

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

|   |   |                            |
|---|---|----------------------------|
| UNITED STATES OF AMERICA,                 | ) |                            |
|   | ) | Case No. 1:26-cv-5302      |
| Plaintiff,                                | ) |                            |
|   | ) | <b>COMPLAINT TO REVOKE</b> |
| v.  | ) | <b>NATURALIZATION</b>      |
|   | ) |                            |
| DEBASHIS GHOSH,                           | ) |                            |
|   | ) |                            |
| Defendant.                                | ) |                            |
|   | ) |                            |
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**I. PRELIMINARY STATEMENT**

The United States of America (“Plaintiff”) brings this civil action against Debashis Ghosh (“Defendant”) to revoke his U.S. citizenship. This action under 8 U.S.C. § 1451(a) is based on Defendant’s criminal conduct prior to naturalizing, for which a jury convicted him after he naturalized. Specifically, beginning in November 2010, before he became a U.S. citizen in May 2012, and continuing until August 2014, Defendant conspired to commit wire fraud in violation of 18 U.S.C. § 1349. After Defendant naturalized, a federal jury convicted him of one count of conspiracy to commit wire fraud.<sup>1</sup>

Because Defendant committed his crime prior to his naturalization, yet concealed it throughout his naturalization proceedings, Defendant could not have established the requisite good moral character to naturalize, and he is subject to naturalization revocation on this basis under 8 U.S.C. § 1451(a). Additionally, because Defendant failed to disclose his criminal conduct throughout his naturalization application process, he procured his naturalization by

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<sup>1</sup> *United States v. Ghosh*, No. 8:16-cr-235-BKS, ECF No. 94 (N.D.N.Y. Oct. 18, 2017).

concealment of a material fact or by willful misrepresentation, a separate ground on which Plaintiff seeks Defendant's naturalization revocation under 8 U.S.C. § 1451(a).

With the attached affidavit showing good cause, Plaintiff accordingly brings this civil naturalization revocation action on the grounds that Defendant illegally procured his naturalization and concealed and willfully misrepresented material facts about his criminal activity during the naturalization process.

## **II. JURISDICTION AND VENUE**

1. This action is filed under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Defendant to U.S. citizenship and to cancel Defendant's Certificate of Naturalization No. 35037175.

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

3. Venue is proper in the Northern District of Illinois under 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because Defendant resides in this federal judicial district.

## **III. PARTIES**

4. Plaintiff is the United States of America.

5. Defendant is a naturalized U.S. citizen whose last known residence is in Cook County, Illinois.

## **IV. FACTUAL BACKGROUND**

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

### DEFENDANT'S IMMIGRATION HISTORY

7. Defendant, a native of India, entered the United States multiple times on various non-immigrant visas beginning as early as 1991.

8. On August 2, 2001, after Defendant's employer filed on Defendant's behalf a Form I-140, Immigrant Petition for Alien Worker, the Immigration and Naturalization Service ("INS")<sup>2</sup> approved the petition.

9. On or about September 24, 2001, Defendant filed a Form I-485, Application to Register Permanent Residence or Adjust Status ("adjustment application"), seeking to adjust his immigration status to permanent resident.

10. On September 26, 2002, the INS approved Defendant's adjustment application.

### DEFENDANT'S NATURALIZATION PROCEEDINGS

#### Naturalization Application

11. On or about January 25, 2012, Defendant filed a Form N-400, Application for Naturalization ("naturalization application") with U.S. Citizenship and Immigration Services ("USCIS").

12. A true and complete copy of Defendant's naturalization application is attached as Exhibit B.

13. Part 10, Section D, Question 15 of Defendant's naturalization application asks, "Have you **ever** committed a crime or offense for which you were **not** arrested?" (emphasis in original). Ex. B.

