

April 22, 1996, Defendant became a naturalized citizen, under the name Oliver Bennett Oyakhire.

On October 6, 2009, Defendant was charged with criminal violations arising out of his identity fraud. On November 22, 2010, he was convicted in the U.S. District Court for the Eastern District of Pennsylvania for (i) conspiracy to commit false personation of an employee of the Social Security Administration, in violation of 18 U.S.C. § 371; (ii) false personation of officer or employee of the U.S., and aiding and abetting, in violation of 18 U.S.C. § 912; (iii) false statements to government officials, in violation of 18 U.S.C. § 1001; and (iv) false statements in the application and use of a passport, 18 U.S.C. § 1542. *See United States v. Oyakhire*, 431 F. App'x 126 (3d Cir. 2011) (affirming the judgment of the district court in Case No. 2:09-cr-00658-001), *cert denied*, 134 S. Ct. 2856. He was sentenced to 16 months' imprisonment. Defendant's conviction turned on the same evidence that establishes the basis for his denaturalization now: the fingerprints that Defendant submitted with immigration applications he filed as Oliver Bennett Oyakhire match those that he submitted with immigration applications he filed as George Ofuan Oyakhire.

But earlier, when Defendant sought temporary resident status, permanent resident status, and U.S. citizenship under the second "Oliver Bennett Oyakhire" identity, he concealed and misrepresented his use of the earlier identity. Defendant's actions and conduct statutorily barred him from becoming a U.S. citizen and render his naturalization unlawfully procured. Defendant's actions further demonstrate that he obtained his naturalization through willfully misrepresentation and by concealing material facts. 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. 22263508, issued April 22, 1996.

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

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 Philadelphia, Pennsylvania, 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 and purports to be a native of Nigeria.

6. At various times, Defendant has used the identities of George Ofuan Oyakhire and of Oliver Bennett Oyakhire.

FACTUAL ALLEGATIONS

7. The affidavit of Lisa Reinhold, Special Agent, Homeland Security Investigations, ICE, 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 Identity George Ofuan Oyakhire.

8. Defendant was born in Bendel, Nigeria in 1960.

9. On or about August 27, 1983, Defendant married Faith Ozika in Nigeria.

10. A true and complete copy of the Defendant's and Ms. Ozika's divorce decree, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit B.

11. On October 18, 1986, Defendant entered the United States on a nonimmigrant visitor visa with authorization to remain in the United States through April 18, 1987.

12. A true and complete copy of Defendant's visitor visa, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit C.

13. Defendant entered with a Nigerian passport.

14. A true and complete copy of Defendant's Nigerian passport, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit D.

15. On February 1, 1990, Defendant married a United States citizen, Yvonne Smith, in Upper Marlboro, MD.

16. A true and complete copy of Defendant's marriage certificate to Yvonne Smith, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit E.

17. On April 23, 1990, Ms. Smith filed with the former Immigration and Naturalization Service ("INS")¹ an I-130 Petition for Alien Relative on behalf of Defendant under the identity George Ofuan Oyakhire ("Form I-130").

¹ On March 1, 2003, the INS ceased to exist as an independent agency within the Department of Justice, and most of its functions were transferred to the newly formed Department of Homeland Security. *See* Homeland Security Act of 2002, Pub. L. No. 107-296, §§ 441, 451, 471, 116 Stat. 2135 (Nov. 25, 2002). The INS was divided into three separate agencies, USCIS, Customs and Border Protection, and Immigration and Customs Enforcement. USCIS assumed naturalization authority from the INS. This Complaint will refer to INS where appropriate.

18. A true and complete copy of the Form I-130, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit F.

19. In support of the Form I-130, Ms. Smith filed a purported Nigerian divorce decree indicating that Defendant had divorced Ms. Ozika on February 9, 1987.

20. The Form I-130 claimed that Defendant had first arrived in the United States on October 18, 1986.

21. Following the INS's receipt of the Form I-130, it assigned Defendant, under the identity George Ofuan Oyakhire, a social security number and an alien number ending in 700.

22. On April 23, 1990, concurrent with Ms. Smith's filing of the I-130, Defendant filed with INS a Form I-485, Application to Register Permanent Residence or Adjust Status ("Form I-485" or "Adjustment Application").

