UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Civil Action No. 1:26-cv-26880

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE LUIS VILLARREAL, a/k/a JOSE GHIBRAN VILLARREAL ORTIZ, a/k/a JOSE LUIS VILLARREAL ORTIZ,

Defendant.
_____/

COMPLAINT TO REVOKE NATURALIZATION

PRELIMINARY STATEMENT OF THE CASE

The United States of America ("Plaintiff") brings this civil action against Jose Ghibran Villareal Ortiz ("Defendant")[1] to revoke and set aside his naturalized U.S. citizenship under 8 U.S.C. § 1451. Defendant illegally procured his naturalization and procured it by concealment of a material fact or by willful misrepresentation.

Before Defendant naturalized in 2004, he adjusted to lawful permanent resident status as the purported unmarried child of a U.S. citizen. However, Defendant was not, in fact, the child of a U.S. citizen. Rather, his aunt (herself a naturalized U.S. citizen) had fraudulently claimed Defendant was her son, and Defendant continued that fabrication through his adjustment and naturalization, as well as also misrepresenting other aspects of his immigration history. Defendant affirmatively misrepresented and concealed the truth in his written naturalization application and

[1] Pursuant to Federal Rule of Civil Procedure 5.2 and confidentiality regulations relating to certain immigration applications, Plaintiff has redacted certain immaterial identifying or sensitive information in its exhibits. Other than these redactions, the exhibits attached hereto are true and complete copies of the documents described herein.

provided false testimony in his naturalization interview. The truth would have revealed his admission as unlawful and disqualified him from naturalization. As Defendant was not lawfully admitted to permanent residence and because he willfully misrepresented the truth during the naturalization process, he was ineligible to naturalize.

With the attached affidavit showing good cause, the United States brings this civil action on the grounds that Defendant illegally procured his naturalization and willfully misrepresented and concealed material facts during the naturalization process. Under 8 U.S.C. § 1451(a), the United States seeks to revoke and set aside the order admitting Defendant to citizenship and to cancel his certificate of naturalization.

I. JURISDICTION AND VENUE

1. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Defendant to U.S. citizenship and to cancel Certificate of Naturalization No. [redacted] issued August 10, 2004.

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

3. Pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391, venue is proper in this district because Defendant resides in Miami Beach, FL, which is within the jurisdiction and venue of this Court.

II. PARTIES

4. Plaintiff is the United States of America.

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

6. Defendant has at various points used or been known by different identities, including but not limited to Jose Ghibran Villareal Ortiz, born in 1977, Jose Luis Villarreal, born in 1978, and Jose Luis Villareal Ortiz, born 1978. All refer to one and the same person.

III. FACTUAL ALLEGATIONS

A. Defendant's Immigration History

7. The affidavit of Anneliese F. Torres, a Special Agent within the Department of Homeland Security, showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached as Exhibit A.

8. In 1977, Defendant was born in Mexico to Thila M. Ortiz Valdivieso, a/k/a Thila Maria Ortiz, a/k/a Maria Ortiz, a/k/a/ Thyla Maria Ortiz Valdivieso ("Thila"), and Jose Luis Villarreal Monroy, a/k/a Jose Luis Villarreal Monrroy, a/k/a Jose Luis Villarreal.[2]

9. Neither Thila nor Monroy were U.S. citizens.

10. Both Thila and Monroy are citizens of Mexico.

11. Defendant has an identical twin brother, Luis Dante Villareal ("Luis Dante").

12. When he was approximately 11 years old (in approximately 1988), Defendant and his brother entered the United States.

13. Defendant was enrolled into the Miami-Dade public school system.

14. School records list Thila as Defendant's mother.

15. While in the United States, Thila was convicted of a crime and sentenced to prison.

16. Thila's prison records indicate her children were Defendant and his brother.

[2] To avoid confusion, Plaintiff refers to the elder Villarreal as "Monroy."

17. In the State of Florida's Department of Corrections' List of Relatives and References for Thila, dated 1994, Defendant and Dante Luis are listed as two of Thila's approved visitors as sons, both aged 16, along with Elodia Ramirez ("Elodia") as Thila's sister.

18. Thila was ultimately deported from the United States after her prison sentence.

19. Elodia did not list Defendant as her son in her Application to Register Permanent Residence or Adjust Status filed in April 1989, which directed her to disclose her children.

