

identified himself as “Chun Di He.” The INS detained him and placed Defendant in exclusion proceedings on December 26, 1992. On March 9, 1993, an immigration judge ordered him excluded and deported, and that deportation order became final on February 9, 1999. But Defendant failed to surrender for deportation, and the deportation order against Defendant remains pending.

Meanwhile, on December 23, 1993, Defendant, using the identity Pin He, filed an application for an immigration benefit with the INS. As part of that application, Defendant asserted a new name (Pin He), along with a new date and place of entry into the United States and a new factual basis for seeking lawful entry into the United States. In March 2004, an immigration judge granted Defendant’s application, and in April 2007, USCIS adjusted Defendant’s status to permanent resident under the identity Pin He. Finally, on October 18, 2013, Defendant naturalized under the identity and immigration history of Pin He. Defendant did not disclose his prior immigration history under the Chun Di He identity in any of his immigration applications or proceedings under the Pin He identity.

Defendant’s actions and conduct statutorily barred him from becoming a U.S. citizen and render his naturalization unlawfully procured. Thus, with the attached affidavit showing good cause, Plaintiff brings this civil action to revoke and set aside the order admitting Defendant to citizenship and to cancel his certificate of naturalization.

JURISDICTION AND VENUE

1. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Defendant to U.S. citizenship and to cancel Certificate of Naturalization No. 36101913, issued to Defendant on October 18, 2013.

and Customs Enforcement. USCIS assumed naturalization authority from the INS. This Complaint will refer to INS where appropriate.

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

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

PARTIES

4. Plaintiff is the United States of America.

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

6. Defendant used the identities of Chun Di He and Pin He in his immigration proceedings and applications. However, Chun Di He and Pin He are one and the same person.

FACTUAL ALLEGATIONS

7. The affidavit of Melanie Medina, Immigration Services Officer, USCIS, an agency within the Department of Homeland Security, showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached as Exhibit A.

A. Defendant's Immigration Proceedings Under the Chun Di He Identity.

8. On December 22, 1992, INS officers encountered Defendant upon his arrival in San Francisco, California, as a passenger on a merchant ship because he lacked documents permitting him to enter the United States.

9. Defendant reported that his name was Chun Di He.

10. His inspection was deferred initially and he was paroled. *See* Exhibit B (Form I-546 and Form I-122).

11. On December 25, 1992, Defendant was fingerprinted under the name Chun Di He.

12. After Defendant was fingerprinted, the INS assigned Defendant alien registration number xxx-xxx-108 and paroled him into the United States. *See* Exhibit C (December 1992 fingerprint cards).

13. During the December 26, 1992, encounter INS officers, Defendant gave a sworn statement (“December 26 Sworn Statement”).

14. A true and complete copy of the December 26 Sworn Statement is attached as Exhibit D.

15. In the December 26 Sworn Statement, Defendant stated, *inter alia*, the following:

- a. his true and correct name was Chun Di He;
- b. he had used the name Ping He, but no others;
- c. he had come to the United States because “America is a place where money is easier to earn. I came to get a job.”;
- d. his father was Xiang Hao He and his mother was Yue Lan Chen;
- e. his home address was #178 Hou Shui in Lang Qi, China; and
- f. he did not have any travel documents in his possession.

16. On December 26, 1992, the INS placed Defendant in removal proceedings by serving Defendant, under the name Chun Di He, with a Form I-122, Notice to Applicant for Admission Detained/Deferred for Hearing Before Immigration Judge (“1992 Form I-122”).

17. A true and complete copy of the 1992 Form I-122 is included in Exhibit B.

18. In the 1992 Form I-122, the INS charged Defendant with being excludable under 8 U.S.C. § 1182(a)(7)(A)(i)(I) for not being in possession of a valid, unexpired immigrant visa.

19. After he was served the 1992 Form I-122, Defendant was detained pending removal proceedings. *See* Exhibit B.

20. On January 19, 1993, Defendant appeared in immigration court and advised the Court that his name was “Chun Di He.”

21. Also during the January 19, 1993, immigration court hearing, Defendant conceded the removal charge.

22. On January 29, 1993, Defendant, using the identity Chun Di He, filed an application for an immigration benefit with the immigration court.

