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UNITED STATES DISTRICT COURT
OF ARIZONA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CONSUELO GRACIA DE RODRIGUEZ,
a/k/a Consuelo Gracia Rivera,

Defendant.

COMPLAINT TO REVOKE
NATURALIZATION

PRELIMINARY STATEMENT

The United States of America ("Plaintiff") brings this civil action against Consuelo Gracia De Rodriguez ("Defendant") to revoke her naturalized U.S. citizenship under 8 U.S.C. § 1451(a). Plaintiff bases this action on Defendant's immigration fraud prior to and during her naturalization proceedings. Prior to naturalizing, Defendant married Jose Agustin Rodriguez Bueno, a Mexican citizen, in Mexico. Defendant and her spouse then illegally entered the United States, where her spouse proceeded to steal the identity of a deceased United States citizen. Defendant then married her husband again in the United States under his stolen identity. Using his stolen identity, Defendant's spouse successfully petitioned for immigrant status on Defendant's behalf, which she then used to adjust her status to that of a lawful permanent resident, and later naturalize. Defendant subsequently applied for and received a United States passport. On June 24, 2019, Defendant was convicted in the United States District Court for the District of Arizona of Use of a Passport Secured by a False Statement, in violation of 8 U.S.C. § 1542, and sentenced to time served and three years' probation.

Because Defendant unlawfully adjusted status and concealed facts material to her naturalization, she unlawfully naturalized. Accordingly, with the attached affidavit showing good cause, the United States of America brings this civil action under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Defendant to citizenship and to cancel her 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 decision admitting Defendant to U.S. Citizenship and to cancel Defendant's Certificate of Naturalization No. [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).

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3. Venue is proper in this District pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because Defendant resides in Tolleson, Arizona, within the jurisdiction and venue of this Court.

II. PARTIES

4. Plaintiff is the United States of America.

5. Defendant is a naturalized U.S. citizen.

III. FACTUAL BACKGROUND

6. The affidavit of Robert L. Moore, a Supervisory Detention and Deportation Officer with 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.

Defendant's Marriage and Identity Fraud

7. Defendant was born in Mexico to Mexican citizen parents. *See* Defendant's birth certificate (attached hereto as Exhibit B).

8. On March 15, 1991, in Sonora, Mexico, Defendant married Jose Agustin Bueno Gonzalez ("Bueno Gonzalez"). *See* Defendant's Mexico marriage certificate (attached hereto as Exhibit C).

9. Bueno Gonzalez is a native and citizen of Mexico. *See* Bueno Gonzalez's birth certificate (attached hereto as Exhibit D)

10. On [redacted], Defendant gave birth to a daughter in Riverside, California and listed Bueno Gonzalez as the father on the child's birth certificate. *See* Defendant's daughter's birth certificate (attached hereto as Exhibit E).

11. On March 4, 1996, Bueno Gonzalez married Defendant again, this time in Riverside, California, using the identity of Edward Solano Rodriguez ("Solano Rodriguez"). *See* Defendant's California marriage certificate (attached hereto as Exhibit F).

12. Solano Rodriguez was a United States citizen born in California, in 1953. *See* Solano Rodriguez's birth certificate (attached hereto as Exhibit G).

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13. Solano Rodriguez died in 1959, at the age of five, in Bisbee, Arizona. *See* Solano Rodriguez's death certificate (attached hereto as Exhibit H).

Legal Permanent Residence Application

14. On April 17, 1996, Bueno Gonzalez used the Solano Rodriguez identity to file a Form I-130, Petition for Alien Relative ("Form I-130") (attached hereto as Exhibit I) with the Immigration and Naturalization Service ("INS"),[1] seeking immigrant status for Defendant based on their marriage.

15. The INS approved Bueno Gonzalez's Form I-130 on May 12, 1996. *See* Exhibit I.

16. On or about June 6, 1996, Defendant submitted a Form I-485, Application to Register Permanent Residence or Adjust Status, to the INS. *See* Form I-485 (attached hereto as Exhibit J).

17. On her Form I-485, in Part 3, Block B, Defendant stated that her husband's name was "Edward S. Rodriguez," and that he was born in the United States in 1953.

18. On her Form I-485, in Part 3, Question 10, Defendant answered "No" where asked, "[H]ave you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the U.S., or any other immigration benefit?"

19. Along with her Form I-485, Defendant filed a Form G-325A, Biographic Information ("Form G-325A") (attached hereto as Exhibit K).

20. On her Form G-325A, Defendant listed her spouse as "Edward Rodriguez," born in 1953 in Los Angeles, California. *See* Exhibit K.

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[1] The INS was abolished, effective March 1, 2003, as a result of the enactment of the Homeland Security Act. *See* Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135, §§ 441, 471 (Nov. 25, 2002). Following the dissolution of the INS, U.S. Citizenship and Immigration Services ("USCIS") within the Department of Homeland Security became responsible for the adjudication of immigration benefits, including asylum applications, immigrant visa petitions, and naturalization applications. 6 U.S.C. § 271(b). This Complaint references INS or USCIS where factually appropriate.

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21. On or about June 6, 1996, Defendant signed her Form I-485, thereby certifying under penalty of perjury that the "application, and the evidence submitted with it, is all true and correct." *See* Exhibit J.

22. On or about June 16, 1997, based on Defendant's representations in her Form I-485 and the evidence submitted in support of this application, the INS approved Defendant's legal permanent residence application. *See* Exhibit K; Form I-181, Memorandum of Creation of Record of Lawful Permanent Residence ("Form I-181") (attached hereto as Exhibit L).