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<sup>2</sup> On March 1, 2003, INS ceased to exist and many of its relevant functions transferred to DHS and its sub-agencies, including U.S. Citizenship and Immigration Services. *See* Homeland Security Act of 2002, Pub. L. No. 107-296, 110 Stat. 2135 (Nov. 25, 2002). Because some of the events at issue here occurred prior to the transfer, this Complaint will reference INS where factually appropriate.

14. In completing his naturalization application and responding to Part 10, Section D, Question 15, Defendant checked the box marked “No.” *Id.*

15. Part 10, Section D, Question 23 of Defendant’s naturalization application 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?” (emphasis in original). *Id.*

16. In completing his naturalization application and by responding to Part 10, Section D, Question 23, Defendant checked the box marked “No.” *Id.*

17. Part 11 of Defendant’s naturalization application states, in part, “I certify, under penalty of perjury under the laws of the United States of America, that this application, and the evidence submitted with it, are all true and correct.” On or about January 13, 2012, Defendant dated and signed his naturalization application beneath that statement, thereby certifying under penalty of perjury that all his responses on the application were true and correct. *Id.*

#### **Naturalization Interview**

18. On April 30, 2012, a USCIS officer interviewed Defendant regarding his naturalization application to determine his eligibility for naturalization.

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

20. During the naturalization interview, the interviewing officer asked Defendant many of the same questions included in Defendant’s written naturalization application.

21. Consistent with Part 10, Section D, Question 15 of Defendant’s naturalization application, the interviewing officer asked Defendant whether he had ever committed a crime or offense for which he was not arrested. *Id.*

22. Consistent with his written response to Part 10, Section D, Question 15, Defendant orally testified under oath in response that he had never committed a crime or offense for which he was not arrested. *Id.*

23. The interviewing officer notated Defendant's response to Part 10, Section D, Question 15 by placing a handwritten checkmark in red ink next to Defendant's response. *Id.*

24. Consistent with Part 10, Section D, Question 23 of Defendant's naturalization application, the interviewing officer also asked Defendant whether he had 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. *Id.*

25. Consistent with his written response to Part 10, Section D, Question 23, Defendant orally testified under oath in response that he 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. *Id.*

26. The interviewing officer notated Defendant's response to Part 10, Section D, Question 23 by placing a handwritten checkmark in red ink next to Defendant's response. *Id.*

27. At the conclusion of his naturalization interview, Defendant signed his naturalization application at Part 13, thereby certifying a second time under penalty of perjury under the laws of the United States that the contents of his naturalization application, including any corrections to the application made at his interview, were true and correct to the best of his knowledge and belief. *Id.*

28. Also on April 30, 2012, based on Defendant's representations in his naturalization application and on Defendant's sworn testimony during his naturalization interview, USCIS approved Defendant's naturalization application. *Id.*

### **Oath of Allegiance**

29. Following USCIS's approval of Defendant's naturalization application, Defendant received a Form N-445, Notice of Naturalization Oath Ceremony ("oath notice"), which indicated that his oath ceremony would take place on May 4, 2012.

30. A true and complete copy of Defendant's oath notice is attached as Exhibit C.

31. On May 4, 2012, Defendant completed a questionnaire included on his oath notice. Ex. C.

32. Question 3 of the oath notice questionnaire asks, "AFTER the date you were first interviewed on your Application for Naturalization, Form N-400 [. . .] Have you knowingly committed any crime or offense, for which you have not been arrested?" *Id.*

33. In response to Question 3 of the oath notice questionnaire, Defendant checked the box marked "No." *Id.*

34. Also on May 4, 2012, Defendant signed his oath notice, thereby certifying that his answers provided in the oath notice questionnaire were true and correct. *Id.*

35. Additionally on May 4, 2012, based on the responses Defendant provided that same day when he submitted the oath notice questionnaire, as well as on Defendant's approved naturalization application, Defendant was administered the oath of allegiance, admitted to U.S. citizenship, and issued Certificate of Naturalization No. 35037175.

