IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	**CIVIL ACTION NO. 1:26-cv-3222**
	)	
v.	)	
	)	**COMPLAINT TO REVOKE NATURALIZATION**
FRANCIS DARKO ASAMOAH,	)	
	)	
Defendant.	)	

I. PRELIMINARY STATEMENT

Pursuant to 8 U.S.C. § 1451(a), the United States seeks to revoke and set aside the order admitting to United States citizenship Defendant Francis Darko Asamoah ("Defendant" or "Asamoah") and to cancel his Certificate of Naturalization No. [redacted]. Defendant illegally procured his naturalization and procured his naturalization by concealment of a material fact or by willful misrepresentation.

Defendant obtained his permanent resident status, which formed the legal basis for his naturalization, through his marriage to a U.S. citizen. But while still married to that U.S. citizen, Defendant had a child with another woman, a Ghanian citizen. Then, during his naturalization process, Defendant concealed that relationship by falsely claiming that he had no children. Defendant's misrepresentation and false testimony about his children prevented immigration authorities from properly investigating the bona fides of Defendant's marriage to his U.S. citizen spouse and of his legal basis for permanent residence and naturalization. For these reasons, the Court must revoke Defendant's U.S. citizenship pursuant to 8 U.S.C. § 1451(a).

II. JURISDICTION, VENUE, AND PARTIES

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 Number [redacted].

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. Plaintiff is the United States of America ("Plaintiff").

4. Defendant is Francis Darko Asamoah.

5. Defendant was born in Ghana in 1970.

6. Defendant obtained U.S. citizenship through naturalization.

7. Venue is proper in the Eastern District of Virginia under 8 U.S.C. § 1451 and 28 U.S.C. § 1391, because Defendant's last known residence was in Woodbridge, Virginia, which is within the jurisdiction and venue of this Court.

III. DEFENDANT'S IMMIGRATION HISTORY

8. As required by 8 U.S.C. § 1451, an affidavit showing good cause for this action, signed by Special Agent Vlad Boscor, with Department of Homeland Security ("DHS"), U.S. Immigrations and Customs Enforcement ("ICE"), Homeland Security Investigations ('HSI"), is attached to this Complaint. *See* Exhibit 1, Affidavit of Good Cause.

9. Defendant was granted a non-immigrant visitor visa at the U.S. Consulate in Ghana in 1999 and subsequently entered the United States on August 27, 1999.

10. Defendant married Jillian Jones ("Jones") in Alexandria, Virginia, on or about January 7, 2005.

11. Jones is a U.S. citizen by birth.

12. Defendant and Jones concurrently filed a Form I-130, Petition for Alien Relative ("I-130"), and Form I-485, Application for Adjustment of Status and to Register Permanent Residence ("I-485"), on or about March 31, 2005.

13. Both the I-130 and I-485 were approved and Defendant's status was adjusted to that of a conditional permanent resident on or about February 17, 2006.

14. Defendant filed a Form I-751, Petition to Remove Conditions on Residence, ("I-751"), on or about December 3, 2007.

15. The I-751 was approved on or about September 10, 2008, and Defendant became an unconditional permanent resident.

16. Defendant filed his Form N-400, Application for Naturalization ("N-400") with U.S. Citizenship and Immigration Services ("USCIS") on April 25, 2013.

17. A true, complete, and certified copy of Defendant's N-400, except for redactions of personally identifying information immaterial to this action, is attached as [redacted].

18. In response to Question 9A of the N-400, which asked "How many sons and daughters have you had?" Defendant left blank the space on the N-400 for a response.

19. In response to the instructions to Question 9B of the N-400, which stated, "Provide the following information about all of your sons and daughters. If you need more space, use a separate sheet of paper." Defendant left blank the space on the N-400 for a response.

20. Defendant signed and dated the N-400 on April 20, 2013, and thereby certified that the answers given on his N-400 were "true and correct".

