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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

Gilberto Barraza,
a/k/a Gilberto Barraza Cosio,

Defendant.

Case No.:

COMPLAINT TO REVOKE NATURALIZATION

I. PRELIMINARY STATEMENT

The United States of America ("Plaintiff") brings this civil action against Gilberto Barraza, a/k/a Gilberto Barraza Cosio ("Defendant"), to revoke his naturalized U.S. citizenship under 8 U.S.C. § 1451(a). Defendant was ineligible to naturalize as a U.S. citizen in 2008 because he had previously filed a fraudulent application for a U.S. passport when he was not a U.S. citizen. At no time during his residency or naturalization proceedings did Defendant reveal that he had attempted to fraudulently obtain a U.S. passport. Defendant thus illegally procured his naturalization and willfully misrepresented and concealed material facts during the naturalization process, both of which require his denaturalization. The United States therefore seeks to revoke and set aside the order admitting Defendant to U.S. citizenship and to cancel his certificate of naturalization under 8 U.S.C. § 1451(a).

II. PARTIES, JURISDICTION, AND VENUE

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

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

3. Venue is proper in the District of Arizona under 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because Defendant's last known residence is in Maricopa County, Arizona, within the jurisdiction and venue of this Court.

4. Plaintiff is the United States of America.

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

III. FACTUAL ALLEGATIONS

6. The affidavit of James Rowe, Deportation Officer 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.

A. Illegal Entry and Fraudulent Passport Application

7. Defendant was born in Culiacan, Mexico, on [redacted].

8. In 1987, Defendant entered the United States illegally.

9. On March 2, 1992, Defendant applied for a U.S. passport with the U.S. Department of State.

10. A true and complete copy of Defendant's passport application, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit B.

11. In his application for a U.S. passport, Defendant claimed to have been born in the U.S. state of California.

12. In support of his application for a U.S. passport, Defendant submitted a birth certificate purportedly issued by Los Angeles County, California ("California Birth Certificate").

13. A true and complete copy of the California Birth Certificate, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit C.

14. Defendant's California Birth Certificate stated that Defendant was born in Los Angeles, California on [redacted].

15. Defendant's California Birth Certificate stated that his mother's name is Irma Cosio and his father's name is Gilberto Barraza.

16. On or about March 5, 1992, Department of State investigators confirmed that Defendant's California Birth Certificate was fraudulent.

17. On April 10, 1992, Department of State investigators interviewed Defendant.

18. During the interview, Defendant admitted that he was born in Culiacan, Mexico, on [redacted], and that he had entered the United States illegally in June 1987.

19. The Department of State denied Defendant's fraudulent passport application.

B. Unlawful Acquisition of Permanent Residence

20. On January 18, 1996, Defendant married U.S. citizen Irma Beltran ("Beltran").

21. On August 29, 1996, Beltran sought an immigrant visa for Defendant by filing a Form I-130, Petition for Alien Relative ("Form I-130") on behalf of Defendant.

22. The Form I-130 stated that Defendant was born on [redacted], in Culiacan, Mexico.

23. The Form I-130 indicated that Defendant entered the United States without inspection in 1987.

24. In support of the Form I-130, Defendant's spouse submitted Defendant's birth certificate issued by the state of Sinaloa, Mexico ("Sinaloa Birth Certificate").

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

26. Defendant's Sinaloa Birth Certificate states that he was born on [redacted], in Culiacan; that his father's name is Gilberto Barraza; and that his mother's name is Irma Cosio.

27. On October 1, 1996, the former Immigration and Naturalization Service ("INS")[1] approved the Form I-130.

28. Based on Defendant's approved Form I-130, Defendant sought to adjust to permanent residence status by filing a Form I-485, Application to Register Permanent Residence or Adjust Status ("Form I-485") with INS on December 2, 1996.