23. On or about March 26, 1999, Defendant submitted a Form I-751, Petition to Remove Conditions on Residence to the INS. *See* Form I-751 (attached hereto as Exhibit M).

24. On her Form I-751, in Part 2, Defendant stated that the basis for her petition was her "marriage to a U.S. citizen or permanent resident."

25. On her Form I-751, in Part 4, Defendant stated that her husband's name was "Edward Solano Rodriguez," that he was born in 1953, and that he was a United States citizen.

26. On or about March 18, 1999, Defendant signed her Form I-751, thereby certifying under penalty of perjury that the petition was "all true and correct," and that her marriage was entered "not for the purpose of procuring an immigration benefit."

27. On or about May 19, 2000, based on Defendant's representations in her Form I-751 and the evidence submitted in support of this application, the INS approved Defendant's petition to remove the conditions on her residence. *See* Exhibit M.

Naturalization Application

28. On or about May 26, 2006, Defendant filed a Form N-400, Application for Naturalization, with USCIS, seeking U.S. citizenship based on her status as a permanent resident of the United States for at least five years. *See* Form N-400 (attached hereto as Exhibit N).

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29. On her Form N-400, Defendant answered "1" where asked, in Part 8, Section A, "How many times have you been married (including annulled marriages)?"

30. On her Form N-400, Defendant stated in Part 8, Section B, that her husband's name was "Edward Rodriguez" and that he was born in 1953.

31. On her Form N-400, Defendant answered "Yes" where asked, in Part 8, Section C, "Is your spouse a U.S. citizen?"

32. On her Form N-400, Defendant stated in Part 8, Section D that her spouse became a U.S. citizen "At Birth."

33. On her Form N-400, Defendant answered "1" where asked, in Part 8, Section G "How many times has your current spouse been married (including annulled marriages)?"

34. On her Form N-400, Defendant answered "No" where asked, in Part 10, Question 23, "Have you **ever** given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion or removal?" (emphasis in original).

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

36. On or about May 22, 2006, Defendant signed the Form N-400, thereby certifying under penalty of perjury that the application and the evidence submitted with it were all true and correct.

37. On or about February 7, 2007, a USCIS officer interviewed Defendant to determine her eligibility for naturalization.

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

39. During the interview and consistent with her written response on her Form N-400, Defendant testified, orally and under oath, that:

a. she had been married one time.

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b. her spouse's name was "Edward Rodriguez" and that he was born in 1953.

c. her spouse was a U.S. citizen.

d. her spouse became a U.S. citizen at birth.

e. her spouse had been married one time.

f. her spouse was not the father of her United States citizen daughter.

g. she had never given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion or removal; and

h. she had never lied to any U.S. government official to gain entry or admission into the United States.

40. At the conclusion of her naturalization interview, Defendant signed her Form N-400 in Part 13, thereby certifying under penalty of perjury under the laws of the United States that she knew "that the contents of this application for naturalization…including corrections number 1 through 3 … are true and correct to the best of [her] knowledge and belief."

41. On February 7, 2007, based on Defendant's representations on her Form N-400 and her sworn testimony during her naturalization interview, USCIS approved Defendant's naturalization application.

42. On April 27, 2007, based on Defendant's approved naturalization application, Defendant was administered the oath of allegiance, admitted to U.S. citizenship, and issued Certificate of Naturalization No. [redacted]. *See* Form N-445, Notice of Naturalization Oath Ceremony ("Form N-445") (attached hereto as Exhibit O); Certificate of Naturalization (attached hereto as Exhibit P).

Misrepresentations and Criminal Conviction

43. On May 30, 2018, a federal grand jury in Phoenix, Arizona, indicted Defendant on one count of Conspiracy to Commit an Offense Against, or Defraud, the United States, in violation of 18 U.S.C. § 371; one count of Fraud and Misuse of Visas, Permits, and Other Documents, in violation of 18 U.S.C. § 1546(a); and one count of Use

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of a Passport Secured by False Statement, in violation of 18 U.S.C. § 1542. *See* Indictment, *United States v. Gonzalez, et al.*, No. 2:18-cr-747 (D. Ariz. May 30, 2018), ECF No. 17 (attached hereto as Exhibit Q).

44. On March 20, 2019, Defendant and her attorney signed a Plea Agreement that was filed in her criminal case, in which she agreed to plead guilty to one count of Use of a Passport Secured by False Statement in return for the U.S. Attorney's Office for the District of Arizona dismissing Defendant's other pending charges. *See* Plea Agreement, *United States v. Consuelo Gracia Rodriguez*, No. 2:18-cr-747 (D. Ariz. May 30, 2018), ECF No. 66 (attached hereto as Exhibit R).

45. In the Plea Agreement, the parties stipulated to the following facts supporting Defendant's guilty plea:

a. On or about March 15, 1991, she married Bueno Gonzalez in Mexico, under their true names.

b. After their marriage, she and Bueno Gonzalez illegally entered the United States.

c. In 1994, she gave birth to their daughter in California.

d. Her daughter's birth certificate lists her and Bueno Gonzalez as the parents, under their true identities.

e. In 1996, she married Bueno Gonzalez again, this time in California, but under the name Edward Solano Rodriguez.

f. Prior to 1996, Bueno Gonzalez stole the identity of Solano Rodriguez, a real person and U.S. citizen who passed away in 1959.

g. She knew Bueno Gonzalez had stolen the identity of Solano Rodriguez and she knowingly and willfully married him under that name.

h. After marrying Bueno Gonzalez under his assumed identity of Edward Solano Rodriguez, a U.S. citizen, she was able to apply for and adjust her status to become a permanent resident in 1997, a naturalized U.S. citizen in February 2007, and obtain a U.S. passport in November 2007.