20. Elodia did not list Defendant as her son in her Naturalization Application, filed in October 1994, which directed her to disclose her children.

21. In fact, Elodia had never claimed Defendant as her son in any of her immigration applications she had filed.

22. Elodia testified under oath at her naturalization interview on November 6, 1995, that she only had one child, a son whose name was Rodrigo.

23. Nevertheless, on May 22, 1997, Elodia sought an immigrant visa for Defendant by filing a Form I-130, Petition for Alien Relative, on his behalf that identified Defendant as her son with the U.S. Immigration & Naturalization Service[3] ("Form I-130").

24. A true and correct copy of the Form I-130 is attached as Exhibit B.

25. In the Form I-130, Elodia listed Defendant's date of entry into the United States as September 9, 1996.

26. Elodia did not give birth to Defendant.

27. At no time did Elodia ever legally adopt Defendant.

[3] Pursuant to the Department of Homeland Security Reorganization Plan, Homeland Security Act of 2002, Pub.L.No. 1074-296, 116 Stat. 2135 (2002), 6 U.S.C. §§ 101-557, as of March 1, 2003, the Immigration and Naturalization Service ("INS") was abolished, and many of its functions were transferred to the DHS. This Complaint will refer to INS or DHS as appropriate.

28. On May 22, 1997, concurrent with Elodia's filing of the I-130, Defendant sought admission to permanent resident status by filing a Form I-485, Application to Register Permanent Residence or Adjust Status ("Form I-485").

29. A true and correct copy of Defendant's Form I-485 is attached as Exhibit C.

30. In the Form I-485, Defendant indicated he was born in 1978.

31. In the Form I-485, Defendant indicated his date of arrival in the United States was September 9, 1996.

32. In the Form I-485, Defendant indicated that his mother was Elodia.

33. Defendant signed the Form I-485, certifying its contents under penalty of perjury.

34. In support of his Form I-485, Defendant submitted a purported Mexican birth certificate, No. [redacted].

35. That purported Mexican birth certificate listed Elodia as Defendant's mother.

36. The Department of Homeland Security's Forensic Document Laboratory later examined that purported Mexican birth certificate and concluded that it had been altered.

37. In support of his Form I-485, Defendant completed and submitted with it a Form G-325A (Biographic Information).

38. A true and correct copy of Defendant's Form G-325A is attached as Exhibit D.

39. In Defendant's Form G-325A, Defendant claimed Elodia was his mother.

40. In Defendant's Form G-325A, Defendant claimed that he had lived in Mexico from 1978 up until September 1996.

41. In Defendant's Form G-325A, Defendant claimed that he began residing in Florida only in September 1996.

42. In April 1997, Defendant signed his Form I-485, which "certif[ied] under penalty of perjury under the laws of the United States of America that this application, and the evidence submitted with it, is all true and correct."

43. By signing the Form I-485, Defendant also certified the truth and correctness of his Form G-325A and the altered birth certificate.

44. Defendant also signed the Form G-325A itself, which warned that severe penalties were provided by law for knowingly and willfully falsifying or concealing a material fact.

45. The Form I-130 and Form I-485 were approved on April 6, 1998.

46. Defendant became a permanent resident as a result of the fabricated parent/child relationship with Elodia and of the representations he made in his Form G-325A and Form I-485.

47. By contrast from Defendant, Defendant's twin brother, Luis Dante, filed a Form I-485 in February 1997 in connection with a Form I-130 filed by his spouse.

48. Luis Dante's filings preceded Defendant's and Elodia's May 1997 filings by just three months.

49. In Luis Dante's Form I-485, Luis Dante correctly identified Thila as his mother.

50. With Luis Dante's Form I-485, he submitted a birth certificate identifying his mother as Thila and his father as Monroy.

51. Likewise, in Luis Dante's Form G-325A, Luis Dante represented that he last lived in Mexico in 1988, and Luis Dante reported several residences in Florida since that time.

52. A true and correct copy of Luis Dante's Form I-485 and G-325A is attached as Exhibits E and F.

B. Defendant's Naturalization

53. On December 21, 2003, Defendant completed and signed his written Form N-400, Application for Naturalization ("Naturalization Application").