36. A true and complete copy of Defendant's Certificate of Naturalization is attached as Exhibit D.

### **DEFENDANT'S FEDERAL CRIMINAL CHARGES AND CONVICTION**

37. On July 28, 2016, in the U.S. District Court for the Northern District of New York, the United States filed a one-count Indictment charging Defendant and a co-conspirator

with conspiring, from in or about November 2010 through in or about August 2014, to commit wire fraud, in violation of 18 U.S.C. § 1349, by misappropriating \$2.5 million in funding provided by investors for construction of an aircraft maintenance facility. *See Ghosh*, No. 8:16-cr-235-BKS, ECF No. 1 (N.D.N.Y. July 28, 2016).

38. A true and complete copy of Defendant's Indictment is attached as Exhibit E.

39. According to the Indictment, Defendant conspired to commit wire fraud when he participated with others in "devising and intending to devise a scheme and artifice to defraud Company A of \$2.5 million, by misappropriating and diverting this money, and by misrepresenting, concealing, disguising, and failing to disclose material information to Company A about the location, safekeeping and use of the money, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, promises, and material omissions, and for the purpose of executing such scheme and artifice and attempting so to do, transmitting and causing to be transmitted by means of wire communications in interstate commerce writings, signs and signals," as further described in Defendant's Indictment. Ex. E ¶ 9.

40. Wire transfers in which Defendant participated that support the conspiracy occurred on December 8, 23, and 29, 2010; January 10, 18, 26, and 28, 2011; February 2, 11, 14, and 17, 2011; and March 4 and 18, 2011. *Id.* ¶ 12.

41. The timeframe of the wire fraud conspiracy in which Defendant participated began in November 2010 and continued until August 2014.

42. The dates referenced above in paragraph 40 fall within the period beginning January 25, 2007, and ending May 4, 2012.

43. The timeframe referenced above in paragraph 41 overlaps with the period

beginning January 25, 2007, and ending May 4, 2012.

44. On October 18, 2017, a jury found Defendant guilty of the single-count Indictment. *See Ghosh*, No. 8:16-cr-235-BKS, ECF No. 94 (N.D.N.Y. Oct. 18, 2017).

45. A true and complete copy of Defendant's Verdict Sheet is attached as Exhibit F.

46. On April 16, 2018, the U.S. District Court for the Northern District of New York sentenced Defendant to an incarceration term of 57 months and ordered him to pay, jointly and severally with his co-defendant, \$2.5 million in restitution. *See id.*, ECF No. 175 (N.D.N.Y. April 17, 2018).

47. A true and complete copy of Defendant's Judgment is attached as Exhibit G.

48. On December 5, 2019, the Second Circuit affirmed Defendant's conviction. *Id.*, ECF No. 193 (N.D.N.Y. Feb. 12, 2020).

49. A true and complete copy of the Mandate is attached as Exhibit H.

## **DEFENDANT'S FALSE STATEMENTS AND TESTIMONY**

### **Commission of a Crime or Offense for Which Not Arrested**

50. Starting in or about November 2010, Defendant committed conspiracy to commit wire fraud, a violation of 18 U.S.C. § 1349, a crime for which he had not been arrested by the time he naturalized in May 2012, and which he continued to commit through in or about August 2014.

51. Conspiracy is an ongoing offense that continues throughout the conspiracy's existence. *Smith v. United States*, 568 U.S. 106, 111 (2013) (citations omitted); *United States v. Yashar*, 166 F.3d 873, 875 (7th Cir. 1999) (referencing conspiracy as the "classic example of a continuing offense").

52. Accordingly, in filing his naturalization application on January 25, 2012, Defendant's representation in his application at Part 10, Section D, Question 15 – that he had never committed a crime or offense for which he had not been arrested – was false.

53. Additionally, Defendant's sworn testimony in response to Part 10, Section D, Question 15 during his April 30, 2012 naturalization interview – affirming his prior response in the negative – was false.