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i. For all applications, forms, and documents, she knowingly claimed and willfully represented that she was the wife of Edward Solano Rodriguez, a U.S. citizen, when she knew in truth and fact, that he was really Agustin Bueno Gonzalez, a Mexican citizen, and that he did not have any immigration status in the United States.

j. She used the U.S. passport no less than nine times to enter the United States.

k. On February 19, 2014, she knowingly and willfully presented the U.S. passport to enter the United States at the DeConcini Port of Entry in Nogales, Arizona.

l. During an interview with special agents from the Department of State, Diplomatic Security Service on January 30, 2018, she, along with Bueno Gonzalez, falsely claimed that Bueno Gonzalez was Solano Rodriguez.

m. She also knew that Bueno Gonzalez possessed a U.S. passport, driver's license, social security card, marriage certificate, voter identification card and birth certificate in the name of Edward Solano Rodriguez.

46. On April 9, 2019, Defendant appeared before the U.S. District Court for the District of Arizona and pleaded guilty to one count of Use of a Passport Secured by False Statement, in violation of 8 U.S.C. § 1542. *See* Amended Transcript of Plea Hearing Proceedings, *United States v. Consuelo Gracia Rodriguez*, No. 2:18-cr-747 (D. Ariz. May 30, 2018), ECF No. 83 (attached hereto as Exhibit S).

47. On June 24, 2019, the U.S. District Court for the District of Arizona convicted Defendant of one count of Use of a Passport Secured by False Statement, in violation of 8 U.S.C. § 1542. *See* Transcript of Sentencing, *United States v. Consuelo Gracia Rodriguez*, No. 2:18-cr-747 (D. Ariz. May 30, 2018), ECF No. 81 (attached hereto as Exhibit T).

48. As a result of her conviction, the Court sentenced Defendant to time served (419 days) and three years of supervised probation. *See* Judgment in a Criminal Case,

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United States v. Consuelo Gracia Rodriguez, No. 2:18-cr-747 (D. Ariz. May 30, 2018), ECF No. 67 (attached hereto as Exhibit U).

IV. GOVERNING LAW

Congressionally Imposed Prerequisites to the Acquisition of Citizenship

49. No individual has a right to naturalization "unless all statutory requirements are complied with." *United States v. Ginsberg*, 243 U.S. 472, 474-75 (1917).

50. Indeed, the Supreme Court has underscored that "[t]here must be strict compliance with all the congressionally imposed prerequisites to the acquisition of citizenship." *Fedorenko v. United States*, 449 U.S. 490, 506 (1981); *see also id.* (an individual "who seeks political rights as a member of this Nation can rightfully obtain them only upon the terms and conditions specified by Congress." (quoting *Ginsberg*, 243 U.S. at 474)).

51. Among other requirements, Congress has mandated that an individual may not naturalize unless that person was "lawfully admitted for permanent residence" in the United States. 8 U.S.C. §§ 1427(a)(1), 1429.

52. The term "lawfully admitted for permanent residence" means "the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws," 8 U.S.C. § 1101(a)(20).

53. That status requires the applicant to have been admitted in compliance with the substantive legal requirements—as opposed merely to the procedural requirements—of permanent residence. *See Kyong Ho Shin v. Holder*, 607 F.3d 1213, 1217 (9th Cir. 2010).

54. Individuals also cannot lawfully adjust to permanent resident status if they are inadmissible when they seek to adjust. 8 U.S.C. § 1255(a)(2) (providing that alien may adjust status only if admissible); *Kyong Ho Shin*, 607 F.3d at 1217.

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55. Individuals are inadmissible, and thus not able to lawfully adjust status to permanent resident, if they sought to procure (or procured) visas, other documentation, or admission into the United States by fraud or by willfully misrepresenting material facts. 8 U.S.C. § 1182(a)(6)(C)(i).

56. Congress has also mandated that an individual may not naturalize unless that person "during all periods referred to in this subsection has been and still is a person of good moral character." *See* 8 U.S.C. § 1427(a)(3).

57. For a person seeking to naturalize on the basis of permanent resident status acquired through a U.S. citizen-spouse with whom the applicant remains living, the required "statutory period" for good moral character begins five years before the date the applicant files the application for naturalization, and it continues until the applicant takes the oath of allegiance and becomes a U.S. citizen. *Id.*; 8 U.S.C. § 1430(a); 8 C.F.R. § 316.10(a).

58. 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).

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

60. In addition to and independent from the illegal procurement ground of denaturalization, 8 U.S.C. § 1451 provides that a naturalized U.S. citizen can be denaturalized where the applicant "procured" his or her naturalization by "concealment of a material fact or by willful misrepresentation." 8 U.S.C. § 1451(a).

The Denaturalization Statute

61. 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

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on whether to grant his or her naturalization application, Congress enacted 8 U.S.C. § 1451.

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

a. illegally procured, *or*

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

63. 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.

64. 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).

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

V. CAUSES OF ACTION

COUNT I

ILLEGAL PROCUREMENT OF NATURALIZATION

Not Lawfully Admitted for Permanent Residence

(Inadmissible for Fraud or Willful Misrepresentation)

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

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67. As set forth above, to be eligible for naturalization, an applicant must have been lawfully admitted to the United States for permanent residence and subsequently resided in this country for at least five years prior to the date of application. 8 U.S.C. §§ 1427(a)(1), 1429.