23. In the application, Defendant wrote as follows:

- a. his name was Chun Di He, and he had no other names;
- b. he was born on December 1972, in Fuzhou, China;
- c. he was married to Li Yun Tang, born November 11, 1973; and,
- d. he had last arrived in the United States in San Francisco on December 22, 1992.

24. On January 21, 1993, Defendant signed the application, under penalty of perjury, declaring the contents of the application and all accompanying documents were “true and correct.”

25. In conjunction with his application, Defendant filed a Form G-325A, Biographic Information (“January 1993 Form G-325A”)

26. A true and complete copy of the January 1993 Form G-325A is attached as Exhibit E.

27. In the January 1993 Form G-325A, Defendant represented, *inter alia*, that his name was Chun Di He, he was born on December 31, 1972, in Fuzhou, China, that he had not used any other name, that he was married to Li Yun Tang, born November 11, 1973, that his father was Xiang Hao He, and that his mother was Yu Lan Chen.

28. On March 9, 1993, Defendant appeared in immigration court and testified, under oath, that his true and correct name is Chun Di He.

29. Following Defendant's testimony, the immigration judge denied Defendant's application and ordered Defendant, under the identity Chun Di He, to be excluded and deported from the United States.

30. On March 12, 1993, Defendant filed a Notice of Appeal of the immigration judge's decision to the Board of Immigration Appeals ("BIA").

31. On February 8, 1999, the BIA dismissed Defendant's appeal, rendering his order of deportation final. *See* 8 C.F.R. § 1241.1(a).

32. On November 29, 1999, the INS mailed Defendant a Form I-166, Notice to Deportable Alien to Surrender, and mailed the Notice to Defendant's last known address, with a copy to his attorney of record.

33. The Notice required Defendant to report to the INS Office at 300 North Los Angeles Street, Los Angeles, California, on January 25, 2000.

34. Defendant failed to surrender for deportation.

35. The Government has no record that Defendant departed the United States pursuant to his deportation order.

B. Defendant's Application Under the Identity Pin He.

36. On December 23, 1993, Defendant, using the identity of Pin He, filed a second application for an immigration benefit ("Second Application") with the INS.

37. In the Second Application, Defendant:

a. stated that his name was Pin He;

- b. did not list any names that he had used previously and wrote “N/A” in response to the question asking him to disclose any names he had used previously;
- c. stated that he was born on December 31, 1972, in Fuzhou, China; and,
- d. stated that he last arrived in the United States on December 22, 1992, at Los Angeles, California, by entering without inspection;

38. On December 16, 1993, Defendant signed the Second Application, under penalty of perjury, declaring the contents of the Second Application and all accompanying documents were “true and correct.”

39. In conjunction with his Second Application, Defendant filed a second Form G-325A, Biographic Information (“1993 Form G-325A”).

40. A true and complete copy of the 1993 Form G-325A is attached as Exhibit F.

41. In the December 1993 Form G-325A, Defendant:

- a. represented that his name was Pin He;
- b. wrote “N/A” in response to the question asking him to disclose any names he had used previously; and,
- c. represented his former residence as 178 Hou Shi in Lang Qi, Fuzhou, China.

42. On May 23, 1996, Defendant appeared for an interview with INS regarding his Second Application.

43. In connection with his Second Application, INS assigned Defendant alien registration number xxx-xxx-905.

44. In his May 23, 1996, interview, Defendant's statements regarding the basis for the benefit differed significantly from the basis he had earlier provided in writing on his Second Application.

45. The INS officer who interviewed Defendant recorded that Defendant was generally not forthcoming with details to support his claim and gave only vague answers when questioned and he could not give critical facts that someone genuinely making the same claim would know.

46. On June 5, 1996, the INA issued Defendant a Form I-221, Order to Show Cause and Notice of Hearing ("1996 Form I-221"), placing Defendant in deportation proceedings and charging him with deportability for entering the United States without inspection.

47. The Form I-221 instructed Defendant to appear before an immigration judge in New York on October 8, 1996.

48. At the October 8, 1996 hearing, Defendant conceded the deportability charge set forth in the 1996 Form I-221. The immigration judge then continued the hearing to January 15, 1998.

49. At the January 15, 1998 hearing, Defendant failed to appear and the immigration judge ordered him deported in absentia.

50. On July 9, 2002, Defendant filed a Motion to Reopen, claiming his failure to appear was due to ignorance about federal law and regulations, and that he heard rumors that he would be arrested and immediately returned to China if he did appear.