54. Defendant knew his answer to Part 10, Section D, Question 15 in his naturalization application, as well as his oral testimony at his naturalization interview in response to this question, was false because Defendant knew that, from in or about November 2010, and continuing through his April 30, 2012 naturalization interview, he had committed the crime of conspiring to commit wire fraud and had not yet been arrested for this crime.

55. In fact, on October 18, 2017, a jury found Defendant guilty of the crime of conspiring to commit wire fraud from November 2010 until August 2014.

**Providing False or Misleading Information to any U.S. Government Official  
While Applying for any Immigration Benefit**

56. In filing his naturalization application on January 25, 2012, Defendant's representation in response to Part 10, Section D, Question 23 – that he 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 – was false.

57. Additionally, Defendant's sworn oral testimony in response to Part 10, Section D, Question 23 during his April 30, 2012 naturalization interview – affirming his prior response in the negative – was false.

58. Defendant knew his answer to Part 10, Section D, Question 23 in his naturalization application, as well as his sworn oral testimony in responding to this question at

his naturalization interview, was false because Defendant knew that, in filing his naturalization application and interviewing in support of it, he *had* provided false information by representing that he had never committed a crime or offense for which he had not been arrested.

59. In fact, on October 18, 2017, a jury found Defendant guilty of the crime of conspiring to commit wire fraud from November 2010 until August 2014.

**Commission of Crime between Date of Naturalization Interview and  
Taking the Oath of Allegiance to the United States**

60. Between the date of Defendant’s naturalization interview on April 30, 2012, and the date he took the oath of allegiance to the United States on May 4, 2012, Defendant knowingly committed conspiracy to commit wire fraud under 18 U.S.C. § 1349, a crime for which he had not been arrested.

61. Accordingly, Defendant’s answer on May 4, 2012, in response to Question 3 of his oath notice questionnaire – that, after the date he was interviewed for his naturalization application on April 30, 2012, he had not knowingly committed any crime or offense for which he had not been arrested – was false.

62. Defendant knew his May 4, 2012 answer in response to Question 3 of his oath notice questionnaire was false because he knew that, since the time of his April 30, 2012 naturalization interview, he had committed the crime of conspiring to commit wire fraud.

63. In fact, on October 18, 2017, a jury found Defendant guilty of the crime of conspiring to commit wire fraud from November 2010 until August 2014.

**V. GOVERNING LAW**

**Congressionally Imposed Prerequisites to the Acquisition of Citizenship**

64. No applicant 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); *see also id.* (quoting *Ginsberg*, 243 U.S. at 474) (““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[.]””).

65. Congress has mandated that an individual may not naturalize unless that person “during all periods referred to in this subsection has been and still is a person of good moral character . . . .” *See* 8 U.S.C. § 1427(a)(3). The required “statutory period” for good moral character typically begins five years before the date the applicant files the naturalization application, and it continues until the applicant takes the oath of allegiance and becomes a U.S. citizen. *See id.*; 8 C.F.R. § 316.10(a)(1).

66. 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 possess the requisite good moral character. *See* 8 U.S.C. § 1101(f).

67. An applicant lacks good moral character as a matter of law if he or she commits a crime involving moral turpitude (“CIMT”) during the statutory period and later either is convicted of the crime or admits his or her commission of the criminal activity. 8 U.S.C. § 1101(f)(3) (cross-referencing 8 U.S.C. § 1182(a)(2)(A)); 8 C.F.R. § 316.10(b)(2)(i) (providing that an applicant “shall be found to lack good moral character” if, for example, the applicant committed and was convicted of one or more CIMTs).

68. Congress also has explicitly precluded individuals who give false testimony for the purpose of obtaining immigration benefits from establishing the good moral character

necessary to naturalize. 8 U.S.C. § 1101(f)(6).

69. In addition to identifying classes of individuals who lack good moral character, Congress created a “catch-all” provision, which states, “[t]he fact that any person is not within any of the foregoing classes [of ineligibility] shall not preclude a finding that for other reasons such person is or was not of good moral character.” 8 U.S.C. § 1101(f) (flush language).