68. The term "lawfully" requires compliance with substantive legal requirements for admission and not mere procedural regularity. *Kyong Ho Shin*, 607 F.3d at 1217.

69. An alien 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 admission into the United States or other benefit provided for in the Immigration and Nationality Act ("INA") is inadmissible. *See* 8 U.S.C. § 1182(a)(6)(C)(i).

70. Defendant was never lawfully admitted to the United States as a permanent resident and cannot satisfy the requirements of 8 U.S.C. §§ 1427(a)(1) and 1429 because she was inadmissible at the time of her admission as a permanent resident.

71. Defendant sought to procure admission into the United States or other benefit provided for in the INA by fraud or willfully misrepresenting material facts within her 1996 Form I-485.

72. As set forth in Section III of this Complaint, Defendant applied for numerous immigration benefits, including admission into the United States and adjustment of status, based on the fraudulent identity of her spouse.

73. Thus, at the time Defendant was admitted as a lawful permanent resident, Defendant was inadmissible pursuant to 8 U.S.C. § 1182(a)(6)(C)(i), because she sought to procure admission into the United States or other benefit provided for in the INA by fraud or willfully misrepresenting material facts within her 1996 Form I-485.

74. Defendant's false statements regarding her spouse's identity and citizenship status were material to determining her eligibility for the immigration benefits for which she applied.

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75. Defendant's false statements had the natural tendency to influence a decision by the immigration officer(s) to approve her application(s).

76. Defendant thus sought to procure an immigration benefit by fraud or willfully misrepresenting a material fact.

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

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

79. Defendant's naturalization was therefore illegally procured because she was not lawfully admitted for permanent residence at the time she naturalized, and this Court must therefore revoke that naturalization as provided for in 8 U.S.C. § 1451(a).

COUNT II

ILLEGAL PROCUREMENT OF NATURALIZATION

Not Lawfully Admitted for Permanent Residence

(No Valid Admission Document)

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

81. As set forth above, to be eligible for naturalization, an applicant must have been lawfully admitted to the United States for permanent residence and subsequently resided in this country for at least five years prior to the date of application. 8 U.S.C. §§ 1427(a)(1), 1429.

82. The term "lawfully" requires compliance with substantive legal requirements for admission and not mere procedural regularity. *Kyong Ho Shin* 607 F.3d at 1217.

83. To be admitted for permanent residence, an alien "must fall within one of a limited number of immigration categories." *Scialabba v. Cuellar de Osorio*, 573 U.S. 41, 46 (2014); *see, e.g.*, 8 U.S.C. § 1151(a), (b).

84. As another requirement for lawful admission as a permanent resident, in certain of those categories—including family-sponsored adjustment—the alien must have

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a sponsor file a petition on the alien's behalf so that USCIS can classify the relationship. *See* 8 U.S.C. § 1154(a)(1); 22 C.F.R. § 42.42.

85. A United States citizen may seek to classify his or her alien spouse as an immediate relative pursuant to 8 U.S.C. § 1151(b)(2)(A)(i), by filing a Form I-130, Petition for Alien Relative. *See* 8 U.S.C. § 1154(a)(1)(A)(i). Upon approval of the Form I-130, the alien spouse is eligible to apply for lawful permanent resident status.

86. Because Defendant's spouse was not in fact a United States citizen, she was not eligible for classification as an immediate relative of a United States citizen, and was not eligible for permanent residence based on that marriage.

87. Accordingly, at the time of her application for adjustment of status, Defendant was inadmissible to the United States pursuant to 8 U.S.C. § 1182(a)(7)(A)(i)(I) because she was not then in possession of a valid document for admission.

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

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

90. Defendant's naturalization was therefore illegally procured because she was not lawfully admitted for permanent residence at the time she naturalized, and this Court must therefore revoke that naturalization as provided for in 8 U.S.C. § 1451(a).

COUNT III

ILLEGAL PROCUREMENT OF NATURALIZATION

Lack of Good Moral Character

(False Testimony)

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

92. As set forth above, to be eligible for naturalization, Defendant was required to establish that she was a person of good moral character during the statutory period,

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from May 26, 2001, until April 27, 2007. 8 U.S.C. § 1427(a)(3); 8 C.F.R. §§ 316.10(a)(1).

93. Defendant was statutorily barred from establishing the good moral character necessary to naturalize, because during the statutory period, she 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).

94. Defendant provided false testimony for the purpose of obtaining an immigration benefit during her February 7, 2007 naturalization interview when Defendant claimed, orally and under oath:

a. to be married to "Edward Rodriguez," a United States citizen born in the United States in 1953;

b. that her spouse was not the father of her daughter, Briana;

c. that she had married once; and

d. that she had never given false or misleading information to any U.S. government official while applying for immigration benefits or to prevent deportation, exclusion, or removal.

95. These statements were false because:

a. Defendant's spouse was in fact Jose Agustin Bueno Gonzalez, a Mexican citizen born in Mexico in 1955;

b. Her spouse is the father of her daughter Briana;

c. She married her spouse twice – once in Mexico under his real identity, and once in the United States under his assumed identity; and

d. She gave false information in her applications to adjust status and naturalize.

96. Defendant knew her testimony was false, because Defendant later admitted, as part of the factual basis for her guilty plea to violating 18 U.S.C. § 1542, Use of Passport Secured by False Statement, for which she was sentenced to time served and three years' probation, that:

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a. her spouse was in fact Jose Agustin Bueno Gonzalez, a Mexican citizen born in Mexico in 1955;

b. her spouse is the father of her daughter Briana;

c. she married her spouse twice – once in Mexico under his real identity, and once in the United States under his assumed identity; and

d. she gave false information in her applications to adjust status and naturalize.