21. On July 24, 2013, a USCIS employee interviewed Defendant about his N-400 ("Naturalization Interview").

22. At the start of the Naturalization Interview, Defendant was placed under oath.

23. During the Naturalization Interview, the USCIS employee asked Defendant how many sons and daughters he had had, and in response, Defendant said, orally and under oath, zero, consistent with his earlier written answer to Question 9A of his N-400.

24. During the Naturalization Interview, the USCIS employee recorded Defendant's testimony that he had no children by writing "0" in the space provided for a response to Question 9A of the N-400 and by writing "States none," along with the date of the Naturalization Interview and the USCIS's employee's initials, in the space provided for a response to Question 9B of the N-400.

25. USCIS approved Defendant's N-400 on July 24, 2013.

26. On August 14, 2013, Defendant took the oath of citizenship, became a U.S. citizen, and was issued Certification of Naturalization No. [redacted].

27. A true, complete, and certified copy of the Certificate of Naturalization, except for redactions of personally identifying information immaterial to this action, is attached as Exhibit 3.

IV. DEFENDANT'S POST-NATURALIZATION IMMIGRATION FILINGS AND RELATED DOCUMENTS

28. Defendant and Jones divorced on November 21, 2013

29. Defendant married Regina Addai Frimpong ("Frimpong") on March 14, 2014.

30. Frimpong changed her name to Regina Asamoah in 2022.

31. Defendant sought an immigrant visa for Frimpong by filing a Form I-130, Petition for Alien Relative ("Frimpong I-130") on her behalf on or about April 2, 2014, less than eight months after he had become a U.S. citizen.

32. A true, complete, and certified copy of the Frimpong I-130, except for redactions of personally identifying information immaterial to this action, is attached as Exhibit 4.

33. Frimpong filed a Form I-485, Application for Adjustment of Status and to Register Permanent Residence ("Frimpong I-485") concurrently with the Frimpong I-130.

34. In the Frimpong I-130, Defendant identified a male child that he had fathered with Frimpong and identified here by the initials "[redacted]." or "[redacted]."

35. In the Frimpong I-130, Defendant stated that [redacted]. was "born in VA" in 2011, which is prior to Defendant's filing of his N-400 and during his previous marriage to Jones.

36. Both the Frimpong I-130 and the Frimpong I-485 were approved on July 31, 2014.

37. According to a Certificate of Live Birth issued by the Commonwealth of Virginia, in 2011, approximately two years prior to his naturalization interview, Defendant fathered a male child with Frimpong who was given the same first and last name as the child identified in the Frimpong I-130.

38. A true and complete copy of that Certificate of Live Birth, except for redactions of personally identifying information immaterial to this action, is attached as Exhibit 5.

39. After naturalizing, Defendant served as a financial sponsor for Frimpong as she sought approval of the I-130, Petition for Alien Relative, and I-485, Application to Register Permanent Residence or Adjust Status.

40. On or about April 2, 2014, Defendant filed with USCIS a Form I-864, Affidavit of Support ("Affidavit of Support") in support of Frimpong's I-130 and I-485.

41. The Affidavit of Support directed Defendant to submit information regarding his income for the previous three years, including total income as reported on his federal tax returns.

42. Defendant submitted to USCIS, as attachments to the Affidavit of Support, his U.S. Individual Income Tax Return Form 1040 for 2011 ("2011 1040"), his U.S. Individual Income Tax Return Form 1040 for 2012 ("2012 1040"), and his U.S. Individual Income Tax Return Form 1040 for 2013 ("2013 1040") .

43. Prior to filing the Affidavit of Support, Defendant signed it under a certification that "under penalty of perjury under the laws of the United States," "[e]ach of the Federal income tax returns submitted in support of this affidavit are true copies, or are unaltered tax transcripts, of the tax returns I filed with the U.S. Internal Revenue Service."

44. A true, complete, and certified copy of the Affidavit of Support and Defendant's 2011 1040, 2012 1040, and 2013 1040 filed as attachments thereto, except for redactions of personally identifying information immaterial to this action, are attached as Exhibit 6.