70. Thus, 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 he or she proves that extenuating circumstances existed. *See* 8 C.F.R. § 316.10(b)(3)(iii); *see also* 8 U.S.C. § 1101(f) (flush language).

71. “[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, 660-61 (7th Cir. 2011) (discussing 8 U.S.C. § 1101(f) and 8 C.F.R. § 316.10). An individual who has been convicted, however, is collaterally estopped from contesting issues necessarily decided in the criminal matter. *Id.* at 663 (citing *United States v. Jean-Baptiste*, 395 F.3d 1190, 1192 (11th Cir. 2005), *cert. denied*, 546 U.S. 852 (2005)) (explaining that a defendant “may not . . . re-litigate issues decided in his criminal case” in a subsequent civil naturalization revocation action).

### **The Naturalization Revocation Statute**

72. 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.

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

- (i) illegally procured, or
- (ii) procured by concealment of a material fact or by willful misrepresentation.

74. 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.

75. 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).

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

## **VI. CAUSES OF ACTION**

### **COUNT I**

#### **ILLEGAL PROCUREMENT OF NATURALIZATION** **LACK OF GOOD MORAL CHARACTER** **(Crime Involving Moral Turpitude)**

77. Plaintiff re-alleges and incorporates by reference the factual and legal allegations contained in Sections II through V of this Complaint.

78. To be eligible for naturalization, Congress has mandated that 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)(3); 8 C.F.R. § 316.10(a)(1).

79. Defendant filed his naturalization application on January 25, 2012, and he naturalized on May 4, 2012. Thus, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during his statutory period from January 25, 2007, until May 4, 2012.

80. An applicant for naturalization is statutorily precluded from establishing the good moral character necessary to naturalize if, during the statutory period, the applicant commits a CIMT and later either is convicted of the crime or admits commission of the criminal activity. 8 U.S.C. § 1101(f)(3) (cross-referencing 8 U.S.C. § 1182(a)(2)(A)); 8 C.F.R. § 316.10(b)(2)(i).

81. Defendant was statutorily precluded from establishing the requisite good moral character for naturalization because, during the statutory period, he committed a CIMT for which he was later convicted. *See* 8 U.S.C. § 1101(f)(3); 8 C.F.R. § 316.10(b)(2)(i).

82. As set forth above, on October 18, 2017, a jury found Defendant guilty of the single count charged in the Indictment, conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349.

83. Defendant's Indictment outlines his conspiracy period as beginning from in or about November 2010 and continuing through in or about August 2014, which overlaps with Defendant's statutory period.

84. Defendant's Indictment outlines the wire transfer dates substantiating Defendant's conviction, all of which fall within Defendant's statutory period.

85. The crime of conspiracy to commit wire fraud is a CIMT. *See, e.g., Jordan v. De George*, 341 U.S. 223, 232 (1951) (holding that conspiracy to evade tax payment was a crime involving moral turpitude and that “crimes in which fraud was an ingredient have always been regarded as involving moral turpitude”); *Chiao Fang Ku v. Att’y Gen. United States of Am.*, 912 F.3d 133, 143 (3d Cir. 2019) (finding “no need to revisit the long-held tenet that fraud crimes, including wire fraud, are crimes involving moral turpitude under the INA”); *Arias v. Lynch*, 834 F.3d 823, 827 (7th Cir. 2016) (noting “there is a consensus that fraud is close to the core of moral turpitude”); *Barragan-Lopez v. Mukasey*, 508 F.3d 899, 903 (9th Cir. 2007) (finding that a conspiracy conviction is a CIMT if the underlying crime is a CIMT).

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

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

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

## COUNT II

### **ILLEGAL PROCUREMENT OF NATURALIZATION** **LACK OF GOOD MORAL CHARACTER** **(Unlawful Acts That Reflect Adversely on Moral Character)**

89. Plaintiff re-alleges and incorporates by reference the factual and legal allegations contained in Sections II through V of this Complaint.