54. A true and correct copy of Defendant's Naturalization Application is attached as Exhibit G.

55. On December 24, 2003, Defendant's Naturalization Application was filed when U.S. Citizenship & Immigration Services ("USCIS") received it at one of its lockbox facilities.

56. In his Naturalization Application, when asked whether either of his parents were U.S. citizens, Defendant checked the box indicating "Yes."

57. In his Naturalization Application, when asked "Have you EVER given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal?", Defendant checked the box indicating "No."

58. In his Naturalization Application, when asked "Have you EVER lied to any U.S. government official to gain entry to admission into the United States?", Defendant checked the box indicating "No."

59. Defendant signed his Naturalization Application on December 21, 2003, certifying the truth and correctness of its content under penalty of perjury.

60. On June 10, 2004, Defendant attended a naturalization interview for the purpose of obtaining naturalization ("Naturalization Interview").

61. At the start of the Naturalization Interview, Defendant was placed under oath by the USCIS officer conducting the interview.

62. In his Naturalization Interview, when asked whether either of his parents were U.S. citizens, Defendant said, orally and under oath, "Yes."

63. In his Naturalization Interview, when asked "Have you EVER given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal?", Defendant said, orally and under oath, "No."

64. In his Naturalization Interview, when asked "Have you EVER lied to any U.S. government official to gain entry to admission into the United States?", Defendant said, orally and under oath, "No."

65. In his Naturalization Interview, when asked "Have you EVER committed a crime or offense for which you were NOT arrested?", Defendant said, orally and under oath, "No."

66. At the conclusion of his interview, Defendant again signed and certified his Naturalization Application under penalty of perjury, affirming its contents to be true and correct.

67. As a result of Defendant's representations in his written Naturalization Application and his testimony at his Naturalization Interview, Defendant's Naturalization Application was approved on June 10, 2004.

68. On August 10, 2004, Defendant was naturalized as a U.S. citizen.

69. He was issued Certificate of Naturalization No. [redacted].

70. A true and correct copy of Defendant's Certificate of Naturalization is attached as Exhibit H.

71. After Defendant's naturalization, he used his naturalization certificate and the purported birth certificate that he submitted with his Form I-485 to obtain a position with the Homestead Police Department in Florida two years later, in 2006.

C. The Truth Comes to Light

72. In 2014, the Diplomatic Security Service of the U.S. Department of State and Homeland Security Investigations within the U.S. Department of Homeland Security opened a criminal investigation against Defendant for unlawfully obtaining permanent residence, U.S. citizenship, and a U.S. passport.

73. On May 30, 2014, pursuant to two federal search warrants issued as part of that investigation, DNA samples were collected from Defendant and Elodia.

74. Those samples were analyzed by the Miami-Dade Police Department's Forensic Services Bureau on June 17, 2014.

75. The DNA results concluded that Elodia could not be Defendant's biological mother.

76. A true and correct copy of the Miami-Dade Police Department's Forensic Services Bureau's DNA analysis is attached as Exhibit J.

77. On June 4, 2015, Elodia was indicted for making materially false statements, in violation of 18 U.S.C. § 1001(a)(2), for lying to the agents investigating Defendant by claiming that Defendant was her son. *See* Indictment, *United States v. Ramirez*, No. 1:15-cr-20405 (S.D. Fla. June 4, 2015) ("Indictment").

78. On August 2, 2015, Elodia pled guilty to the single count of the Indictment.

79. As part of her guilty plea, Elodia signed a factual proffer admitting that she had lied to the agents assigned to the criminal investigation against Defendant by claiming to be Defendant's mother. *See* Factual Proffer, *United States v. Ramirez*, No. 1:15-cr-20405 (S.D. Fla. Aug. 21, 2015) ("Factual Proffer").

80. A true and complete copy of the Factual Proffer is attached as Exhibit K.

81. The investigation did not result in federal criminal charges against Defendant or any alternative resolution in lieu of charges. *See* Declaration of Monica Beamer, attached as Exhibit M.

82. On May 13, 2020, Defendant was terminated from the Homestead Police Department for obstructing an investigation into a sexual battery that occurred within Homestead involving a bar owned by Elodia.

83. In the ensuing arbitration over Defendant's termination, Defendant testified orally and under oath that Elodia is not his biological mother. He testified that Elodia was, in fact, his aunt.