29. A true and complete copy of Defendant's Form I-485, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit E.

[1] The INS was abolished, effective March 1, 2003, as a result of the enactment of the Homeland Security Act. *See* Homeland Security Act of 2002, Pub. L. No. 107-296 §§ 441, 471, 116 Stat. 2135 (Nov. 25, 2002). Following the dissolution of the INS, U.S. Citizenship and Immigration Services ("USCIS") is the immigration agency within the U.S. Department of Homeland Security ("DHS") responsible for the adjudication of most immigration benefits.

30. On his Form I-485, in Part 1, Defendant stated that he was born on [redacted], and last arrived in the United States in 1987.

31. On his Form I-485, in Part 3, Block A, Defendant stated that he was born in Culiacan, Sinaloa, Mexico, and that he last entered the United States without inspection.

32. On his Form I-485, in Part 3, Block A, Defendant listed his mother's first name as "Irma" and his father's first name as "Gilberto."

33. On his Form I-485, in Part 3, Question 1.a, Defendant answered "No" where asked, "Have you ever, in or outside the U.S.,: knowingly committed a crime of moral turpitude or a drug-related offense for which you have not been arrested?"

34. On his Form I-485, in Part 3, Question 10, Defendant answered "No" where asked, "Are you under a final order of civil penalty for violating section 274C of the Immigration Act for use of fraudulent documents or have you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the U.S., or any other immigration benefit?"

35. On or about October 24, 1996, Defendant signed his Form I-485, thereby certifying under penalty of perjury that the "application, and the evidence submitted with it, is all true and correct."

36. In support of his Form I-485, Defendant submitted a Form G-325A, Biographic Information ("Form G-325A").

37. In his Form G-325A, Defendant stated that he was born on [redacted] in Culiacan, Mexico, that his father's name is Gilberto Barraza, and that his mother's name is Irma Cossio.

38. On or about March 16, 1998, Defendant appeared before an INS adjudication officer in Los Angeles for an adjustment of status interview.

39. During the adjustment of status interview and consistent with his written response on his Form I-485, Defendant confirmed that he had never committed a crime of moral turpitude for which he was not arrested.

40. During the adjustment of status interview and consistent with his written response on his Form I-485, Defendant confirmed that he had never by fraud or willful misrepresentation of a material fact, sought to procure, or procured, a visa, other documentation, entry into the U.S., or any other immigration benefit.

41. On or about March 23, 1998, based on Defendant's representations in his Form I485 and the evidence submitted in support of this application, INS adjusted Defendant's status to permanent resident.

C. Naturalization Application

42. On or about August 7, 2007, Defendant filed a Form N-400, Application for Naturalization ("Form N-400"), with USCIS, seeking U.S. citizenship based on his status as a permanent resident of the United States for at least five years.

43. A true and complete copy of Defendant's Form N-400, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit F.

44. On his Form N-400, Defendant answered "No" where asked, in Part 10, Question 1, "Have you **ever** claimed to be a U.S. citizen (in writing or any other way)?" (emphasis in original).

45. On his Form N-400, Defendant answered "No" where asked, in Part 10, Question 15, "Have you **ever** committed a crime or offense for which you were **not** arrested?" (emphasis in original).

46. On his Form N-400, Defendant answered "No" where asked, in Part 10, Question 23, "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).

47. On his Form N-400, Defendant answered "No" where asked, in Part 10, Question 24, "Have you **ever** lied to any U.S. government official to gain entry or admission into the United States?" (emphasis in original).

48. On or about July 28, 2007, Defendant signed the Form N-400, thereby certifying under penalty of perjury that the application and the evidence submitted with it were all true and correct.

49. On or about July 10, 2008, a USCIS officer interviewed Defendant to determine his eligibility for naturalization.

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

51. During the interview and consistent with his written response on his Form N-400, Defendant testified, orally and under oath, that he had never claimed to be a U.S. citizen.

52. During the interview and consistent with his written response on his Form N-400, Defendant testified, orally and under oath, that he had never committed a crime or offense for which he was not arrested.

