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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. JINCHAO WEI, a/k/a Qiyuan CHEN, a/k/a Patrick WEI, Defendant.	**'26CV5608 TWR AHG** **COMPLAINT TO REVOKE NATURALIZATION**

I. PRELIMINARY STATEMENT

The United States of America ("Plaintiff") brings this civil action against Jinchao Wei, a/k/a Quyuan Chen, a/k/a Patrick Wei ("Defendant") to revoke his naturalized U.S. citizenship under 8 U.S.C. § 1451(a) and 8 U.S.C. § 1440(c). This action arises from Defendant's acts of espionage that he committed before naturalizing, his misrepresentations about his crimes during his naturalization proceedings, and his discharge from the U.S. military under other-than-honorable conditions prior to serving honorably for five years.

Before Defendant naturalized in May 2022, and while he was serving with the U.S. Navy aboard the amphibious assault ship *U.S.S Essex*, he conspired to sell U.S. military secrets to the People's Republic of China ("China"). By concealing his transmission of thousands of classified documents to a foreign intelligence officer, he secured U.S. citizenship under a provision intended to reward, with U.S. citizenship, foreign-born servicemembers. In compromising the national security of the United States, Defendant made a mockery of military honor and the reward of the expedited U.S. citizenship that accompanied his enlistment in the U.S. Navy.

Authorities realized Defendant's betrayal of his adoptive country only after he naturalized, and the United States convicted him of espionage-related charges in August 2025. Defendant's crimes and his concealment of them throughout his naturalization process require the Court to denaturalize Defendant pursuant to 8 U.S.C. § 1451(a). In addition, the Navy discharged Defendant under other than honorable conditions in May 2026. That discharge occurred prior to Defendant serving honorably in the military for five years. Pursuant to 8 U.S.C. § 1440(c), Defendant's discharge provides the Court with additional grounds for his denaturalization.

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II. JURISDICTION AND VENUE

1. This is an action 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. 43679138.

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

3. Venue is proper in this District pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because prior to his incarceration, Defendant resided in San Diego, 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.

IV. FACTUAL BACKGROUND

6. The affidavit of Spencer Wells, a Special Agent of the U.S. Immigration and Customs Enforcement ("ICE"), an agency within the U.S. Department of Homeland Security ("DHS"), showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached hereto as Exhibit A.

A. Defendant's Criminal History

7. On July 28, 2021, Defendant began his military service with the U.S. Navy.

8. While serving with the U.S. Navy, Defendant was assigned as a machinist's mate aboard the *U.S.S. Essex*, an amphibious assault ship of the U.S. Navy.

9. As part of his official duties, Defendant was required to access various parts of the *U.S.S. Essex* and had access to sensitive national defense information, some of which was export-controlled, about U.S. Navy ships and their systems.

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10. The information to which Defendant had access as part of his official duties included information about U.S. Navy ships' weapons, propulsion, and desalination systems.

11. In or about February 2022, Defendant entered into a handler/asset relationship with an intelligence officer working on behalf of China ("Coconspirator A").

12. Beginning in or about February 2022, and continuing through August 2023, Defendant and Coconspirator A conspired to commit espionage, in violation of 18 U.S.C. § 794(c).

13. Defendant conspired to commit espionage, in violation of 18 U.S.C. § 794(c), by knowingly and unlawfully conspiring to communicate, deliver, and transmit to the government of China and its representatives, officers, agents, employees, subjects, and citizens, directly and indirectly, documents, sketches, plans, notes, and information relating to the national defense the United States, with intent and reason to believe that such documents, sketches, plans, notes, and information were to be used to the injury of the United States and to the advantage of China.

14. Beginning in or about February 2022 and continuing through August 2023, Defendant conspired to willfully export technical data related to defense articles from the United States to China without first having obtained the required licenses from the U.S. Department of State Directorate of Defense Trade Controls, in violation of 22 U.S.C. §§ 2778(b)(2) and (c) and 22 C.F.R. §§ 121.1, 127.1, and 127.3.