84. Defendant also testified that he "was raised by" Elodia and "treated her as [his] mother" starting "from back... when [he] was 15 --- 14, 15, 16 years old." *See* Tr. of Arbitration Hrg. 389:5-390:7, *In re: City of Homestead Policy Department and South Florida Police Benevolent Assoc.*, No. 221221-02077 (Federal Mediation and Conciliation Service, Nov. 4, 2022) ("Arbitration Hearing Transcript").

85. Excerpts from the publicly-available copy of the transcript from his arbitration are attached as Exhibit L.

86. Defendant's testimony indicates that he knew his aunt was not his mother.

87. Because as Elodia had resided in the United States since no later than 1989, Defendant's testimony also places him in the United States as of 1994, at the very latest.

88. Although once sworn to uphold the law as a police officer, Defendant has never attempted to rectify or redress the fraudulent procurement of his U.S. citizenship, though he has long known he obtained his citizenship through a fraud effectuated upon the United States.

IV. GOVERNING LAW

A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

89. 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 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).

90. Among the threshold requirements for naturalization under 8 U.S.C. § 1427 is that a person must be "lawfully admitted for permanent residence."

91. Congress has defined the term "lawfully admitted for permanent residence" to mean "the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws." *See* 8 U.S.C. § 1101(a)(20).

92. The term "lawfully" requires compliance with substantive legal requirements for admission, and not mere procedural regularity. *See* 8 U.S.C. § 1101(a)(20); *Savoury v. U.S. Att'y Gen.*, 449 F.3d 1307, 1317 (11th Cir. 2006).

93. Additionally, 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...." 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.*

94. 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. 8 U.S.C. § 1101(f).

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

96. Further, Congress created a "catch-all" provision, which states, "[t]he fact that any person is not within any of the [statutorily described] 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).

97. Thus, an individual who, during the statutory period within which he or she is required to prove good moral character, commits an unlawful act adversely reflecting upon his or her moral character cannot meet the good moral character requirement, unless the applicant proves extenuating circumstances existed. *See* 8 C.F.R. § 316.10(b)(3)(iii); 8 U.S.C. § 1101(f).

98. "[A] conviction during the statutory period is not necessary for a finding that an applicant lacks good moral character. It is enough that the offense was 'committed' during that time." *United States v. Suarez*, 664 F.3d 655, 661 (7th Cir. 2011) (discussing both 8 U.S.C. § 1101(f)(3) and 8 C.F.R. § 316.10(b)(3)(iii)).

B. The Denaturalization Statute

99. Recognizing that there are situations where an individual has naturalized despite failing to comply with all congressionally imposed prerequisites to the acquisition of citizenship or by concealing or misrepresenting facts that are material to the decision on whether to grant his or her naturalization application, Congress enacted 8 U.S.C. § 1451.

100. Under 8 U.S.C. § 1451(a), this Court must revoke Defendant's naturalization and cancel Defendant's Certificate of Naturalization if Defendant's naturalization was either:

a. illegally procured, or

b. procured by concealment of a material fact or by willful misrepresentation.

101. 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.

102. 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).

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

V. CAUSES OF ACTION

COUNT I

ILLEGAL PROCUREMENT OF NATURALIZATION NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE (Adjustment Procured Unlawfully: Ineligible for Adjustment as a Child of a U.S. Citizen)

104. Plaintiff incorporates by reference the allegations set forth above.

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

106. As noted above, the term "lawfully" denotes compliance with substantive legal requirements, not mere procedural regularity. *See* 8 U.S.C. § 1101(a)(20); *Savoury*, 449 F.3d at 1317.

107. Defendant's admission to permanent residence as an "immediate relative" as Elodia's son required that he, in fact, be Elodia's son. 8 U.S.C. §§ 1153(a)(1), 1154(a)(1)(A)(i), 1255(a).

108. As proven by a DNA test, Defendant is not Elodia's biological son.

109. Defendant was never legally adopted by Elodia.

110. Elodia never claimed Defendant as her son in her Form I-485 or Form N-400.

111. Defendant himself testified that Elodia was his aunt, not his real mother.

112. Defendant testified that he did not begin casually referring to Elodia as his "mother" until his mid-teens.

113. Defendant's admission to permanent residence as the immediate relative unmarried child of a U.S. citizen was unlawful, because, as he is and was not the child of a U.S. citizen, he was ineligible for admission under that category.