97. Defendant gave false testimony at her naturalization interview with the intent of obtaining the immigration benefit of naturalization.

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

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

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

COUNT IV

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

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

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

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103. Throughout the naturalization process, Defendant willfully misrepresented and concealed material facts, including but not limited to the true identity, citizenship, and immigration status of her spouse.

104. At no point during the naturalization process did Defendant disclose the true identity, citizenship, and immigration status of her spouse.

105. Defendant's repeated misrepresentations regarding her spouse's true identity, citizenship, and immigration status on her Form N-400 and during her naturalization interview were knowing and willful, because, as part of her agreement to plead guilty to 8 U.S.C. § 1542, Use of Passport Secured by False Statement, Defendant admitted that she knew her husband had stolen the identity of a U.S. citizen, that she knowingly and willfully married him under that identity, and she applied for immigration benefits, including lawful permanent residence and naturalization, by falsely claiming to be married to a U.S. citizen.

106. Defendant's misrepresentations were material to her naturalization, because the disclosure of her spouse's true identity, citizenship, and immigration status would have had a natural tendency to influence USCIS's decision whether to approve Defendant's naturalization application.

107. Had Defendant disclosed the truth about her spouse's identity, citizenship, and immigration status, her ineligibility for naturalization would have been revealed, and USCIS would not have approved her application nor administered the oath of allegiance.

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

VI. PRAYER FOR RELIEF

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

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

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

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(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, April 27, 2007;

(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 her April 27, 2007 naturalization;

(5) Judgment requiring Defendant, within ten (10) days of judgment, to surrender and deliver her Certificate of Naturalization, any U.S. passport, Enhanced Driver's License, or any other indicia of U.S. citizenship issued to her, whether valid or expired, as well as any copies thereof in her possession or control (and to make good faith efforts to recover and then surrender any copies thereof that she knows are in the possession or control of others), to the Attorney General's 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

Respectfully submitted,

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UNITED STATES DISTRICT COURT
OF ARIZONA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CONSUELO GRACIA DE RODRIGUEZ,
a/k/a Consuelo Gracia Rivera,

Defendant.

COMPLAINT TO REVOKE
NATURALIZATION

EXHIBITS IN SUPPORT OF
COMPLAINT TO REVOKE NATURALIZATION

A. Affidavit of Good Cause of Robert Moore, Supervisory Detention and Deportation Officer, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security (September 2, 2026)

B. Birth Certificate of Consuela Gracia Rivera (1974)

C. Marriage Certificate of Consuela Gracia Rivera and Agustin Bueno Gonzalez (March 15, 1991)

D. Birth Certificate of Jose Augustin Bueno Gonzalez (1955)

E. Birth Certificate of Briana Refugio Gracia Bueno (1994)

F. Marriage Certificate of Consuela Gracia Rivera and Edward Solano Rodriguez (March 4, 1996)

G. Birth Certificate of Edward Solano Rodriguez (1953)

H. Death Certificate of Eddie Rodriguez (Dec. 8, 1959)

I. Form I-130, Petition for Alien Relative (Apr. 17, 1996)

J. Form I-485, Application to Register Permanent Residence or Adjust Status (June 6, 1996)

K. Form G-325A, Biographic Information (June 6, 1996)

L. Form I-181, Memorandum of Creation of Record of Lawful Permanent Residence (Jun. 16, 1997)

M. Form I-751, Petition to Remove Conditions on Residence (Mar. 26, 1999)

N. Form N-400, Application for Naturalization (May 30, 2006)

O. Form N-445, Notice of Naturalization Oath Ceremony (Mar. 28, 2007)

P. Certificate of Naturalization No. [redacted] (Apr. 27, 2007)

Q. Indictment, *United States v. Gonzalez, et al.*, No. 2:18-cr-747 (D. Ariz. May 30, 2018)

R. Plea Agreement, *United States v. Consuelo Gracia Rodriguez*, No. 2:18-cr-747 (D. Ariz. Apr. 9, 2019)

S. Amended Transcript of Plea Hearing Proceedings, *United States v. Consuelo Gracia Rodriguez*, No. 2:18-cr-747 (D. Ariz. Apr. 9, 2019)

T. Transcript of Sentencing, *United States v. Consuelo Gracia Rodriguez*, No. 2:18-cr-747 (D. Ariz. Jun. 24, 2019)

U. Judgment, *United States v. Consuelo Gracia Rodriguez*, No. 2:18-cr-747 (D. Ariz. Jun. 24, 2019).

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EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

UNITED STATES OF AMERICA, Plaintiff, v. CONSUELO GRACIA DE RODRIGUEZ, a.k.a. Consuelo Gracia Rivera, Defendant.	AFFIDAVIT OF GOOD CAUSE

I, Robert L. Moore, declare under penalty of perjury as follows:

1. I am a Supervisory Detention and Deportation Officer with U.S. Immigration and Customs Enforcement in the Department of Homeland Security (DHS). In this capacity, I have access to official records maintained by DHS, including the immigration file associated with Consuelo Gracia de Rodriguez, [redacted] (Gracia de Rodriguez).

2. I have examined the records related to Gracia de Rodriguez's case. Accordingly, I state on information and belief that the information set forth in this Affidavit of Good Cause is true and correct.