15. Defendant conspired to willfully export technical data related to defense articles without a license, in violation of 22 U.S.C. §§ 2778(b)(2) and (c) and 22 C.F.R. §§ 121.1, 127.1, and 127.3, by surreptitiously gathering export-controlled information concerning the U. S. Navy for Coconspirator A, using his phone to take photographs and his access to restricted computer systems to gather

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information and then exporting that information to Coconspirator A, who Defendant knew lived in China, without obtaining the required licenses or approval from the U.S. State Department.

16. In or about February 2022, when Defendant's espionage conspiracy began, Defendant told another U.S. Navy sailor that he had been asked to spy for China.

17. Throughout his relationship with Coconspirator A, Defendant provided Coconspirator A with information regarding the defense and weapons capabilities of U.S. Navy ships, potential vulnerabilities of these ships, and information related to ship movement.

18. Coconspirator A paid Defendant in exchange for the information and documents that Defendant provided to Coconspirator A.

19. Over the course of his relationship with Defendant, Coconspirator A made increasingly generous offers to Defendant, such as a trip for him and his mother to travel to China.

20. In total, Coconspirator A paid Defendant $12,000 over eighteen months in exchange for Defendant's participation in the conspiracies to commit espionage and to willfully export technical data related to defense articles without a license.

B. <u>Defendant's Immigration History and Naturalization Proceedings</u>

21. On January 25, 2018, Defendant was admitted to the United States as a conditional permanent resident based on the marriage of his mother to a U.S. citizen spouse.

22. On March 19, 2021, U.S. Citizenship and Immigration Services ("USCIS") removed conditions on Defendant's permanent resident status.

23. On December 1, 2021, after Defendant had begun his military service, the U.S. Navy completed a Form N-426, Certification of Honorable Service relating to Defendant ("N-426").

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24. A true, complete, and certified copy of Defendant's N-426, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit B.

25. Defendant's N-426 certified that as of the date of that form, Defendant was serving honorably in the military.

26. On January 10, 2022, Defendant filed his Form N-400, Application for Naturalization ("N 400").

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

28. In his N-400, Defendant checked the box indicating that he was "applying on the basis of qualifying military service."

29. Pursuant to 8 U.S.C. § 1440(a), Defendant's military service qualifying him to naturalize consisted of his service in the U.S. Navy during a period designated by presidential executive order in which U.S. Armed Forces are or were engaged in military operations involving armed conflict with a hostile foreign force.

30. Defendant served in the U.S. Navy during the period designated by presidential executive order as the War on Terrorism, running from September 11, 2001, to the present. Exec. Order No. 13269, Expedited Naturalization of Aliens and Noncitizen Nationals Serving in an Active-Duty Status During the War on Terrorism, 67 Fed. Reg. 45287 (July 3, 2002).

31. Part 12, Question 22 of Defendant's N 400 asked "Have you EVER committed, assisted in committing, or attempted to commit, a crime or offense for which you were NOT arrested?"

32. In response to Part 12, Question 22 of Defendant's N 400, he checked the box for "No."

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33. In Part 13 of Defendant's N-400, he signed and dated it on October 15, 2021.

34. Defendant signed Part 13 of his N-400 under a certification that states as follows: "I certify, under penalty of perjury, that I provided or authorized all of the information in my application. I understand all of the information contained in, and submitted with, my application. and that all of this information is complete, true, and correct."

35. On April 27, 2022, a USCIS officer interviewed Defendant about his N-400 and his eligibility for naturalization ("Naturalization Interview").

36. During the Naturalization Interview, the USCIS officer placed Defendant under oath and asked Defendant, "Have you ever committed, assisted in committing, or attempted to commit, a crime or offense for which you were not arrested?"