114. Defendant's subjective knowledge (or claimed lack thereof) is irrelevant to this count.

115. As Defendant was ineligible for classification as the son or daughter of a U.S. citizen at the time he was admitted to permanent resident status as such, he was never lawfully admitted for permanent residence in accordance with the substantive legal requirements to obtain that status.

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

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

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

COUNT II

ILLEGAL PROCUREMENT OF NATURALIZATION NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE (Adjustment Procured Unlawfully – Inadmissible at the Time of Admission/Adjustment)

119. Plaintiff incorporates by reference the allegations set forth above.

120. As discussed above, to qualify for naturalization, an applicant must have been "lawfully admitted" to the United States for permanent residence. 8 U.S.C. § 1427(a)(1); *see also id.* § 1429.

121. The term "lawfully" as used in 8 U.S.C. § 1427(a)(1) requires status that is rightfully obtained in compliance with substantive legal requirements, rather than by mistake or fraud.

122. Among the statutory requirements applicable at the time of Defendant's admission into the United States as a permanent resident was that he be admissible to the United States. *See* 8 U.S.C. § 1182(a) (1995).

123. Under the law then in effect, an individual "who, 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 benefit" was ineligible to receive a visa and was excluded from admission into the United States. 8 U.S.C. § 1182(a)(6)(C)(i) (1998).

124. Defendant was never lawfully admitted to the United States as a permanent resident and did not satisfy the requirements of 8 U.S.C. §§ 1427(a)(1) and 1429 because he was inadmissible at the time of his admission into the United States.

125. Specifically, Defendant misrepresented that Elodia was his mother in his Form G-325A and his Form I-485.

126. Defendant concealed that Thila was his mother in his Form G-325A and his Form I-485.

127. Additionally, Defendant misrepresented that he lived in Mexico until September 1996 in his Form G-325A, when in fact he had been living in the United States for at least one year before 1996.

128. In fact, Defendant had been living in the United States since approximately 1988, approximately eight years earlier.

129. Finally, Defendant submitted an altered birth certificate in support of his Form I-485.

130. Providing the truth about his mother and his relationship to Elodia in his Form I-485 and his Form G-325A would have revealed he was ineligible for adjustment as the son of a U.S. citizen.

131. The truth about Defendant's relationship to Elodia was material.

132. This misrepresentation was willful because it was knowing and voluntary.

133. Defendant represented in his Form G-325A that he lived in Mexico up until September 1996.

134. Defendant represented in his Form G-325A that he had not resided in Florida before September 1996.

135. Defendant knew he had not resided in Mexico from birth up until September 1996.

136. Defendant knew he had resided in Florida before September 1996.

137. Defendant's misrepresentations of his address history and his immigration history in the United States were also material.

138. Defendant's misrepresentations as to his address and immigration history were knowing and voluntary.

139. Defendant's false statements, as set forth above, were material to determining his eligibility for the immigration benefits for which he applied. Defendant's false statements had the natural tendency to influence the decisions to approve his applications and requests. Defendant thus sought to procure or procured a visa or other documentation, or entry into the United States, by fraud or by willfully misrepresenting a material fact.

140. At the time he was admitted as a permanent resident, Defendant was thus inadmissible pursuant to 8 U.S.C. § 1182(a)(6)(C)(i) (1998), because he had sought to procure a visa or other documentation, or entry into the United States, by fraud or by willfully misrepresenting a material fact.

141. Because Defendant was inadmissible at the time he was admitted as a lawful permanent resident, he was not lawfully admitted for permanent residence.

142. Because Defendant was not lawfully admitted for permanent residence, he was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

143. Because Defendant was ineligible for naturalization, he procured his naturalization illegally, and this Court therefore must revoke his naturalization as provided for in 8 U.S.C. § 1451(a).

COUNT III

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

144. Plaintiff incorporates by reference the allegations set forth above.

145. Under the law in effect when Defendant petitioned for naturalization, Defendant was required to establish that he was a person of good moral character during the statutory period beginning five years immediately preceding the date he filed his petition, and continuing until the date he was admitted to U.S. citizenship.