3. Based on the facts outlined below, good cause exists to institute proceedings pursuant to section 340(a) of the Immigration and Nationality Act



(INA), 8 U.S.C. § 1451(a), to revoke Gracia de Rodriguez's citizenship, and to cancel her Certificate of Naturalization.

4. Gracia de Rodriguez's last known address is [redacted], which is located within the jurisdiction of the District of Arizona.

Immigration History

5. Gracia de Rodriguez was born in Mexico, to Mexican citizen parents, on [redacted], 1974.

6. On April 17, 1996, an individual claiming to be Edward Solano Rodriguez (Solano Rodriguez) submitted a Form I-130, Petition for Alien Relative (Form I-130), on Gracia de Rodriguez's behalf to the former Immigration and Naturalization Service (INS).[1] In the petition, Solano Rodriguez identified himself as Gracia de Rodriguez's United States citizen spouse, born in Los Angeles, California on [redacted], 1953. He further claimed that he married Gracia de Rodriguez on March 4, 1996, in California.

[1] As of March 1, 2003, the INS ceased to exist and its functions were transferred to various bureaus within DHS. *See* Homeland Security Act of 2002, §§ 441, 451, 471, Pub. L. No. 107-296, 116 Stat. 2135 (2002) (codified at 6 U.S.C. §§ 251, 271, 291). This transfer does not affect the issues in this case. Because Gracia de Rodriguez's adjustment to lawful permanent resident status occurred before the transfer, this Affidavit of Good Cause will reference the INS as necessary.

7. In support of the petition, he attached, among other things, a California birth certificate and a California marriage certificate. The birth certificate confirms Solano Rodriguez's date and place of birth, and identifies his parents as "Oscar Solano Rodriguez" (born in Arizona) and "Betty Lucille Spavin" (born in Illinois). The marriage certificate provides similar information, listing Solano Rodriguez's parents as "Oscar Rodriguez" (born in Arizona) and "Betty Lucille Spaiven" (sic) (born in Illinois).

8. On May 12, 1996, the INS approved the Form I-130.

9. On June 6, 1996, Gracia de Rodriguez submitted a Form I-485, Application to Register Permanent Residence or Adjust Status (Form I-485), to the INS. In the application, she noted that she was the beneficiary of an approved immigrant visa petition, identified her spouse as "Edward S. Rodriguez," and listed his country of birth as "U.S.A."

10. On June 16, 1997, the INS conditionally adjusted Gracia de Rodriguez's status to that of a lawful permanent resident, as the spouse of a U.S. citizen. The INS took this action pursuant to section 216(a) of the Immigration and Nationality Act (INA) because Gracia de Rodriguez and Solano Rodriguez had been married for less than two years at the time of her application for adjustment of status.

11. On March 18, 1999, Gracia de Rodriguez submitted a Form I-751, Petition to Remove the Conditions on Residence, to the INS. On May 11, 2000, the INS approved Gracia de Rodriguez's Form 1-751, and adjusted her status to that of a lawful permanent resident, retroactive to June 16, 1997, the date of her original admission to the United States.

12. On May 26, 2006, Gracia de Rodriguez filed a Form N-400, Application for Naturalization (Form N-400), with U.S. Citizenship and Immigration Services (USCIS).

13. On February 7, 2007, Gracia de Rodriguez was interviewed under oath by a USCIS adjudicator. On the basis of her written application and the sworn testimony she provided at her naturalization interview, Gracia de Rodriguez's application was approved the same day.

14. On April 27, 2007, Gracia de Rodriguez took the oath of allegiance before the U.S. District Court for the District of Arizona in Phoenix, and was admitted as a citizen of the United States. She was issued Certificate of Naturalization No. [redacted].

Fraud Investigation

15. On October 2, 2017, Solano Rodriguez submitted a Form DS-82, U.S. Passport Renewal Application for Eligible Individuals, by mail to the National Passport Center (NPC).

16. On October 4, 2017, a fraud prevention manager at the NPC referred Solano Rodriguez's application to the Diplomatic Security Service (DSS), Tucson Resident Office (TRO), for investigation.

17. The TRO's subsequent investigation revealed that Solano Rodriguez was, in fact, José Agustin Bueno Gonzalez (Bueno Gonzalez), a Mexican national with a lengthy immigration and criminal history.

18. Confirmation of Bueno Gonzalez's identity took place following a review of photographs contained in Arizona and California driver's licenses and a U.S. passport, as well as a Federal Bureau of Investigation (FBI) fingerprint search. The Arizona driver's license and U.S. passport bore the name "Edward Solano Rodriguez." However, the California driver's license bore the name "José Agustin Bueno." The FBI fingerprint search came back to FBI No. [redacted], which is associated with Bueno Gonzalez.

19. Bueno Gonzalez's immigration history includes several false claims to United States citizenship, as well as a deportation order issued on January 24, 1986, by an immigration judge. His criminal history includes,

- June 1, 1984 convictions for Unlawful Use of a Communications Facility, in violation of 21 U.S.C. § 843(b), and Unlawful Possession of a Firearm, in violation of 18 U.S.C. APP. I § 1202;
- December 5, 1984 conviction for Escape from a Penal Institution, in violation of 18 U.S.C. § 751; and

- May 30, 1989 convictions for False Statement in an Application for a Passport, in violation of 18 U.S.C. § 1542, and Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1).

20. On February 5, 2018, a TRO Special agent contacted me via email, notified me of a passport fraud investigation with an immigration nexus, and informed me that Solano Rodriguez died in Arizona. The agent subsequently requested that I reach out to the Arizona State Department of Health, Division of Vital Statistics (Vital Statistics) to confirm this information.