37. In response to that question, Defendant, orally and under oath, said no.

38. During Defendant's Naturalization Interview, the USCIS officer conducting it electronically recorded Defendant being placed under oath, the questions the USCIS officer asked Defendant during the Naturalization Interview, and the oral answers Defendant gave under oath during his Naturalization Interview.

39. Attached hereto as Exhibit D is a true, complete, and certified copy, except for redactions of personally identifying information immaterial to this action, of portions of the USCIS report of the Naturalization Interview recording that the USCIS placed Defendant under oath; that Defendant was asked during the Naturalization Interview, "Have you ever committed, assisted in committing, or attempted to commit, a crime or offense for which you were not arrested?"; and that Defendant said "No" in response to that question.

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40. At the conclusion of the Naturalization Interview, Defendant signed his name under a pre-printed attestation in his N-400 that states, "I swear (affirm) and certify under penalty of perjury under the laws of the United States of America that I know that the contents of this Form N-400, Application for Naturalization, subscribed by me, including the corrections displayed above, are complete, true, and correct." ("N-400 Attestation")

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

42. Based in part on his written responses on the Form N-400 and evidence provided in support of his application and on his sworn oral testimony at the naturalization interview, USCIS approved Defendant's naturalization application on April 27, 2022.

43. After his Naturalization Interview, USCIS sent Defendant a Form N-445, Notice of Naturalization Oath Ceremony ("N-445").

44. A true, complete, and certified copy of page 4 of Defendant's N-445, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit F.

45. Page 4 of Defendant's N-445 required Defendant to answer several questions on the day of his naturalization oath ceremony, including, "Since your interview, have you committed any crime or offense, for which you have not been arrested?"

46. Defendant marked "No" on in his N-445 in response to that question.

47. Defendant signed and submitted his N-445 to USCIS on May 18, 2022.

48. Based on his approved naturalization application and his responses to the N-445, USCIS permitted Defendant to take the Oath of Allegiance admitting

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him to U.S. citizenship and issued him Certificate of Naturalization No. [redacted] on May 18, 2022 ("Certificate of Naturalization").

49. 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.

50. Defendant was naturalized pursuant to 8 U.S.C. § 1440(a).

51. Defendant was naturalized based on his status as a member of the U.S. Armed Forces serving during a period of foreign hostilities designated by presidential executive order.

52. After learning that Defendant had become a U.S. citizen, Coconspirator A congratulated Defendant and sent him $100 as a celebratory gift.

C. Defendant's criminal proceedings and separation from the U.S. Navy

53. In July 2023, authorities filed an indictment against Defendant.

54. In August 2023, authorities arrested Defendant.

55. On February 29, 2024, the Government filed a superseding indictment against Defendant. *See* Superseding Indictment, *United States v. Wei*, No. 3:23-cr-01471 (S.D. Cal. Feb. 29, 2024), Dkt. No. 33 ("Superseding Indictment").

56. A true and complete copy of the Superseding Indictment is attached hereto as Exhibit H.

57. Count 1 of the Superseding Indictment alleged that beginning in February 2022 and continuing through August 2023, Defendant conspired to communicate, deliver, or transmit defense information to aid a foreign government—specifically "the Government of the People's Republic of China, and representatives, officers, agents, employees, subjects, and citizens thereof"—in violation of 18 U.S.C. § 794(c).

58. Count 2 of the Superseding Indictment alleged that beginning in August 2022 and continuing through October 2022, Defendant committed

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espionage by communicating, delivering, or transmitting defense information to aid a foreign government, in violation of 18 U.S.C. § 794(a).

59. Count 3 of the Superseding Indictment alleged that beginning in February 2022 and continuing through August 2023, Defendant conspired to export defense articles without a license to the People's Republic of China, in violation of 22 U.S.C. § 2778(b)(2) and (c) and 22 C.F.R. §§ 121.1, 127.1, and 127.3.