146. To be eligible for naturalization Defendant was required to establish that he was a person of good moral character from December 24, 1998 (the date five years prior to the filing of his Naturalization Application), until the time of his admission to citizenship on August 10, 2004 (the "statutory period"). 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

147. Defendant was statutorily barred from establishing the good moral character necessary to naturalize because, during the statutory period, he gave false testimony orally and under oath for the purpose of obtaining an immigration benefit, including naturalization. *See* 8 U.S.C. § 1101(f)(6).

148. The materiality of the concealed information is irrelevant for the purposes of § 1101(f)(6). *Kungys*, 485 U.S. at 780. All that is required is an intent to deceive. *Id.*

149. Defendant testified falsely in the pursuit of immigration benefits at his sworn Naturalization Interview on June 10, 2004.

150. On June 10, 2004, a USCIS examiner interviewed Defendant regarding his Naturalization Application.

151. In his Naturalization Interview, Defendant took an oath swearing that he would answer all questions truthfully.

152. Defendant attended his Naturalization Interview for the purposes of obtaining an immigration benefit, specifically naturalization.

153. In his Naturalization Interview, Defendant provided his false testimony orally and under oath when he answered "yes" when asked if either of his parents were U.S. citizens.

154. This testimony was false because neither Thila nor Monroy were U.S. citizens.

155. In his Naturalization Interview, Defendant provided his false testimony orally and under oath when he answered "No" when asked "Have you ever given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal?"

156. This testimony was false because:

a. Defendant had provided false information when he claimed Elodia was his mother on his Form I-485 and Form G-325A;

b. Defendant had provided an altered birth certificate with his Form I-485 and G-325A.

c. Defendant had falsely represented in his Form G-325A that he had resided in Mexico up until September 1996.

d. Defendant had falsely represented in his Form G-325A that he had not resided in Florida before September 1996.

e. Defendant submitted his written Naturalization Application with several misrepresentations. including: (i) that his parent was a U.S. citizen; (ii) that he had never lied to immigration officials to gain admission; (iii) that he had never given

false or misleading information to U.S. government officials while applying for immigration benefits; and (iv) that he had never committed a crime for which he was not arrested.

157. In his Naturalization Interview, Defendant falsely testified when, orally and under oath, he answered "No" when asked whether he had ever committed a crime or offense for which he was not arrested.

158. This testimony was false because, as described in Count IV, Defendant had violated 18 U.S.C. § 1001(a)(1)-(3) and 18 U.S.C. § 1546(a) each time he gave false or misleading information to a U.S. Government official via his written Naturalization Application, his Form I-485, and his Form G-325A.

159. In his Naturalization Interview, Defendant falsely testified when, orally and under oath, he answered "No" when he was asked whether he had ever lied to U.S. government officials to gain entry or admission.

160. This testimony was false because:

a. Defendant filed the Form I-485 and the accompanying Form G-325A for the purposes of obtaining admission to permanent residence.

b. Defendant had lied when he claimed Elodia was his mother on his Form I-485 and the accompanying Form G-325A.

c. Defendant had lied in his Form G-325A when he claimed he had resided in Mexico up until September 1996.

d. Defendant had lied in his Form G-325A that he had not resided in Florida before September 1996.

e. Defendant had lied when he signed his Form I-485 certifying under penalty of perjury that the Form I-485 and accompanying documents (the Form G-325A and altered birth certificate) were true and correct.

161. Because Defendant had provided false testimony orally and under oath during the statutory period 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.

162. Because Defendant was not a person of good moral character, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(3) (2000).

163. 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).

COUNT IV

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (Unlawful Acts Adversely Reflecting on Moral Character)

164. Plaintiff realleges and incorporates by reference the allegations set forth above.

165. As outlined above, Congress has mandated that, to be eligible for naturalization, an applicant must show that he or she has been a person of good moral character for the five-year statutory period before filing his or her naturalization application until the time the applicant becomes a naturalized U.S. citizen. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(i).

166. Defendant was required to establish that he was a person of good moral character during his "statutory period" from December 24, 1998 (the date five years prior to the filing of his Naturalization Application), until the time of his admission to citizenship on August 10, 2004.

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

168. Defendant completed and filed his Naturalization Application during the "statutory period."

169. Defendant also re-certified his written Naturalization Application at the conclusion of his sworn interview, also during the "statutory period."