21. On February 6, 2018, I received a non-certified copy of a certificate of death from Vital Statistics via email. According to the document, "Eddie Rodriguez" died of pneumonitis / influenza on December 8, 1959, in Bisbee, Arizona. Although the date of birth listed on the death certificate differs by a matter of days from the one listed on Solano Rodriguez's birth certificate, his parents' names and birthplaces – "Oscar Rodriguez" (born in Arizona) and "Betty Spavin" (born in Illinois) – are consistent.

22. On April 4, 2018, I received a certified copy of a death certificate from Vital Statistics bearing the name "Eddie Rodriguez." The document reiterated the information contained in the non-certified copy I received on February 6, 2018.

23. On February 14, 2018, a DSS Special Agent located a Mexican marriage certificate bearing the names "Agustin Bueno Gonzalez" and "Consuelo

Gracia Rivera." The marriage took place on March 15, 1991, in Ciudad Obregon, Sonora, Mexico.

Criminal Conviction

24. On May 30, 2018, Gracia de Rodriguez was indicted in the United States District Court for the District of Arizona for Conspiring with Bueno Gonzalez to Defraud the United States, in violation of 18 U.S.C. § 371; Fraud and Misuse of Visas, Permits, and Other Documents, in violation of 18 U.S.C. § 1546(a); and Use of Passport Secured by False Statement, in violation of 18 U.S.C. § 1542.

25. On April 9, 2019, Gracia de Rodriguez entered into a Plea Agreement with the United States, in which she agreed to plead guilty to Use of Passport Secured by False Statement, in violation of 18 U.S.C. § 1542, in exchange for dismissal of the other charges against her. As part of the Plea Agreement, Gracia de Rodriguez admitted the truth of the following facts:

- She married Bueno Gonzalez in Mexico on March 15, 1991, under their true names.
- They thereafter illegally entered the United States.
- Their daughter was born in 1994, in California, and their daughter's birth certificate lists them as parents, under their true names.
- At some point before 1996, Bueno Gonzalez stole the identity of Solano Rodriguez, a real U.S. citizen who died in 1959.

- In 1996, Bueno Gonzalez married her a second time, in California, using the stolen Solano Rodriguez identity.
- She knew that Bueno Gonzalez had stolen Solano Rodriguez's identity, and she knowingly and willfully married him under that name.
- By falsely claiming to be married to Solano Rodriguez, she was able to apply for and obtain lawful permanent resident status, naturalization, and a United States passport.
- For all immigration applications, forms, and documents, she knowingly claimed and willfully represented that she was the wife of Solano Rodriguez, a U.S. citizen, when she knew in truth and fact that Solano Rodriguez was really Bueno Gonzalez, a Mexican citizen, with no immigration status in the United States.

26. At a hearing on April 9, 2019, a United States District Court judge accepted Gracia de Rodriguez's guilty plea after Gracia de Rodriguez admitted the factual basis for the plea under oath. The District Court judge further found that Gracia de Rodriguez's guilty plea was knowingly, intelligently, and voluntarily entered.

27. On June 24, 2019, Gracia de Rodriguez was adjudicated guilty of Use of Passport Secured by False Statement, in violation of 18 U.S.C. § 1542, and sentenced to time served and three years' supervised release.

Gracia de Rodriguez Illegally Procured Her Naturalization

A. Gracia de Rodriguez Was Not Lawfully Admitted for Permanent Residence Because She Lacked a Valid Immigrant Visa

28. Gracia de Rodriguez was ineligible to naturalize, and therefore illegally procured her naturalization, because she was not lawfully admitted for permanent residence, as required by section 316(a) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1427(a).

29. Gracia de Rodriguez was not lawfully admitted for permanent residence because she was inadmissible at the time of her admission pursuant to section 212(a)(7)(A)(i)(I) of the INA, 8 U.S.C. § 1182(a)(7)(A)(i)(I), as an alien without a valid immigrant visa.

30. An individual who seeks admission to the United States with an immigrant visa issued pursuant to section 201(b)(2)(A)(i) of the INA, 8 U.S.C. § 1151(b)(2)(A)(i), must be the immediate relative of a U.S. citizen.

31. Because Gracia de Rodriguez was not, in fact, married to a U.S. citizen, she was not eligible for a visa pursuant to section 201(b)(2)(A)(i) of the INA, 8 U.S.C. § 1151(b)(2)(A)(i), and she was not admissible to the United States as a lawful permanent resident.

B. Gracia de Rodriguez Was Not Lawfully Admitted for Permanent Residence Because She Sought to Procure an Immigration Benefit by Fraud or Willful Misrepresentation of a Material Fact

32. Additionally, Gracia de Rodriguez was not lawfully admitted for permanent residence because she was inadmissible at the time of her admission pursuant to section 212(a)(6)(C)(i) of the INA, 8 U.S.C. § 1182(a)(6)(C)(i), as an alien who, by fraud or willful misrepresentation of a material fact, sought to procure an immigration benefit.

33. Gracia de Rodriguez willfully misrepresented the true citizenship and identity of her spouse when she filed her Form I-485, falsely listing his name as "Edward S. Rodriguez," and claiming that he was a U.S. citizen, when in truth and fact his name is Agustin Bueno Gonzalez, he is a Mexican citizen, and he has no lawful immigration status in the United States.

34. The identity and citizenship of Gracia de Rodriguez's spouse were material to her application for lawful permanent residence because they would have had a natural tendency to influence the decision whether to grant her admission to the United States. In fact, Gracia de Rodriguez's misrepresentations concealed that she was ineligible for lawful permanent residence and admission to the United States.