23. A true and complete copy of Defendant's Form I-485, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit G.

24. In the Form I-485, Defendant stated that he was seeking to adjust based on his marriage to a U.S. citizen; that he had divorced Ms. Ozika on May 9, 1987, in Nigeria; and that he had first arrived in the United States on October 18, 1986.

25. Concurrent with his Adjustment Application, Defendant filed a G-325A, Biographic Information ("1990 G-325A").

26. A true and complete copy of the G-325A, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit H.

27. The G-325A states that between September 1983 and October 1986, Defendant resided in Benin, Nigeria, and that he worked as a "stewarding supervisor" at the Willard Inter-

Continental Hotel in Washington, DC from November 1986 through the date that he executed the G-325A on April 23, 1990.

28. In support of Defendant's I-485, the Willard Inter-Continental Hotel issued an employment verification letter confirming Defendant's employment at the hotel from November 1986 through March 10, 1990, the date the letter was written.

29. On April 23, 1990, Defendant appeared for an interview with respect to his adjustment application. During the interview Defendant said that he had divorced Ms. Ozika on May 9, 1987, in Nigeria.

30. On July 1, 1992, the INS issued a Notice of Intent to Deny ("1992 NOID") the I-130 Ms. Smith filed on Defendant's behalf.

31. A true and complete copy of the 1992 NOID, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit I.

32. The 1992 NOID stated that the United States Department of State had conducted an overseas investigation that revealed that the divorce decree purportedly dissolving Defendant's marriage from Ms. Ozika was "fraudulent." The 1992 NOID concluded that Defendant and Ms. Smith were not legally permitted to marry because Defendant had not legally terminated his prior marriage. The 1992 NOID afforded Defendant 30 days to establish, with original documentation, the bona fides of his divorce.

33. On March 28, 1994, the INS issued a second NOID informing Defendant that he failed to submit original documentation in response to the 1992 NOID and affording him 30 additional days to supply original documentation ("1994 NOID").

34. A true and complete copy of the 1994 NOID, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit J.

35. Having received none of the documentation requested in the 1992 NOID or the 1994 NOID, on September 14, 2000, the INS issued Defendant a notice that it was denying the I-130 that Ms. Smith filed on Defendant's behalf ("I-130 Denial").

36. A true and complete copy of the I-130 Denial, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit K.

37. The I-130 Denial granted Defendant through October 14, 2000, to voluntarily depart the United States. *See id.*

38. Upon information and belief, Defendant never departed from the United States following the issuance of the I-130 Denial.

B. Defendant's Parallel Immigration Proceedings Under the Identity Oliver Bennett Oyakhire.

39. In a parallel attempt to gain status in the United States, Defendant filed with INS an application for temporary residence using the identity Oliver Bennett Oyakhire.

40. In that application, Defendant listed a birth date in 1959.

41. Upon its receipt of Defendant's application for temporary residence, INS assigned Defendant under the identity Oliver Bennett Oyakhire, an alien number ending in 195 and a social security number different from the one he had received using the identity George Ofuan Oyakhire.

42. Defendant's application for temporary resident status was granted, under the name Oliver Bennett Oyakhire, on September 2, 1988.

43. Defendant, using the identity Oliver Bennett Oyakhire and alien number ending in 195, filed with INS a Form I-458, application to adjust status to that of lawful permanent resident.

44. On December 1, 1990, INS granted Defendant's application, and Defendant, using the identity Oliver Bennett Oyakhire and alien number ending in 195, adjusted his status to that of lawful permanent resident.

45. On September 12, 1995, Defendant, using the identity Oliver Bennett Oyakhire and alien number ending in 195, sought to naturalize by filing with INS a Form N-400, Application for Naturalization ("Naturalization Application").

46. A true and complete copy of Defendant's Naturalization Application, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit L.

47. On his Naturalization Application, in response to Part 1, Defendant represented that his name was Oliver Bennett Oyakhire.

48. On his Naturalization Application, also in response to Part 1, Defendant listed the A-number ending in 195 and the social security number that had been assigned to him using the identity Oliver Bennett Oyakhire.