170. Defendant committed unlawful acts during the statutory period when he violated 18 U.S.C. § 1001(a)(1)-(3) by knowingly and willfully concealing in his Naturalization Application—a matter within the jurisdiction of the Executive Branch of the Government of the United States—the truth about his parents' citizenship status, about crimes for which he had not been arrested, and about his prior misrepresentations in his Form I-485 and Form G-325A.

171. Defendant committed unlawful acts during the statutory period when he violated 18 U.S.C. § 1546(a), which makes it a crime to "knowingly make[] under oath, or as permitted under penalty of perjury under [28 U.S.C. § 1746], [or] knowingly subscribe[] as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly present[] any such application, affidavit, or other document which contains any such false statement or which fails to contain any reasonable basis in law or fact." Defendant committed this violation at both the point of submission of his Naturalization Application and at the post-interview re-certification of his Naturalization Application.

172. Specifically, Defendant violated 18 U.S.C. § 1001(a)(1)-(3) and 18 U.S.C. § 1546(a) when he gave false or misleading information to a U.S. Government official while applying for naturalization via his Naturalization Application and his re-certification of his written Naturalization Application at the conclusion of his interview, as follows:

a. In his Naturalization Application, Defendant was asked if one of his parents was a U.S. citizen. In response to this question in his Naturalization Application, Defendant checked the box indicating "Yes."

   i. This answer was false because neither Thila nor Monroy were, in fact, U.S. citizens.

b. In his Naturalization Application, Defendant was asked if he had ever committed a crime or offense for which he was not arrested. In response to this question in his Naturalization Application, Defendant checked the box indicating "No."

   i. This answer was false because he had violated 18 U.S.C. § 1001(a)(1)-(3) and 18 U.S.C. § 1546(a) when he provided false information in his Form G-325A, namely that he had resided in Mexico from birth up until September 1996.

   ii. This answer was false because he had violated 18 U.S.C. § 1001(a)(1)-(3) and 18 U.S.C. § 1546(a) when he provided false information in his Form G-325A, namely that he had not resided in Florida before September 1996.

   iii. This answer was false because he had violated 18 U.S.C. § 1001(a)(1)-(3) and 18 U.S.C. § 1546(a) because he had misrepresented that Elodia was his mother in his Form I-485 and Form G-325A.

iv. This answer was false because he had violated 18 U.S.C. § 1001(a)(1)-(3) and 18 U.S.C. § 1546(a) at the time he submitted written Naturalization Application because it contained several misrepresentations: (i) that his parent was a U.S. citizen; (ii) that he had never lied to immigration officials to gain admission; (iii) that he had never given false or misleading information to U.S. government officials while applying for immigration benefits; and (iv) that he had never committed a crime for which he was not arrested.

c. In his Naturalization Application, Defendant was asked if he had ever given any false or misleading information to a U.S. Government official to obtain an immigration benefit. In response to this question in his Naturalization Application, Defendant checked the box indicating "No."

i. This answer was false because he had falsely claimed in his Form G-325A that that he had resided in Mexico from birth up until September 1996.

ii. This answer was false because he had falsely claimed in his Form G-325A that he had not resided in Florida before September 1996.

iii. This answer was false because he had misrepresented that Elodia was his mother in his Form I-485 and Form G-325A.

iv. As explained above and below, this answer was false because he submitted his written Naturalization Application with several misrepresentations: (i) that his parent was a U.S. citizen; (ii) that he had never lied to immigration officials to gain admission; (iii) that he had never given false or misleading information to U.S. government officials while applying for immigration

benefits; and (iv) that he had never committed a crime for which he was not arrested.

d. In his Naturalization Application, Defendant was asked if he had ever lied to a U.S. Government official to gain entry or admission. In response to this question in his Naturalization Application, Defendant checked the box indicating "No."

i. This answer was false because Defendant filed the Form I-485 and the accompanying Form G-325A for the purposes of obtaining admission to permanent residence, and those forms contained at least four lies.

ii. He lied when he claimed Elodia was his mother in his Form I-485 and his accompanying Form G-325A.

iii. He lied in his Form G-325A that that he had resided in Mexico up until September 1996.

iv. He lied in his Form G-325A that that he had not resided in Florida before September 1996.

v. He lied when he signed his Form I-485 and certified under penalty of perjury that the lies in his Form G-325A and the altered birth certificate he submitted with his Form I-485 were true and correct.