53. At the conclusion of his naturalization interview, Defendant signed his Form N-400 in Part 13, thereby certifying under penalty of perjury under the laws of the United States that he knew "that the contents of this application for naturalization . . . are true and correct to the best of [his] knowledge and belief."

54. On July 10, 2008, based on Defendant's representations in his Form N-400 and his sworn testimony during his naturalization interview, USCIS approved Defendant's naturalization application.

55. On August 15, 2008, based on Defendant's approved naturalization application, Defendant was administered the oath of allegiance, admitted to U.S. citizenship, and issued Certificate of Naturalization No. [redacted].

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

IV. GOVERNING LAW

A. Congressionally-Imposed Prerequisites to the Acquisition of Citizenship

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

United States, 449 U.S. 490, 506 (1981) (an individual "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).

58. As a threshold matter, to qualify for naturalization, an applicant must have been "lawfully" admitted to the United States for permanent residence and subsequently resided in this country for at least five years prior to the date of application. *See* 8 U.S.C. § 1427(a)(1); *see also id.* §§ 1429, 1255(a).

59. An alien has been "lawfully accorded" permanent resident status only if he actually satisfies the immigration laws. *See Monet v. INS*, 791 F.2d 752, 754 (9th Cir.1986) ("[a]dmission is not lawful if it is regular only in form. The term 'lawfully' denotes compliance with substantive legal requirements, not mere procedural regularity.") (internal quotations omitted); *see also Ampe v. Johnson*, 157 F. Supp. 3d 1, 10 (D.D.C. 2016) ("Since [2003], every circuit to have considered the issue has agreed that to demonstrate that she was lawfully admitted for permanent residence, an applicant must do more than simply show that she was granted [lawful permanent resident] status; she must further demonstrate that the grant of that status was in substantive compliance with the immigration laws." (internal quotation marks omitted) (collecting cases)). Thus, an alien who was mistakenly adjusted to lawful permanent resident status is not one lawfully admitted for that purpose. *Id.*

60. Congress has also 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. *Id.*; 8 C.F.R. § 316.10(a)(1).

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

62. Congress also has created a "catch-all" provision that 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).

63. Thus, an individual who commits, during the statutory period, an unlawful act adversely reflecting upon his moral character cannot meet the good moral character requirement unless he proves that extenuating circumstances existed. *See* 8 U.S.C. § 1101(f) (flush language); 8 C.F.R § 316.10(b)(3)(iii).

64. An individual unlawfully procures naturalization if he committed unlawful acts that adversely reflected on his moral character during the statutory period before he was naturalized, even if he was convicted of those crimes after he was granted citizenship, *see United States v. Jean-Baptiste*, 395 F.3d 1190, 1193–94 (11th Cir. 2005), or even if he was never charged with or convicted of the unlawful acts, *see United States v. Dang*, 488 F.3d 1135, 1140-41 (9th Cir. 2007).

65. In addition to and independent from the illegal procurement ground of denaturalization, 8 U.S.C. § 1451 provides that a naturalized U.S. citizen can be

denaturalized where the applicant procured his naturalization by "concealment of a material fact or by willful misrepresentation." 8 U.S.C. § 1451(a).

B. The Denaturalization Statute

66. Recognizing that there are situations in which 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 naturalization application, Congress enacted 8 U.S.C. § 1451.

67. Under 8 U.S.C. § 1451(a), a court must revoke an order of naturalization and cancel the individual's Certificate of Naturalization if his or her naturalization was either: (a) illegally procured; or (b) procured by concealment of a material fact or by willful misrepresentation.

68. 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.

69. 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).

70. Where the government establishes that the defendant's citizenship was procured illegally or by willful misrepresentation or concealment of a material fact,

"district courts lack equitable discretion to refrain from entering a judgment of denaturalization." *Fedorenko*, 449 U.S. at 517.