90. To be eligible for naturalization, Defendant must establish that he was a person of

good moral character during the “statutory period,” which began here on January 25, 2007 (five years before Defendant filed his naturalization application), and continued until May 4, 2012 (when Defendant naturalized). *See* 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

91. An applicant for naturalization is precluded from establishing the good moral character necessary to naturalize if, during the statutory period, the applicant committed unlawful acts that adversely reflect upon the applicant’s moral character and there are no extenuating circumstances that would mitigate guilt. 8 C.F.R. § 316.10(b)(3)(iii); *see also* 8 U.S.C. § 1101(f) (flush language).

92. As set forth above, on October 18, 2017, a jury found Defendant guilty of the single count charged in the Indictment, conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349.

93. Defendant’s Indictment outlines his conspiracy period as beginning from in or about November 2010 and continuing through in or about August 2014, which overlaps with Defendant’s statutory period.

94. Defendant’s Indictment outlines the wire transfer dates substantiating Defendant’s conviction, all of which fall within Defendant’s statutory period.

95. Defendant’s conspiracy to commit wire fraud constitutes an unlawful act that adversely reflects upon his moral character.

96. No extenuating circumstances exist that would mitigate Defendant’s guilt for his unlawful act.

97. Because Defendant’s unlawful act precluded him from establishing the requisite good moral character, he was ineligible to naturalize. *See* 8 U.S.C. § 1427(a)(3).

98. The catch-all provision for unlawful acts at 8 U.S.C. § 1101(f) and 8 C.F.R. § 316.10(b)(3)(iii) applies to Defendant, regardless of whether the statutory CIMT bar (set forth in Count I) also applies to him.

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

### **COUNT III**

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

100. Plaintiff re-alleges and incorporates by reference the factual and legal allegations contained in Sections II through V of this Complaint.

101. To be eligible for naturalization, Defendant must establish that he was a person of good moral character during the “statutory period,” which began here on January 25, 2007 (five years before Defendant filed his naturalization application), and continued until May 4, 2012 (when Defendant naturalized). *See* 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

102. An applicant for naturalization is statutorily precluded from establishing the good moral character necessary to naturalize if, during the statutory period, the applicant gave false testimony under oath for the purpose of obtaining an immigration benefit. 8 U.S.C. § 1101(f)(6).

103. Defendant was statutorily barred from showing that he was a person of good moral character because, during the statutory period, as outlined above, he gave false testimony under oath for the purpose of obtaining an immigration benefit in response to at least two questions. *See* 8 U.S.C. § 1101(f)(6); 8 C.F.R. § 316.10(b)(2)(vi).

104. First, Defendant orally testified under oath at his naturalization interview that he had never committed a crime or offense for which he had not been arrested.

105. Defendant's testimony that he had never committed a crime or offense for which he had not been arrested was false because, as outlined above, Defendant had committed the crime of conspiracy to commit wire fraud but had not yet been arrested for that crime.

106. Second, Defendant orally testified under oath at his naturalization interview that he had never provided false or misleading information to a U.S. government official while applying for an immigration benefit.

107. Defendant's testimony that he had never provided false or misleading information to a U.S. government official while applying for an immigration benefit was false because, as outlined above, Defendant *had* provided false information to the government when he falsely represented in his naturalization application and at his interview that he had never committed a crime or offense for which he had not been arrested.

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

109. Because Defendant could not establish the requisite good moral character, he was ineligible to naturalize. *See* 8 U.S.C. § 1427(a)(3).

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

#### **COUNT IV**

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

111. Plaintiff re-alleges and incorporates by reference the factual and legal allegations contained in Sections II through V of this Complaint.

112. Under 8 U.S.C. § 1451(a), naturalization must be revoked where it is procured by concealment of a material fact or by willful misrepresentation.