51. On July 22, 2002, the immigration judge granted Defendant's motion and scheduled a hearing for October 8, 2002, which was continued for Defendant to file another application for an immigration benefit.

52. On January 7, 2003, Defendant appeared for a Master Calendar hearing and submitted a third immigration benefit application ("Third Application").

53. In Defendant's Third Application, Defendant represented that his name was Pin He, that his date of birth was December 31, 1972, that he was born in Fuzhou, China, and that he had entered the United States without inspection on November 22, 1992, at Los Angeles, California.

54. He further represented that he was married to Li Yun Tang, born November 11, 1973; that his father was Xiang Hao Chen, and that his mother was Yu Lan Chen.

55. In response to the question in Defendant's Third Application, "What other names have you used?", Defendant wrote "NONE."

56. In response to the question in Defendant's Third Application, "Have you, your spouse, your child(ren), your parents, or your siblings ever applied to the United States Government for [this specific benefit previously]?" Defendant wrote "Yes," and reported his wife's application, but he did not disclose that he had previously applied for immigration benefits under the name "Chun Di He."

57. Defendant signed his Third Application under penalty of perjury.

58. An immigration judge conducted a merits hearing on Defendant's Third Application on March 15, 2004.

59. At that merits hearing, the immigration judge granted Defendant's Third Application on a conditional basis. Those conditions were subsequently removed on November 16, 2005.

C. Defendant's Adjustment Application Under the Identity Pin He.

60. On November 27, 2006, Defendant filed with USCIS a Form I-485, Application to Register Permanent Residence or Adjust Status ("I-485") under the identity Pin He.

61. A true and complete copy of the I-485 is attached as Exhibit G.

62. In the I-485, Defendant wrote as follows:

- a. his name was Pin He;

- b. he last arrived in the United States at Los Angeles, California, without inspection, on November 22, 1992;
- c. he had never sought to procure, or procured, a visa, or other documentation, entry into the United States, or any immigration benefit by fraud or willful misrepresentation of a material fact; and,
- d. he had never “been arrested, cited, charged, indicted, fined or imprisoned for breaking or violating any law or ordinance, excluding traffic violations[.]”

63. On November 17, 2006, Defendant signed his I-485, thereby certifying under penalty of perjury that its contents were true and correct.

64. In conjunction with and in support of his I-485, Defendant further submitted another Form G-325A, Biographic Information (“2006 Form G-325A”).

65. A true and complete copy of the 2006 Form G-325A is attached as Exhibit H.

66. In his 2006 Form G-325A, Defendant wrote, under penalty of perjury for knowingly and willfully falsifying or concealing a material fact, as follows:

- a. his name was Pin He; and
- b. he had never used any names other than Pin He.

67. On April 12, 2007, USCIS approved Defendant’s Form I-485 and adjusted his immigration status to permanent resident.

D. Defendant’s Naturalization Application Under the Identity Pin He.

68. On April 2, 2013, Defendant, using the identity Pin He, filed a Form N-400, Application for Naturalization (“Naturalization Application”), with USCIS.

69. A true and complete copy of Defendant’s Naturalization Application is attached as Exhibit K.

70. In his Naturalization Application, Defendant claimed an entitlement to U.S. citizenship based on having had the status of a permanent resident for at least five years.

71. In response to Part 1, Question A of his Naturalization Application, Defendant wrote that his name was Pin He.

72. In response to Part 1 of his Naturalization Application, which asked for his alien registration number, he wrote the number ending in 905 that had been assigned to him under the identity Pin He.

73. In response to Part 1, Question C of his Naturalization Application, which asked for other names Defendant had used, he did not enter a response.

74. In response to Part 10, Question 16 of his Naturalization Application, which asked, “Have you **ever** been arrested, cited, or detained by any law enforcement officer (including USCIS or former INS and military officers) for any reason?” Defendant checked the box for “No.”

75. In response to Part 10, Question 23 of his Naturalization Application which asked, “Have you **ever** given false or misleading information to any U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal?” Defendant checked the box for “No.”

76. In response to Part 10, Question 24 in Part 10 of his Naturalization Application, which asked, “Have you **ever** lied to any U.S. Government official to gain entry or admission into the United States?” Defendant checked the box for “No.”