V. CAUSES OF ACTION

COUNT ONE

ILLEGAL PROCUREMENT OF NATURALIZATION NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE (Inadmissible for False Claim to Citizenship)

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

72. Under the first ground for denaturalization, illegal procurement, citizenship is "illegally procured" if the applicant failed to comply with any of the congressionally imposed prerequisites to the acquisition of citizenship. *Fedorenko*, 449 U.S. at 506.

73. To be eligible for naturalization, Defendant was required to demonstrate that he had been lawfully admitted to the United States for permanent residence. *See* 8 U.S.C. §§ 1427(a)(1), 1429.

74. The term "lawfully admitted for permanent residence" means "the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws." 8 U.S.C. § 1101(a)(20). Thus, for an alien to be "lawfully admitted," his adjustment of status must be in "compliance with substantive legal requirements" and show more than "mere procedural regularity." *Monet*, 791 F.2d at 754.

75. To be lawfully admitted in "accordance with the immigration laws," an alien must be admissible. 8 U.S.C. § 1182(a) ("[A]liens who are inadmissible under the

following paragraphs . . . are ineligible to be admitted to the United States."); 8 U.S.C. § 1255(a) (requiring aliens applying for adjustment of status to be admissible).

76. An individual is not admissible if he "falsely represents, or has falsely represented, himself or herself to be a citizen of the United States" for any immigration benefit. 8 U.S.C. § 1182(a)(6)(C)(ii).

77. Defendant was inadmissible under 8 U.S.C. § 1182(a)(6)(C)(ii) at the time he was admitted under permanent resident status because he had falsely represented himself to be a citizen of the United States for an immigration benefit.

78. Specifically, Defendant falsely represented himself as a U.S. citizen when he applied for a U.S. passport on March 2, 1992.

79. Because Defendant was inadmissible at the time his status was adjusted to that of a permanent resident, he was not lawfully admitted for permanent residence.

80. Because Defendant was not lawfully admitted for permanent residence, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(1).

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

COUNT TWO

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

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

83. Under the first ground for denaturalization, illegal procurement, citizenship is "illegally procured" if the applicant failed to comply with any of the congressionally imposed prerequisites to the acquisition of citizenship. *Fedorenko*, 449 U.S. at 506.

84. To be eligible for naturalization, Defendant was required to demonstrate that he had been lawfully admitted to the United States for permanent residence. *See* 8 U.S.C. §§ 1427(a)(1), 1429.

85. The term "lawfully admitted for permanent residence" means "the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws." 8 U.S.C. § 1101(a)(20). Thus, for a noncitizen to be "lawfully admitted," his adjustment of status must be in "compliance with substantive legal requirements" and show more than "mere procedural regularity." *Monet*, 791 F.2d at 754.

86. To be lawfully admitted in "accordance with the immigration laws," an alien must be admissible. 8 U.S.C. § 1182(a) ("[A]liens who are inadmissible under the following paragraphs . . . are ineligible to be admitted to the United States."); 8 U.S.C. § 1255(a) (requiring aliens applying for adjustment of status to be admissible).

87. An individual is not admissible if he, "by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or entry into the United States or other [immigration] benefit." 8 U.S.C. § 1182(a)(6)(C)(i).

88. Defendant was inadmissible under 8 U.S.C. § 1182(a)(6)(C)(i) at the time he was admitted under permanent resident status because he sought to procure, and did

procure, permanent residence in the United States by fraud or willfully misrepresenting material facts in his Form I-485.

89. In his Form I-485, Defendant stated that he had not knowingly committed a crime of moral turpitude for which he had not been arrested.

90. That statement was false because Defendant had committed the crime of false statement in passport application, in violation of 18 U.S.C. § 1542.

91. In his Form I-485, Defendant stated that he had not by fraud or willful misrepresentation of a material fact ever sought to procure, or procured, a visa, other documentation, entry into the United States or any other immigration benefit.