60. Counts 4 through 6 of the Superseding Indictment alleged that Defendant exported defense articles without a license on June 5, 2022, August 14, 2022, and October 8, 2022, in violation of 22 U.S.C. § 2778(b)(2) and (c) and 22 C.F.R. §§ 121.1, 127.1, and 127.3.

61. Counts 1 and 3 of the Superseding Indictment alleged that Defendant began committing crimes prior to his Naturalization Interview on April 27, 2022.

62. On August 20, 2025, a jury convicted Defendant of Counts 1 through 6 of the Superseding Indictment. *See* Verdict, *United States v. Wei*, No. 3:23-cr-01471 (S.D. Cal. Aug. 20, 2025), Dkt. No. 154 ("Verdict Form").

63. A true and complete copy of the Verdict Form, as filed on the public docket of Defendant's criminal case, is attached hereto as Exhibit I.

64. On January 12, 2026, Defendant was sentenced to 200 months in prison for each of his convictions on Counts 1-6 of the Superseding Indictment, with each term of imprisonment to run concurrently. *See* Judgment in a Criminal Case, *United States v. Wei*, No. 3:23-cr-01471 (S.D. Cal. Jan. 13, 2026), Dkt. No. 184 ("Judgment").

65. A true and complete copy of the Judgment is attached hereto as Exhibit J.

66. On August 13, 2026, the U.S. Navy issued Defendant a Form DD-214, Certificate of Release or Discharge From Active Duty ("DD-214").

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67. A true, complete, and authenticated copy of Defendant's DD-214, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit K.

68. The U.S. Armed Forces, including the U.S. Navy, issue a DD-214 to a servicemember upon his or her separation from the U.S. Armed Forces.

69. Defendant's DD-214 was issued by the executive department under which Defendant was serving at the time of his separation from the U.S. Armed Forces.

70. The U.S. Navy has custody of the records of Defendant's military service.

71. The National Archives' National Personnel Records Center obtained Defendant's DD-214 maintained by the U.S. Navy.

72. The National Archives' National Personnel Records Center serves as the central repository of personnel-related records for both the military and civil services of the United States Government

73. The National Archives' National Personnel Records Center has authenticated Defendant's DD-214.

74. Defendant's DD-214 records that Defendant began his service with the U.S. Armed Forces on July 28, 2021.

75. Defendant's DD-214 records Defendant's date of separation from the U.S. Armed Forces as May 19, 2026

76. Defendant's DD-214, in the box entitled "CHARACTER OF SERVICE," characterized Defendant's service in the U.S. Armed Forces as other than honorable.

77. Defendant was separated from service in the U.S. Armed Forces on May 19, 2026, under other than honorable conditions.

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V. GOVERNING LAW

A. Congressionally imposed prerequisites to the acquisition of citizenship

78. No noncitizen has a right to naturalization "unless all statutory requirements are complied with." *United States v. Ginsberg*, 243 U.S. 472, 474-75 (1917). The Supreme Court has consistently held 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).

79. 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).

80. For applicants seeking to naturalize based on their status as U.S. servicemembers serving during a period of foreign hostilities designated by executive order, the required statutory period for good moral character begins one year 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)(3); 8 C.F.R. § 329.2(d).

81. 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 generally* 8 U.S.C. § 1101(f). This includes individuals who give false testimony for the purpose of obtaining immigration benefits. 8 U.S.C. § 1101(f)(6).

82. Congress also 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 text).

83. Thus, individuals who commit unlawful acts adversely reflecting upon their moral character during the statutory period cannot meet the good moral

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character requirement, unless they prove that extenuating circumstances exist. *See* 8 U.S.C. § 1101(f); 8 C.F.R § 316.10(b)(3)(iii).

84. Regarding the commission of unlawful acts, "requiring consideration of an applicant's unlawful acts during the . . . moral character period—whether or not the applicant is convicted for the acts during that period" is a permissible interpretation of section 1101(f). *United States v. Dang*, 488 F.3d 1135 (9th Cir. 2007).