77. In response to Part 10, Question 27 of his Naturalization Application, which asked, “Have you **ever** been ordered to be removed, excluded, or deported from the United States?” Defendant checked the box for “No.”

78. In response to Part 10, Question 28 of his Naturalization Application, which asked, “Have you **ever** applied for any kind of relief from removal, exclusion, or deportation?” Defendant checked the box for “No.”

79. On March 13, 2013, Defendant signed his Naturalization Application under penalty of perjury pursuant to the laws of the United States, thereby certifying that the Naturalization Application and the evidence submitted with it were all true and correct.

80. On April 23, 2013, Defendant, under the name Pin He, submitted his fingerprint impressions, identified at FIN#1032105161, in support of his Naturalization Application.

E. Defendant’s Naturalization Interview Under the Identity Pin He

81. On October 1, 2013, a USCIS Immigration Services Officer (“ISO”) interviewed Defendant regarding his naturalization application to determine his eligibility for naturalization (“Naturalization Interview”).

82. At the beginning of the Naturalization Interview, the ISO placed Defendant under oath.

83. During his Naturalization Interview, Defendant said, orally and under oath, that his legal name was Pin He.

84. During his Naturalization Interview, Defendant said, orally and under oath, that he used no other names besides Pin He.

85. During his Naturalization Interview, Defendant said, orally and under oath, that had never been arrested, cited, or detained by any law enforcement officer (including INS and military officers) for any reason.

86. During his Naturalization Interview, Defendant said, orally and under oath, 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.

87. During his Naturalization Interview, Defendant said, orally and under oath, that he had never lied to any U.S. government official to gain entry or admission into the United States.

88. During his Naturalization Interview, Defendant said, orally and under oath, that he had never been ordered to be removed, excluded, or deported from the United States.

89. During his Naturalization Interview, Defendant said, orally and under oath, that he had never applied for any kind of relief from removal, exclusion, or deportation.

90. At the conclusion of his Naturalization Interview, Defendant signed his Naturalization Application in the presence of the ISO under penalty of perjury, thereby attesting that the information it contained was true and correct. Ex. K at 10.

91. On October 1, 2013, based upon the information supplied by Defendant in his Naturalization Application and on the sworn testimony he gave during his Naturalization Interview, USCIS approved Defendant's Naturalization Application. Ex. K at 1.

92. On October 18, 2013, Defendant took the oath of allegiance and became a naturalized U.S. citizen.

93. On October 18, 2013, USCIS issued Defendant, under the identity Pin He, Certificate of Naturalization No. 36101913 ("Certificate of Naturalization").

94. A true and complete copy of the Certificate of Naturalization is attached as Exhibit L.

F. Fingerprint Analysis Confirms Defendant Used the Chun Di He and Pin He Identities

95. As described above, on December 25, 1992, Defendant, using the name Chun Di He, provided fingerprints to the INS.

96. As described above, on April 23, 2013, Defendant, using the name Pin He, provided fingerprints in support of his Naturalization Application.

97. The fingerprints submitted under the identity Pin He match those of the identity Chun Di He.

98. Defendant provided both sets of fingerprints. *See* Laboratory Report HSI-FL 18-00426 (“Fingerprint Analysis”).

99. A true and complete copy of the Fingerprint Analysis is attached hereto as Exhibit M.

GOVERNING LAW

A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

100. No alien has a right to naturalization “unless all statutory requirements are complied with.” *United States v. Ginsberg*, 243 U.S. 472, 474-75 (1917). Indeed, the Supreme Court has underscored that “[t]here must be strict compliance with all the congressionally imposed prerequisites to the acquisition of citizenship.” *Fedorenko v. United States*, 449 U.S. 490, 506 (1981); *see also id.* (“An alien who seeks political rights as a member of this Nation can rightfully obtain them only upon the terms and conditions specified by Congress[.]”) (quoting *Ginsberg*, 243 U.S. at 474)).

101. Congress has mandated that “no person shall be naturalized against whom there is outstanding a final finding of deportability pursuant to a warrant of arrest” issued pursuant to the Immigration and Nationality Act. 8 U.S.C. § 1429.

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

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

104. The term “lawfully” requires compliance with substantive legal requirements for admission, and not mere procedural regularity. *See* 8 U.S.C. § 1101(a)(20); *Monet v. INS*, 791 F.2d 752, 753 (9th Cir. 1978).