45. Defendant signed his 2011 1040 on January 31, 2012.

46. On his 2011 1040, Defendant claimed [redacted]. as his dependent son.

47. Defendant signed his 2012 1040 on March 19, 2013.

48. On his 2012 1040, Defendant claimed [redacted]. as his dependent son.

49. A tax preparer filed the 2013 1040 on Defendant's behalf in 2014.

50. On his 2013 1040, Defendant claimed [redacted]. as his dependent son.

51. The male child born to Defendant and Frimpong in Virginia in 2011, identified here as [redacted]. or [redacted]., is the same child referenced in the Certificate of Live Birth, the Frimpong I-130, and on the 2011 1040, 2012 1040, and 2013 1040, and has the same first, middle, and last name, and date of birth.

V. APPLICABLE LAW

Congressionally Imposed Prerequisites to the Acquisition of Citizenship

52. Congress has determined that an alien does not have the right to naturalization "unless all statutory requirements are complied with." *United States v. Ginsberg*, 243 U.S. 472, 475 (1917). The Supreme Court has 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); *see also id.* ("An alien who seeks political rights as a member of this Nation can rightfully obtain them only upon the terms and conditions specified by Congress.") (quoting *Ginsberg*, 243 U.S. at 474)).

53. Additionally, Congress has mandated that an individual may not naturalize unless that person "during all the periods referred to in this subsection has been and still is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States " 8 U.S.C. § 1427(a)(3).

54. The required statutory period for possessing the necessary good moral character, attachment to the principles of the Constitution, and being well disposed to the good order and happiness of the United States, prescribed in 8 U.S.C. § 1427(a)(3), begins five years before the date the applicant files the naturalization application and 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. § 316.10(a)(1).

55. An applicant for naturalization is expressly barred from showing that he or she is a person of good moral character if, during the statutory period, he or she gave "false testimony for the purpose of obtaining any [immigration] benefits," as false testimony is an enumerated act showing lack of good moral character. 8 U.S.C. § 1101(f)(6).

The Denaturalization Statute

56. 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 willfully misrepresenting facts that are material to their naturalization application, Congress enacted 8 U.S.C. § 1451.

57. Pursuant to 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 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. *See Kungys v. United States*, 485 U.S. 759, 767 (1988).

60. Where the government establishes that a defendant's citizenship was procured illegally or by willful misrepresentation or concealment of material facts, "district courts lack equitable discretion to refrain from entering a judgment of denaturalization." *Fedorenko v. United States*, 449 U.S. 490, 517 (1981).

VI. CAUSES OF ACTION

COUNT ONE

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

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

62. An applicant for naturalization is statutorily barred from showing that he or she is a person of good moral character if, during the statutory period, he or she gave "false testimony for the purpose of obtaining any [immigration] benefits." 8 U.S.C. § 1101(f)(6).

63. While the testimony does not need to be material, it must be oral, made under oath, and with the subjective intent to obtain an immigration benefit. *See Kungys*, 485 U.S. at 779-81.

64. The statutorily prerequisite five-year period during which Defendant was required to show good moral character to be eligible to naturalize began on April 25, 2008, five years prior to filing his naturalization application, and continued until August 14, 2013, the date on which he naturalized. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

65. USCIS interviewed Defendant about his N-400 at his Naturalization Interview on July 24, 2013.

66. At his Naturalization Interview, in response to the question of how many sons and daughters Defendant had, Defendant said, orally and under oath, that he had no sons or daughters.

67. During the Naturalization Interview, the USCIS employee recorded Defendant's testimony that he had no children by writing "0" in the space provided for a response to Question 9A of the N-400 and by writing "States none," along with the date of the Naturalization Interview and the USCIS's employee's initials, in the space provided for a response to Question 9B of the N-400.

68. That testimony was false.

69. That testimony was false because Defendant had fathered a male child, identified here as [redacted]. or [redacted]A., born in Virginia in 2011.

70. A Certificate of Live Birth records the child's birth and Defendant as the child's father.

71. Frimpong's I-130 establishes Defendant had knowledge of the child's birth in Virginia in 2011.

72. In U.S. income tax returns filed by Defendant from tax year 2011 through 2013, of which 2011 and 2012 occurred prior to filing his N-400, Defendant claimed a minor male son, [redacted]A., as a dependent.

