14 in violation of California Penal Code § 288(a). He was sentenced to imprisonment for a total term of eight years, restitution, and to register as a sex offender.

6. Additionally, Mr. Tabafunda falsely testified under oath that he had never given false or misleading information to any U.S. government official while applying for an immigration benefit.
7. This testimony was false. Mr. Tabafunda had, in fact, provided false information by representing in his naturalization application that he had never committed a crime for which he had not been arrested.
8. Mr. Tabafunda provided his false testimony for the purpose of obtaining an immigration benefit.
9. Because Mr. Tabafunda provided false testimony during the statutory period for the purpose of obtaining an immigration benefit, specifically, naturalization, he could not have established that he was a person of good moral character. Therefore, he was ineligible to naturalize.

V. Mr. Tabafunda procured his naturalization by willful misrepresentation and concealment of material facts.

A. During his naturalization interview, Mr. Tabafunda willfully misrepresented and concealed his crime and his provision of false information to the U.S. government to obtain an immigration benefit.

1. In filing his naturalization application and in interviewing in support of it, Mr. Tabafunda responded "No" to Question No.15 in Part 10 of his application.
2. Also, in filing his naturalization application and in interviewing in support of it, Mr. Tabafunda responded "No" to Question No.23 in Part 10 of his application.

3. Mr. Tabafunda's response to Question No.15, in Part 10 on the Form N-400 was false.
4. Mr. Tabafunda concealed the fact that since February 2005, he had been engaged in sexual activity with a minor who was approximately twelve years old.
5. Similarly, Mr. Tabafunda's response to Question No. 23, in Part 10 of the N-400 was false.
6. Mr. Tabafunda concealed the fact that he had given false information to a U.S. government official to obtain the immigration benefit of naturalization when he represented that he had never committed a crime for which he had not been arrested.

B. Mr. Tabafunda was able to procure his naturalization by concealing and misrepresenting his true criminal activity.

VI. Based on the facts outlined above, good cause exists to institute proceedings pursuant to section 340(a) of the Act, 8 U.S.C. §1451, to revoke Mr. Tabafunda's citizenship, and to cancel his certificate of naturalization.

VII. Records indicate that Mr. Tabafunda currently resides in Riverside County, California.

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

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

Executed:

08/20/2026
Date

Daisy Garza Digitally signed by Daisy Garza Date: 2026.08.20 12:32:11 -07'00'

Daisy Garza
Special Agent
U.S. Department of Homeland Security
Homeland Security Investigations