105. An individual who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or 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).

B. The Denaturalization Statute

106. 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.

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

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

108. 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.

109. Naturalization was procured by concealment of a material fact or by willful misrepresentation, where: (i) the naturalized citizen misrepresented or concealed some fact during the naturalization process; (ii) the misrepresentation or concealment was willful; (iii) the fact was material; and (iv) the naturalized citizen procured citizenship as a result of the misrepresentation or concealment. *Kungys v. United States*, 485 U.S. 759, 767 (1988).

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

CAUSES OF ACTION

COUNT ONE

ILLEGAL PROCUREMENT OF NATURALIZATION ALIEN SUBJECT TO REMOVAL ORDER

111. The United States realleges and incorporates by reference the allegations set forth above in this Complaint.

112. Subject to exceptions inapplicable here, Congress has barred from naturalization any alien against whom there is outstanding a final finding of deportability pursuant to a warrant of arrest issued under the provisions of the Immigration and Nationality Act. 8 U.S.C. § 1429.

113. As discussed above at paragraphs 29-31, Defendant was subject to a final finding of deportability pursuant to a lawful warrant of arrest as of March 9, 1993, under the identity Chun Di He.

114. That removal order remains outstanding because Defendant was never deported or voluntarily departed from the United States after the final finding of deportability was entered.

115. Because Defendant was subject to an outstanding final finding of deportability pursuant to a lawful warrant of arrest issued under the provisions of the Immigration and Nationality Act, he was and remains ineligible for naturalization under 8 U.S.C. § 1429.

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

COUNT TWO

ILLEGAL PROCUREMENT OF NATURALIZATION NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE (Adjustment Procured by Fraud or Willful Misrepresentation)

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

118. As noted above, the term “lawfully” denotes compliance with substantive legal requirements, not mere procedural regularity. *See* 8 U.S.C. § 1101(a)(20); *Monet v. INS*, 791 F.2d 752, 753 (9th Cir. 1978).

119. Defendant’s lawful adjustment of status to permanent resident required that he be admissible to the United States. *See* 8 U.S.C. §§ 1159(b)(5), 1255(a).

120. An alien who is inadmissible pursuant to 8 U.S.C. § 1182 is not admissible to the United States.

121. Under the law in effect at the time that Defendant adjusted his status, an individual who by fraud or by willfully misrepresenting a material fact was seeking to procure (or had sought to procure or had procured) a visa, other documentation, admission into the United States, or other benefit provided under the INA, was inadmissible. *See* 8 U.S.C. § 1182(a)(6)(C)(i).

122. 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 he was inadmissible at the time of his adjustment to permanent resident status.

123. Defendant was inadmissible at the time of his adjustment to permanent resident status because he had sought to procure admission into the United States and other benefits provided for in the INA by fraud or willfully misrepresenting a material fact.

124. Specifically, at the time Defendant adjusted his status to permanent resident using the name Pin He, he had fraudulently concealed and willfully misrepresented his name, alien number, place of entry into the United States, date of entry into the United States, and his immigration history under the name Chun Di He, including the fact that he had previously sought to procure and had been denied an immigration benefit using the name Chun Di He.

125. Indeed, at the time that Defendant adjusted to permanent resident status, he was the subject of an outstanding order of exclusion and deportation under the name Chun Di He.

126. Defendant willfully made false statements regarding his name, alien number, place of entry into the United States, date of entry into the United States, and his immigration history

127. Defendant's false statements regarding his name, alien number, place of entry into the United States, date of entry into the United States, and his immigration history were material to determining his eligibility for the immigration benefits for which he applied because they had the natural tendency to influence a decision by the immigration officer(s) to approve his application(s).

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

129. Because Defendant was inadmissible at the time he adjusted to permanent resident status, he was never lawfully admitted for permanent residence in accordance with the substantive legal requirements to obtain that status.

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

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

COUNT THREE

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

132. The United States realleges and incorporates by reference the allegations set forth above in this Complaint.

133. As outlined above, 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); 8 C.F.R. § 316.10(a)(i).

134. Defendant filed his naturalization application on April 2, 2013, and he naturalized on October 18, 2013. 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 April 2, 2008, until October 18, 2013.