92. That statement was false because Defendant had sought to procure the immigration benefit of a U.S. passport through fraud or willful misrepresentation.

93. Defendant's false statements regarding his prior passport fraud were material to determining his eligibility for the immigration benefit for which he applied. Defendant's false statements had the natural tendency to influence a decision by the INS officer to approve his Form I-485. Defendant thus sought to procure and did procure an immigration benefit by fraud or willfully misrepresenting a material fact.

94. Because Defendant was inadmissible at the time his status was adjusted to that of a permanent resident, he was not lawfully admitted for permanent residence.

95. Because Defendant was not lawfully admitted for permanent residence, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(1).

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

COUNT THREE

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

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

98. To be eligible for naturalization, Defendant was required to establish that he was a person of good moral character from August 7, 2002 (the date five years prior to the filing of his Form N-400), until he naturalized on August 15, 2008. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

99. A naturalization applicant is barred from showing that he is a person of good moral character if, during the statutory period, he "[c]ommitted unlawful acts that adversely reflect upon the applicant's moral character," and there are no extenuating circumstances. 8 C.F.R. § 316.10(b)(3)(iii).

100. During the statutory period, Defendant committed acts that constitute the essential elements of three federal crimes: false swearing in an immigration matter, in violation of 18 U.S.C. § 1546(a); making false statements, in violation of 18 U.S.C. § 1001(a); and perjury, in violation of 18 U.S.C. § 1621.

101. *False Swearing in an Immigration Matter*. On or about July 28, 2007, Defendant knowingly subscribed as true, under penalty of perjury, materially false statements in a document required by the immigration laws or related regulations.

102. In that document, Defendant's Form N-400, Defendant made false statements regarding whether he had ever claimed to be a U.S. citizen, whether he had ever committed a crime or offense for which he was not arrested, whether he had ever given false, fraudulent, or misleading information to any U.S. government official, and whether he had ever lied to any U.S. Government official to gain entry or admission into the United States.

103. Defendant knew these statements to be false.

104. Defendant committed those actions in violation of 18 U.S.C. § 1546(a).

105. *False Statements*. On or about July 28, 2007, Defendant willfully and knowingly made materially false, fictitious, and fraudulent statements and representations, and made or used false writings and documents knowing they contained materially false, fictitious, and fraudulent statements and entries, in a matter within the jurisdiction of a department or agency of the United States.

106. Defendant made false statements in his Form N-400 regarding whether he had ever claimed to be a U.S. citizen, whether he had ever committed a crime or offense for which he was not arrested, whether he had ever given false, fraudulent, or misleading information to any U.S. government official, and whether he had ever lied to any U.S. Government official to gain entry or admission into the United States.

107. Defendant knew these statements were false.

108. Defendant committed those actions in violation of 18 U.S.C. § 1001.

109. *Perjury*. On or about July 28, 2007, in a statement made under penalty of perjury as permitted under 28 U.S.C. § 1746, Defendant willfully subscribed as true material matter on his Form N-400 that he did not believe to be true.

110. Defendant did so by subscribing as true that he had never claimed to be a U.S. citizen, that he had never committed a crime or offense for which he was not arrested, that he had never given false, fraudulent, or misleading information to any U.S. government official, and that he had never lied to any U.S. Government official to gain entry or admission into the United States.

111. These statements made under penalty of perjury were material, not true, and Defendant did not believe them to be true.

112. Defendant committed those actions in violation of 18 U.S.C. § 1621(1).

113. False swearing in an immigration matter, in violation of 18 U.S.C. § 1546(a); making false statements, in violation of 18 U.S.C. § 1001; and perjury, in violation of 18 U.S.C. § 1621, adversely reflect on Defendant's moral character, and he cannot avoid the regulatory bar on establishing good moral character found in 8 C.F.R. § 316.10(b)(3)(iii).