35. Because she sought to procure admission to the United States by fraud or willful misrepresentations, Garcia de Rodriguez was not admissible to the United States for permanent residence

C. Gracia de Rodriguez Lacked Good Moral Character During the Statutory Period

36. Gracia de Rodriguez was ineligible to naturalize, and therefore illegally procured her naturalization, because she was not a person of good moral character during the five years preceding the filing of her application for naturalization and continuing until the time of admission to citizenship, as required by section 316(a) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1427(a).

37. Because Gracia de Rodriguez filed her N-400 on May 26, 2006, and she took the oath of citizenship on April 27, 2007, the statutory period for which she was required to establish good moral character was from May 26, 2001, until April 27, 2007.

38. Gracia de Rodriguez could not have established that she was a person of good moral character because she provided false testimony under oath for the purpose of obtaining an immigration benefit during her February 7, 2007 naturalization interview.

39. An applicant for naturalization who provides false testimony during the statutory period in order to obtain an immigration benefit is precluded from

establishing good moral character under section 101(f)(6) of the INA, 8 U.S.C. § 1101(f). This applies to oral testimony and affirmative misrepresentations made under oath or affirmation with the intent to obtain an immigration benefit.

40. On February 7, 2007, Gracia de Rodriguez provided false testimony and made material misrepresentations when she was interviewed by a USCIS adjudicator in conjunction with her Form N-400. At the beginning of the interview, she took an oath or affirmed that she would answer all questions truthfully.

41. During her interview, Gracia de Rodriguez made a correction to Question B in Part 9 of her Form N-400, which asked for information about her children, and testified that her husband is not the father of her daughter, Briana.

42. Gracia de Rodriguez, however, did not change or correct the following responses in her Form N-400 when questioned under oath:

- Question A, in Part 8, which asks, "How many times have you been married, including annulled marriages?" Gracia de Rodriguez answered "1."
- Question B, in Part 8, which asks married applicants to provide information about their spouses, Gracia de Rodriguez listed her spouse's name as "Edward Rodriguez," her spouse's date of birth as "[redacted]/1953," and her spouse's social security number as "[redacted]."
- Question C, in Part 8, which asks, "Is your spouse a U.S. citizen?," Gracia de Rodriguez answered, "Yes."
- Question (D)(1), in Part 8, which asks, "When did your spouse become a U.S. citizen?" Gracia de Rodriguez answered, "At Birth."

- Question G, in Part 8, which asks, "How many times has your current spouse been married (including annulled marriages)?" Gracia de Rodriguez answered, "1."

- Question (D)(23), in Part 10, which asks, "Have you **ever** given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion or removal?" Gracia de Rodriguez answered, "No."

- Question (D)(24), in Part 10, which asks, "Have you **ever** lied to any U.S. government official to gain entry or admission into the United States?" Gracia de Rodriguez answered, "No."

43. Gracia de Rodriguez affirmed these responses under oath when she testified at the naturalization interview. Her testimony was false. Gracia de Rodriguez lied about her spouse's name, date of birth, and citizenship, as well as the identity of her daughter's father. She further failed to disclose her first marriage to Bueno Gonzalez in Mexico, on March 15, 1991.

44. At the end of her naturalization interview, Gracia de Rodriguez signed her N-400 and again she swore and affirmed under penalty of perjury that the contents of her application were true.

45. Because Gracia de Rodriguez provided false testimony to obtain naturalization during the statutory period, she could not have established good moral character. Therefore, she illegally procured her naturalization.

Procurement of Naturalization by Willful Misrepresentation and Concealment of Material Facts

46. A naturalized citizen is subject to revocation of naturalization under section 340(a) of the INA, 8 U.S.C. § 1451(a), if she procured naturalization by willfully misrepresenting or concealing material facts. Based on the facts above, Gracia de Rodriguez willfully misrepresented her spouse's identity and citizenship, the identity of her daughter's father, her marital history, and her history of immigration fraud.

47. Specifically, Gracia de Rodriguez willfully misrepresented that she had only been married one time; that her spouse was Edward Solano Rodriguez, a United States citizen born in 1953; that her spouse was not the father of her daughter; that she had never lied or given false or misleading testimony to a U.S. government official while applying for any immigration benefit; and that she had never lied to a U.S. government official to obtain an immigration benefit.

48. These misrepresentations were material to determining Gracia de Rodriguez's eligibility to naturalize because they would have had the natural tendency to influence the decision whether to approve her naturalization application.

49. In fact, Garcia de Rodriguez misrepresented and concealed facts that would have shown that she was not lawfully admitted for permanent residence in

accordance with all applicable provisions of the INA, and thus was ineligible for naturalization under sections 316 and 318 of the INA, 8 U.S.C. §§ 1427, 1429.

50. Garcia de Rodriguez also misrepresented and concealed facts that would have shown that she was not a person of good moral character during the statutory period. Gracia de Rodriguez was ineligible for naturalization under section 316 of the INA, 8 U.S.C. § 1427.

51. Gracia de Rodriguez was able to procure her naturalization because she willfully misrepresented her spouse's identity and citizenship, the identity of her daughter's father, her marital history, and her history of immigration fraud.

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

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

Executed on September 2, 2026, in Phoenix, Arizona.

ROBERT L MOORE Digitally signed by ROBERT L MOORE Date: 2026.09.02 11:35:14 -07'00'

ROBERT L. MOORE
Supervisory Detention and Deportation Officer
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security