173. Accordingly, Defendant violated both 18 U.S.C. § 1001(a)(1)-(3) and 18 U.S.C. § 1546(a) during the statutory period on two occasions: first, at the time of the submission of his written Naturalization Application and second, at the time he re-certified his Naturalization Application at the conclusion of his interview.

174. No extenuating circumstances exist that would palliate Defendant's guilt for violating 18 U.S.C. § 1001(a)(1)-(3) and 18 U.S.C. § 1546(a).

175. Because Defendant committed unlawful acts adversely reflecting on his moral character during the statutory period, and no extenuating circumstances exist, he was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

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

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

COUNT V

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

178. Plaintiff incorporates by reference the allegations set forth above.

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

180. A misrepresentation is "willful" if it is "deliberate and voluntary." *United States v. Hirani*, 824 F.3d 741, 749 (8th Cir. 2016).

181. A concealment or misrepresentation is "material" if it has that "natural tendency to influence the decisions of the Immigration and Naturalization Service." *Kungys*, 485 U.S. at 772. "[T]he test more specifically is whether the misrepresentation or concealment had a natural tendency to produce the conclusion that the applicant was qualified." *Id.* at 771-72. A misrepresentation or concealment has such a tendency "if the true [representation] would predictably have disclosed other facts relevant to [the applicant's] qualifications." *Id.* at 774. The

issue of materiality is a legal question for the court. *Id.* at 772. "[W]hat is relevant is what would have ensued from official knowledge of the misrepresented fact." *Id.* at 775.

182. As set forth above, throughout the naturalization process, Defendant willfully misrepresented and concealed several important facts.

183. First, as set forth above, throughout the naturalization process, Defendant willfully misrepresented that one of his parents was a U.S. citizen and concealed that they were not.

184. Second, as set forth above, throughout the naturalization process, Defendant willfully misrepresented and concealed that he had previously lied to U.S. immigration officials while seeking admission to permanent residence.

185. Third, as set forth above, throughout the naturalization process, Defendant willfully misrepresented and concealed that he had previously given false or misleading information to U.S. government officials while applying for immigration benefits.

186. Fourth, as set forth above, throughout the naturalization process, Defendant willfully misrepresented and concealed that he had committed crimes for which he had not been arrested.

187. Defendant knew that his misrepresentations and omissions about these matters were false and misleading, and he made such misrepresentations voluntarily and deliberately. Accordingly, Defendant made these representations willfully.

188. Defendant's misrepresentations and concealment were material to his naturalization because the disclosure of his prior false testimony and misrepresentations would have influenced the decision whether to approve his naturalization application. Indeed, but for Defendant's concealment of material facts and willful misrepresentations, his statutory

ineligibility for naturalization would have been disclosed, and Plaintiff would not have approved his Naturalization Application or administered the oath of allegiance.

189. Defendant thus procured his naturalization by willful misrepresentation and concealment of material facts, and this Court must revoke his citizenship under 8 U.S.C. § 1451(a).

VI. PRAYER FOR RELIEF

WHEREFORE, the United States of America, respectfully requests:

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

(2) A declaration that Defendant procured his citizenship by concealment of a material fact or by willful misrepresentation;

(3) Judgment revoking and setting aside Defendant's admission to citizenship, effective as of the original date of naturalization;

(4) Judgment canceling Certificate of Naturalization No. [redacted], effective as of the date of its issuance;

(5) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages related to his naturalization;

(6) Judgment requiring Defendant, within ten days of the entry of judgment against him, to surrender and deliver his Certificate of Naturalization, as well as any copies thereof in his possession or control (and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession or control of others), to the Attorney General, through his designated representative, the undersigned;

(7) Judgment requiring the Defendant, within ten days of the entry of judgment against him, to surrender and deliver any other indicia of U.S. citizenship, whether valid or expired,

including, but not limited to, United States passports, passport cards, and Enhanced Drivers Licenses, 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 designated representative, the undersigned;

(8) Judgment granting the United States such other relief as may be lawful and proper in this case.

DATE: October 1, 2026

Respectfully Submitted,

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