114. Because Defendant committed unlawful acts during the statutory period that adversely reflected on his moral character, he could not establish that he was a person of good moral character, and was ineligible to naturalize under 8 U.S.C. § 1427(a)(3).

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

COUNT FOUR

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

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

117. To be eligible for naturalization, Defendant was required to establish that he was a person of good moral character from August 7, 2002, until he naturalized on August 15, 2008. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

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

119. First, during the statutory period, Defendant provided false testimony for the purpose of obtaining an immigration benefit when he testified, orally and under oath, during his July 10, 2008, naturalization interview, that he had never claimed to be a U.S. citizen in writing or any other way.

120. That testimony was false because prior to his naturalization interview, Defendant had, in fact, claimed to be a U.S. citizen when he filed his March 2, 1992, application for a U.S. passport.

121. Second, during the statutory period, Defendant provided false testimony for the purpose of obtaining an immigration benefit when he testified, orally and under oath,

during his July 10, 2008, naturalization interview, that he had never committed a crime or offense for which he was not arrested.

122. That testimony was false because prior to his naturalization interview, Defendant had, in fact, committed the following crimes for which he was then not yet arrested at the time of his naturalization interview: false statement in passport application, in violation of 18 U.S.C. § 1542; false swearing in an immigration matter, in violation of 18 U.S.C. § 1546(a); false statements, in violation of 18 U.S.C. § 1001; and perjury, in violation of 18 U.S.C. § 1621(1).

123. Because Defendant provided false testimony 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.

124. Because Defendant could not establish the requisite good moral character, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

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

COUNT FIVE

PROCUREMENT OF UNITED STATES CITIZENSHIP BY CONCEALMENT OF A MATERIAL FACT OR WILLFUL MISREPRESENTATION

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

127. Under 8 U.S.C. § 1451(a), the Court must revoke a naturalized person's citizenship and cancel his Certificate of Naturalization if that person procured his naturalization by concealment of a material fact and by willful misrepresentation.

128. Specifically, Defendant knowingly made false statements in his Form N-400 and during his naturalization interview by denying that he had ever claimed to be a U.S. citizen; by denying that he had ever committed a crime for which he had not been arrested; by denying that he had ever given false or misleading information to any U.S. Government official while applying for any immigration benefit; and by denying that he had ever lied to any U.S. Government official to gain entry or admission into the United States.

129. Defendant made his misrepresentations and concealments deliberately and voluntarily. He knew or should have known that his representations were false. Therefore, Defendant made his misrepresentations and concealments willfully.

130. Defendant's false statements in the Form N-400 and testimony at his naturalization interview about these matters were material to determining his eligibility for naturalization. Defendant's misrepresentations had the natural tendency to influence a decision by USCIS to approve his naturalization application. USCIS would have denied Defendant's naturalization application had he been truthful.

131. Defendant thus procured his naturalization by willful misrepresentation and concealment of material facts, and this Court must revoke his naturalization 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 procured his citizenship illegally;

(2) A declaration that Defendant procured his citizenship by concealment of a 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 order and certificate, August 15, 2008;

(4) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages related to U.S. citizenship that he obtained as a result of his August 15, 2008, naturalization;

(5) Judgment requiring Defendant, within ten days of judgment, to surrender and deliver his Certificate of Naturalization No. [redacted], and any copies thereof in his possession, and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession of others, to the Attorney General's representative, undersigned counsel;

(6) Judgment requiring Defendant, within ten days of judgment, to surrender and deliver any other indicia of U.S. citizenship (including, but not limited to, any U.S. passport and passport card, enhanced driver's license, or other indicia of citizenship), and any copies thereof in his possession, and to make good faith efforts to recover and then surrender any copies thereof that he

knows are in the possession of others, to the Attorney General's representative, undersigned counsel; and

(7) Judgment granting the United States such other relief as may be lawful and proper.

Dated: September 18, 2026

Respectfully submitted,

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