B. The Denaturalization Statutes

85. 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, including demonstration of good moral character, or by concealing or misrepresenting facts that are material to the decision on whether to grant naturalization, Congress enacted 8 U.S.C. § 1451.

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

87. 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.

88. Naturalization has been 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).

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

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"district courts lack equitable discretion to refrain from entering a judgment of denaturalization." *Fedorenko*, 449 U.S. at 517. And the district court must order "such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization . . . effective as of the original date of the order." 8 U.S.C. § 1451(a).

90. In addition, 8 U.S.C. § 1440(c) permits the denaturalization of individuals who naturalized as members of the U.S. Armed Forces pursuant to 8 U.S.C. § 1440(a) but who are separated from the U.S. Armed Forces under other than honorable conditions before serving honorably in the U.S. military for a period or periods aggregating five years.

91. For denaturalization of a person pursuant to § 1440(c), the fact that the naturalized person was separated from military service under other than honorable conditions shall be proved by a duly authenticated certification from the executive department under which the person was serving at the time of separation. 8 U.S.C. § 1440(c).

92. For a denaturalization of a person under § 1440(c), any period or periods of military service shall be proved by duly authenticated copies of the records of the executive departments having custody of the records of such service. *Id.*

CAUSES OF ACTION

COUNT I

ILLEGAL PROCUREMENT OF NATURALIZATION

LACK OF GOOD MORAL CHARACTER

(MULTIPLE CONVICTIONS)

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

94. As set forth above, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during his

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statutory period, from January 10, 2021, until May 18, 2022. 8 U.S.C. §1427(a)(3); 8 C.F.R. § 329.2(d).

95. Defendant was statutorily precluded from establishing the good moral character necessary to naturalize because he committed crimes during his statutory period for which he received multiple criminal convictions and for which the aggregate sentences of confinement were five years or more. *See* 8 U.S.C. § 1101(f)(3) (cross-referencing 8 U.S.C. § 1182(a)(2)(B)).

96. As set forth above at paragraphs 11 through 20, during his statutory period, Defendant conspired to commit espionage, in violation of 18 U.S.C. § 794(c).

97. On August 20, 2025, Defendant was found guilty and convicted of that crime of conspiracy to commit espionage, in violation of 18 U.S.C. § 794(c).

98. As set forth above at paragraphs 11 through 20, during his statutory period, Defendant conspired to willfully export technical data related to defense articles from the United States to the China without first having obtained the required licenses from the U.S. Department of State Directorate of Defense Trade Controls, in violation of 22 U.S.C. §§ 2778(b)(2) and (c) and 22 C.F.R. §§ 121.1, 127.1, and 127.3.

99. On August 20, 2025, was found guilty and convicted of that crime of conspiring to willfully exporting technical data related to defense articles from the United States without first having obtained the required licenses, in violation of 22 U.S.C. §§ 2778(b)(2) and (c) and 22 C.F.R. §§ 121.1, 127.1, and 127.3.

100. As set forth above at paragraph 64, for his conviction for conspiracy to commit espionage, in violation of 18 U.S.C. § 794(c), Defendant was sentenced to 200 months in prison.

101. As set forth above at paragraph 64, for his conviction for conspiring to willfully export technical data related to defense articles from the United States without first having obtained the required licenses, in violation of 22 U.S.C.

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§§ 2778(b)(2) and (c) and 22 C.F.R. §§ 121.1, 127.1, and 127.3, Defendant was sentenced to 200 months in prison, to run concurrently with his sentence on his conviction for conspiracy to commit espionage, in violation of 18 U.S.C. § 794(c).

102. Because Defendant received multiple convictions for crimes he committed during his statutory period and was sentenced for those crimes to more than five years of confinement, Defendant was barred under 8 U.S.C. § 1101(f)(3) (cross-referencing 8 U.S.C. § 1182(a)(2)(B)) from establishing that he had the good moral character necessary to become a naturalized U.S. citizen.