113. As set forth above, throughout his naturalization proceedings, including in filing his naturalization application and when being interviewed in support of it, Defendant concealed his commission of a crime for which he had not yet been arrested, specifically conspiracy to commit wire fraud.

114. As also set forth above, throughout his naturalization proceedings, including in filing his naturalization application and when being interviewed in support of it, Defendant concealed that – in failing to disclose his crimes for which he had not been arrested – he provided false or misleading information to a U.S. government official while applying for the immigration benefit of naturalization.

115. As also set forth above, when Defendant submitted his Form N-445 on the day he took the oath of allegiance, Defendant concealed that, after the date of his naturalization interview, he had knowingly committed a crime or offense for which he had not been arrested, specifically conspiracy to commit wire fraud.

116. Defendant knew his representations – that he had never committed a crime or offense for which he had not been arrested; that he had never provided false or misleading information to a U.S. government official while applying for an immigration benefit; and that he had not, since the date of his naturalization interview, knowingly committed a crime or offense for which he had not been arrested – were false and misleading, and he thus made his misrepresentations willfully.

117. Defendant's concealment and misrepresentation regarding his crime, his provision of false information to the government, and the crime he had committed since the date of his

naturalization interview were material to determining his eligibility for naturalization because they had the natural tendency to influence, or were capable of influencing, USCIS's decision whether to approve Defendant's naturalization application and whether he was eligible to naturalize.

118. Defendant procured his naturalization as a result of his misrepresentations.

119. Had Defendant disclosed his criminal conduct, USCIS would not have approved Defendant's naturalization application.

120. Had Defendant disclosed his provision of false information, USCIS would not have approved Defendant's naturalization application.

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

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests:

- (1) A declaration that Defendant illegally procured his naturalization;
- (2) A declaration that Defendant procured his naturalization by concealment of material facts and by willful misrepresentation;
- (3) Judgment revoking and setting aside Defendant's naturalization and canceling Certificate of Naturalization No. 35037175, effective as of the original date of the order and certificate, May 4, 2012;
- (4) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages related to U.S. citizenship that he obtained as a result of his May 4, 2012 naturalization;

(5) Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment against him, his Certificate of Naturalization No. 35037175 and any copies thereof in his possession or control – and to make good faith efforts to recover and immediately surrender any copies thereof that he knows are in the possession or control of others – to the Attorney General or to the Attorney General’s designated representative, including undersigned counsel;

(6) Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment against him, any other indicia of U.S. citizenship – including, but not limited to, U.S. passports and passport cards (whether current or expired), as well as any Enhanced Driver’s License (whether current or expired) – and any copies thereof in his possession or control, and to make good faith efforts to recover and immediately surrender any copies thereof that he knows are in the possession or control of others, to the Attorney General or to the Attorney General’s designated representative, including undersigned counsel; and

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

Dated: May 7, 2026

ANDREW S. BOUTROS  
United States Attorney

CRAIG A. OSWALD  
Assistant United States Attorney  
U.S. Attorney’s Office  
Northern District of Illinois  
219 S. Dearborn Street  
Chicago, Illinois 60604  
Tel.: (312) 886-9080  
craig.oswald@usdoj.gov

Respectfully submitted,

BRETT A. SHUMATE  
Assistant Attorney General  
Civil Division

JENNIFER J. KEENEY  
Associate Director  
Office of Immigration Litigation

JOHN J. W. INKELES  
Chief  
Denaturalization Unit

J. MAX WEINTRAUB  
Senior Litigation Counsel

By: /s/ Christopher W. Hollis  
CHRISTOPHER W. HOLLIS

Trial Attorney  
United States Department of Justice  
Civil Division  
Office of Immigration Litigation  
Denaturalization Unit  
P.O. Box 878, Ben Franklin Station  
Washington, D.C. 20044  
Tel.: (202) 305-0899  
christopher.hollis@usdoj.gov

*Counsel for the United States of America*