135. Defendant filed his naturalization application during his “statutory period.”

136. During the statutory period, Defendant gave false testimony for the purpose of obtaining naturalization. 8 U.S.C. § 1101(f)(6).

137. Defendant was placed under oath at the start of his Naturalization Interview.

138. Defendant participated in his Naturalization Interview for the purpose of obtaining naturalization.

139. During his Naturalization Interview, Defendant said, orally and under oath, that had never been arrested, cited, or detained by any law enforcement officer (including INS and military officers) for any reason.

140. That testimony was false, because as described above in paragraph 8, he was detained by INS officers on December 22, 1992, under the name Chun Di He, and as described above in paragraph 19, he was detained by INS officers on December 26, 1992, under the name Chun Di He.

141. During his Naturalization Interview, Defendant said, orally and under oath, that he given false or misleading information to any U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal.

142. That testimony was false because Defendant had given false or misleading information to any U.S. Government official while applying for immigration benefits, up to and including when he completed and filed his naturalization application.

143. Defendant gave false or misleading information to any U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal, by answering “No” in response to the following questions of his Naturalization Application:

- a. Part 10, Question 16: “Have you **ever** been arrested, cited, or detained by any law enforcement officer (including USCIS or former INS and military officers) for any reason?”

- b. 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?”
- c. Part 10, Question 24: “Have you **ever** lied to any U.S. Government official to gain entry or admission into the United States?”
- d. Part 10, Question 27: “Have you **ever** been ordered to be removed, excluded, or deported from the United States?”
- e. Part 10, Question 28: “Have you **ever** applied for any kind of relief from removal, exclusion, or deportation?”

144. Defendant falsely testified when he responded to each of these questions negatively, orally and under oath, at his naturalization interview.

145. Because Defendant provided false testimony during the statutory period during which he was required to maintain good moral character, he was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

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

COUNT FOUR

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

147. The United States realleges and incorporates by reference the allegations set forth above in this Complaint.

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

149. As set forth herein, throughout the naturalization process, Defendant willfully misrepresented and concealed, among other things: (i) his use of another identity; (ii) his prior detention by INS officers during his removal proceedings under the identity Chun Di He; (iii) his prior order of exclusion and deportation; (iv) his prior application for an immigration benefit; (v) that he had given false or misleading information to a U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal; (vi) that he had lied to a U.S. Government official to gain entry or admission into the United States; (vii) that he had been ordered to be removed, excluded, or deported from the United States; (viii) and that he had previously applied for relief from removal, exclusion, or deportation.

150. Defendant knew each of these statements to be false.

151. Defendant made such misrepresentations voluntarily and deliberately, despite knowing that such representations were false and misleading. Accordingly, Defendant made these misrepresentations willfully.

152. Defendant's misrepresentations were material to his naturalization because the disclosure of his multiple identities, multiple claimed dates of birth, prior application for an immigration benefit, prior order of exclusion and deportation, and prior representations to U.S. Government officials while applying for an immigration benefit would have had a natural tendency to influence USCIS's decision whether to approve Defendant's application for naturalization. Indeed, had USCIS been aware of this information, it would have denied his naturalization application.

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

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the United States of America, respectfully requests:

- (1) A declaration that Defendant illegally procured his citizenship;
- (2) A declaration that Defendant procured his citizenship by concealment of material fact and by willful misrepresentation;
- (3) Judgment revoking and setting aside the order admitting Defendant to citizenship and canceling Certificate of Naturalization No. 36101913, effective as of the original date of the certificate, October 18, 2013;
- (4) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages under any document which evidences United States citizenship obtained as a result of his October 18, 2013, naturalization;
- (5) Judgment requiring the Defendant, within ten (10) days of the entry of judgment against him, to surrender and deliver his Certificate of Naturalization No. 36101913 and any copies thereof in his possession or control (and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession or control of others), to the Acting Attorney General, through undersigned counsel, his designated representative;
- (6) Judgment requiring the Defendant, within ten (10) days of the entry of judgment, to surrender and deliver any other indicia of U.S. citizenship (including, but not limited to, United States passports and passport cards, Enhanced Drivers License, and other relevant documents), whether current or expired, and any copies thereof in his possession or control—and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession or control of others—to the Acting Attorney General, through undersigned counsel, his designated representative; and

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

DATE: May 8, 2026

Respectfully Submitted,

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