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

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

COUNT II

ILLEGAL PROCUREMENT OF NATURALIZATION

LACK OF GOOD MORAL CHARACTER

(CRIMES INVOLVING MORAL TURPITUDE)

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

106. As set forth above, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during his statutory period, from January 10, 2021, until May 18, 2022. 8 U.S.C. §1427(a)(3); 8 C.F.R. § 329.2(d).

107. Defendant was statutorily precluded from establishing the good moral character necessary to naturalize because he committed a crime involving moral turpitude ("CIMT") during his statutory period and was subsequently convicted of that crime. 8 U.S.C. § 1101(f)(3); 8 C.F.R. § 316.10(b)(2)(i).

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108. As set forth above at paragraphs 11 through 20, during his statutory period, Defendant conspired to commit espionage, in violation of 18 U.S.C. § 794(c).

109. On August 20, 2025, a jury found Defendant guilty of committing that crime of conspiracy to commit espionage, in violation of 18 U.S.C. § 794(c).

110. Defendant committed the crime for which he was convicted during his statutory period.

111. For a crime to constitute a CIMT, it must involve a culpable mental state and reprehensible conduct. *See Ceron v. Holder*, 747 F.3d 773, 779, 783-84 (9th Cir. 2014) (en banc); *Matter of Leal*, 26 I. & N. Dec. 20, 21, 25 (BIA 2012).

112. Any conviction for conspiracy to commit espionage, in violation of 18 U.S.C. § 794(c), requires a culpable mental state and reprehensible conduct.

113. Defendant's conviction for conspiracy to commit espionage, in violation of 18 U.S.C. § 794(c), therefore, categorically constitutes a CIMT.

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

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

116. 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).

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COUNT III

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (UNLAWFUL ACTS DURING THE STATUTORY PERIOD)

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

118. As set forth above, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during his statutory period, from January 10, 2021, until May 18, 2022. 8 U.S.C. §1427(a)(3); 8 C.F.R. § 329.2(d).

119. Defendant committed unlawful acts during his statutory period that adversely reflect on his moral character when he: (1) conspired to communicate, deliver, or transmit defense information to aid the foreign government of China and representatives, officers, agents, employees, subjects, and citizens thereof, in violation of 18 U.S.C. § 794(c); and (2) conspired to export defense articles without a license to the China, in violation of 22 U.S.C. § 2778(b)(2) and (c) and 22 C.F.R. §§ 121.1, 127.1, and 127.3.

120. Defendant was convicted of those crimes and sentenced to 200 months in prison.

121. Defendant's crimes constitute unlawful acts committed during his statutory period that are relevant to a determination of his moral character as contemplated by 8 U.S.C. § 1427(e); 8 C.F.R. § 316.10(a)(2).

122. Defendant cannot establish extenuating circumstances regarding his crimes, and Defendant, therefore, cannot avoid the regulatory bar on establishing good moral character found in 8 C.F.R. § 316.10(b)(3)(iii); *see also, e.g., United States v. Zhou*, 815 F.3d 639, 644 (9th Cir. 2016).

123. Defendant's crimes so adversely reflected on Defendant's moral character during the statutory period that no evidence of his good moral character

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would permit Defendant to satisfy his burden of establishing good moral character as required for naturalization.

124. Because Defendant committed unlawful acts during his statutory period that reflect adversely on his moral character, and for which there are no extenuating circumstances, Defendant was barred under 8 U.S.C. § 1101(f)(flush text) and 8 C.F.R. § 316.10(b)(3)(iii) from showing that he had the good moral character necessary to become a naturalized U.S. citizen.