73. The mother of the child is Frimpong, to whom Defendant is presently married.

74. Defendant was married to Jones, through whom he gained permanent residence when Frimpong gave birth to Defendant's son in 2011.

75. Defendant provided false testimony for the purpose of obtaining an immigration benefit after being placed under oath during his naturalization interview.

76. Because Defendant provided false testimony under oath for the purpose of obtaining naturalization—an enumerated statutory bar—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.

77. 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).

78. Because he was ineligible to naturalize, Defendant illegally procured his naturalization.

79. Because Defendant illegally procured his naturalization, this Court must revoke his naturalization as provided under 8 U.S.C. § 1451(a).

COUNT TWO

PROCUREMENT OF U.S. CITIZENSHIP BY CONCEALMENT OF A MATERIAL FACT OR BY WILLFUL MISREPRESENTATION

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

81. Defendant procured his naturalization by concealment of material facts or by willful misrepresentation.

82. As outlined above, Defendant made willful misrepresentations or concealed material facts on his N-400, when, in response to Question 9A of the N-400, which asked "How many sons and daughters have you had?" Defendant left blank the space on the N-400 for a response.

83. As outlined above, Defendant made willful misrepresentations or concealed material facts on his N-400, when, in response to the instructions to Question 9B of the N-400, which stated, "Provide the following information about all of your sons and daughters. If you need more space, use a separate sheet of paper," Defendant left blank the space on the N-400 for a response.

84. Defendant signed his Form N-400 and did "swear (affirm) and certify under the penalty of perjury under the laws of the United States of America" that his answers on the N-400 were "true and correct."

85. As outlined above, Defendant made willful misrepresentations or concealed material facts at his Naturalization Interview when, in response to the question of how many sons

and daughters Defendant had, Defendant said, orally and under oath, that he had no sons or daughters.

86. During the Naturalization Interview, the USCIS employee recorded Defendant's testimony that he had no children by writing "0" in the space provided for a response to Question 9A of the N-400 and by writing "States none," along with the date of the Naturalization Interview and the USCIS's employee's initials, in the space provided for a response to Question 9B of the N-400.

87. The testimony under oath and representations made on the N-400 were false because Defendant had fathered a child born in 2011, identified here as [redacted]. or [redacted].

88. The concealment and misrepresentations were willful, as Defendant was named on the Certificate of Live Birth as the father of the male child born in 2011, and Defendant admitted in the subsequently filed Frimpong I-130 to the existence of the male child born in Virginia in 2011, prior to the filing of his N-400.

89. U.S. income tax returns filed by Defendant from tax year 2011 through 2013, show Defendant claimed the male child as his son and a dependent, of which 2011 and 2012 occurred prior to filing his N-400.

90. Defendant's concealment and misrepresentation of his children, as well as his provision of false information, were material to determining his eligibility for naturalization, as it frustrated a line of questioning by USCIS into the bona fides of his marriage with Jones, through whom Defendant obtained permanent residency, and would have had a natural tendency to influence a decision by USCIS to approve his naturalization application.

91. Defendant procured citizenship because of the concealment of material facts or willful misrepresentation.

92. Had USCIS determined that Defendant did not have a bona fide marriage to Jones, it would have found that he had not obtained his permanent residence lawfully and would have denied his naturalization application on that basis.

93. Defendant thus procured his citizenship by concealment of material facts or by willful misrepresentation.

94. Because Defendant procured his naturalization by willful misrepresentation or by concealment of material facts, this Court must revoke his naturalization as provided under 8 U.S.C. § 1451(a).

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the United States requests:

1. A declaration that Defendant illegally procured his citizenship;

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, August 14, 2013.

4. Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages related to U.S. citizenship that he obtained because of his August 14, 2013, 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 surrender any copies thereof that he knows are in

the possession of others, to the Attorney General through undersigned counsel, his representative.

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 United States passports, passport cards, and Enhanced Drivers Licenses), whether valid or expired, 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 through undersigned counsel, his representative; and

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

Dated: September 30, 2026

Respectfully submitted,

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