125. Because Defendant could not establish that he was a person of good moral character during the statutory period, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

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

COUNT IV

ILLEGAL PROCUREMENT OF NATURALIZATION

LACK OF GOOD MORAL CHARACTER

(FALSE TESTIMONY)

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

128. As set forth above, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during his statutory period, from January 10, 2021, until May 18, 2022. 8 U.S.C. §1427(a)(3); 8 C.F.R. § 329.2(d).

129. Defendant was statutorily barred from establishing the good moral character necessary to naturalize, because during the statutory period, he gave false testimony, under oath, for the purpose of obtaining an immigration benefit, specifically naturalization. *See* 8 U.S.C. § 1101(f)(6); 8 C.F.R. § 316.10(b)(2)(vi).

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130. Defendant provided false testimony for the purpose of obtaining an immigration benefit during his April 27, 2022, Naturalization Interview when Defendant said, orally and under oath, that he had never committed a crime or offense for which he had not been arrested.

131. That answer was false because Defendant had, as the date of his Naturalization Interview begun committing the following crimes for which he had not been arrested: (1) conspiracy to communicate, deliver, or transmit defense information to aid the foreign government of China and representatives, officers, agents, employees, subjects, and citizens thereof, in violation of 18 U.S.C. § 794(c); and (2) conspiracy to export defense articles without a license to the China, in violation of 22 U.S.C. § 2778(b)(2) and (c) and 22 C.F.R. §§ 121.1, 127.1, and 127.3.

132. Defendant knew his testimony was false, because Defendant later was convicted of those two crimes and sentenced to 200 months in prison.

133. Defendant gave his false testimony at his naturalization interview with the intent of obtaining the immigration benefit of naturalization.

134. Because he provided false testimony under oath for the purpose of obtaining his naturalization, Defendant 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.

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

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

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COUNT V

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

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

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

139. Throughout the naturalization process, Defendant willfully misrepresented and concealed his espionage and illegal transmission of sensitive U.S. military documents to China—criminal acts for which he was later convicted after pleading guilty.

140. At no point during the naturalization process did Defendant disclose his criminal conduct, despite being provided several opportunities to do so.

141. First, during Defendant's Naturalization Interview and while under oath, Defendant denied that he had ever committed a crime or offense for which he had not been arrested.

142. Second, at the conclusion of Defendant's Naturalization Interview, he re-signed and thus swore and re-certified that the contents of his N-400 were true and correct.

143. The contents of Defendant's N-400 included his written response of "No" to Part 12, Question 22 of his N 400, which asked "Have you EVER committed, assisted in committing, or attempted to commit, a crime or offense for which you were NOT arrested?"

144. Third, in Defendant's N-445, he denied committing a crime or offense since his Naturalization Interview for which he had not been arrested.

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145. Defendant's repeated misrepresentations regarding his criminal conduct during his Naturalization Interview, in his re-signing and recertification of his N-400, and in his N-445, were willful.

146. Defendant's repeated misrepresentations regarding his criminal conduct were willful because he when he made those misrepresentations, he knew he had conspired and was conspiring to communicate, deliver, or transmit defense information to aid the foreign government of China and representatives, officers, agents, employees, subjects, and citizens thereof, in violation of 18 U.S.C. § 794(c), and that he had conspired and was conspiring to export defense articles without a license to the China, in violation of 22 U.S.C. § 2778(b)(2) and (c) and 22 C.F.R. §§ 121.1, 127.1, and 127.3, and that he had not been arrested for those crimes.

147. Defendant knew his misrepresentations were false because Defendant was convicted of those two crimes and sentenced to 200 months in prison.

148. Defendant's misrepresentations were material to his naturalization, because the disclosure of his crimes would have had a natural tendency to influence USCIS's decision whether to approve Defendant's naturalization application.

149. Indeed, Defendant's criminal conduct precluded him from establishing the requisite good moral character to naturalize.

150. Had Defendant disclosed the truth about his criminal conduct, his ineligibility for naturalization would have been revealed, and USCIS would not have approved his application nor administered the oath of allegiance.

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

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COUNT VI

SEPARATION FROM THE ARMED FORCES UNDER OTHER THAN HONORABLE CONDITIONS PRIOR TO FIVE YEARS OF HONORABLE SERVICE

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

153. The Immigration and Nationality Act at 8 U.S.C. § 1440(c) provides that U.S. citizenship granted pursuant to 8 U.S.C. § 1440(a) "may be revoked in accordance with section 1451 of this title if the person is separated from the Armed Forces under other than honorable conditions before the person has served honorably for a period or periods aggregating five years."

154. The statute at 8 U.S.C. § 1440(c) further provides as follows:

> The fact that the naturalized person was separated from the service under other than honorable conditions shall be proved by a duly authenticated certification from the executive department under which the person was serving at the time of separation. Any period or periods of service shall be proved by duly authenticated copies of the records of the executive departments having custody of the records of such service.

8 U.S.C. § 1440(c).

155. Defendant's U.S. citizenship was granted pursuant to 8 U.S.C. § 1440(a).

156. As set forth at paragraph 7, Defendant's service with the U.S. Armed Forces began on July 28, 2021.

157. As set forth at paragraph 77, Defendant was separated from the U.S. Armed Forces on May 19, 2026, under other than honorable conditions.

158. Defendant did not serve in the U.S. Armed Forces for a period or periods aggregating five years prior to his separation from the U.S. Armed Forces under other than honorable conditions.

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159. Because Defendant was separated from the U.S. Armed Forces under other than honorable conditions before he had served honorably for a period or periods aggregating five years, this Court should revoke his U.S. citizenship pursuant to 8 U.S.C. § 1440(c).

160. No equitable or discretionary factors preclude the revocation of Defendant's U.S. citizenship under 8 U.S.C. § 1440(c).

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the United States of America, prays for relief as follows:

(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, May 18, 2022;

(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 May 18, 2022, naturalization;

(5) Judgment requiring Defendant, within ten (10) days of judgment, to surrender and deliver his Certificate of Naturalization, any U.S. passport, Enhanced Drivers License, or any other indicia of U.S. citizenship issued to him, whether valid or expired, 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 his representative, undersigned counsel; and

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

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Dated: September 30, 2026

ADAM GORDON
United States Attorney
Southern District of California

Respectfully submitted,

BRETT A. SHUMATE
Assistant Attorney General
Civil Division

JENNIFER J. KEENEY
Associate Director
Office of Immigration Litigation

JOHN J.W. INKELES
Chief
Denaturalization Unit

/s/ Hans H. Chen
HANS H. CHEN
Deputy Chief
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Counsel for United States of America

AO 441 Summons in a Civil Action

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

United States of America

Plaintiff

V.

Jinchao Wei, also known as Qiyuan Chen, also known as Patrick Wei

Defendant

Civil Action No. 26cv5608-TWR-AHG

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it) - or 60 days if you are the United States or a United States agency, or an office or employee of the United States described in Fed. R. Civ. P. 12(a)(2) or (3) - You must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Hans Chen
P.O. Box 868
Washington, DC 20044
(202) 307-4469

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 9/30/26

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

John Morrill
CLERK OF COURT

S/ D. English
Signature of Clerk or Deputy Clerk

Civil Action No. 26cv5608-TWR-AHG Date Issued: 9/30/26

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(1))

This summons for *(name of individual and title, if any)* _____

was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____

_____ on *(date)* _____; or

I left the summons at the individual's residence or place of abode with *(name)* _____

_____, a person of suitable age and discretion who resides there,

on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of the individual)* _____, who is

designated by law to accept service of process on behalf of *(name of organization)* _____

_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are $ _____ for travel and $ _____ for services, for a total of $ _____.

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's Signature

_____
Printed name and title

_____
Server's address

NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE JUDGE

IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE JUDGE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT.

YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE JUDGE WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.

JUDGMENTS OF THE U.S. MAGISTRATE JUDGES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.