49. Finally, in response to Part 1, Defendant listed that he was born in 1959.

50. On his Naturalization Application, in response to Part 3, Defendant represented that he had never used other names since becoming a permanent resident on December 1, 1990.

51. On his Naturalization Application, in response to Part 4, when asked to state his prior employment, Defendant did not list the Willard Inter-Continental Hotel in Washington, DC, as a former employer at any point from November 1986 through April 1990.

52. On his Naturalization Application, in response to Part 5, when asked about his marital history, Defendant responded "N/A."

53. On his Naturalization Application, in response to Part 6, when asked information about his children, he indicated that he had one child born in Nigeria in 1982 and another child born in the United States in 1986.

54. On September 8, 1995, Defendant signed his Naturalization Application under penalty of perjury pursuant to the laws of the United States, thereby certifying that the application and the evidence submitted with it were all true and correct.

55. Defendant was interviewed under oath by an INS employee about his Naturalization Application (“Naturalization Interview”).

56. On March 22, 1996, based upon the information Defendant supplied in his Naturalization Application and based on the sworn testimony he gave during his Naturalization Interview, the INS approved Defendant’s Naturalization Application.

57. On April 22, 1996, Defendant took the oath of allegiance and became a naturalized U.S. citizen.

58. On April 22, 1996, the INS issued Defendant, under the identity Oliver Bennett Oyakhire with an alien number ending in 195, Certificate of Naturalization No. 22263508.

59. A true and complete copy of Defendant’s Certificate of Naturalization No. 22263508, except for redactions of personally identifying information immaterial to this action, is attached hereto as Exhibit M.

C. Defendant’s Criminal Convictions.

60. Defendant was charged and convicted of criminal violations arising from his identity fraud.

61. Specifically, on October 6, 2009, an Indictment was filed against Defendant in the U.S. District Court for the Eastern District of Pennsylvania (“Indictment”) that charged

Defendant with: (i) conspiracy to commit false personation of officer/employee of the United States, contrary to 18 U.S.C. § 371; (ii) false personation of officer or employee of the U.S. and aiding and abetting, contrary to 18 U.S.C. § 912; (iii) false statements to government officials, contrary to 18 U.S.C. § 1001; and (iv) false statements in application and use of a passport, contrary to 18 U.S.C. § 1542.

62. A true and complete copy of the Indictment, is attached hereto as Exhibit N.

63. On November 22, 2010, following a three-day jury trial, a jury found Defendant guilty of the four charges in the Indictment, and he was sentenced to 16 months in prison. *See Judgment, United States v. Oyakhire*, No. 2:09-cr-00658-001 (E.D. Pa. Nov. 22, 2010) (“Judgment”), *aff’d*, No. 10-4492, 2011 WL 2455659 (3d Cir. June 21, 2011), *cert denied*, 134 S. Ct. 2856 (2014).

64. A true and complete copy of the Judgment is attached hereto as Exhibit O.

65. During the Defendant’s trial, the government introduced evidence that fingerprints Defendant had submitted under his Oliver Bennett Oyakhire identity matched those that Defendant had submitted under his George Ofuan Oyakhire identity.

66. In an order denying Defendant’s motion for post-verdict relief, the court that had convicted Defendant found that “a review of the alien files assigned to George Oyakhire and Oliver Oyakhire showed that . . . both files contained fingerprints belonging to the same person.” Order, *United States v. Oyakhire*, No. 12-cv-5019, 2013 WL 12226714, at *2 (E.D. Pa. June 18, 2013).

67. That court further held that George Oyakhire and Oliver Oyakhire both have children with the same name and they both have the same date of birth. *See id.*

68. That court, in denying Defendant’s motion for post-conviction relief, held as follows: “The evidence at trial established that in 1988 George Oyakhire attempted to obtain United States citizenship under the false name ‘Oliver Oyakhire’ by obtaining a social security number in that name and submitting an application for temporary residence as a seasonal agricultural worker in that name.” *Id.*

GOVERNING LAW

A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

69. 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)).

70. Congress mandated that an applicant for naturalization must demonstrate that he has 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. *See* 8 U.S.C. §§ 1427(a)(1); *see also* 8 U.S.C. § 1429.

71. 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).

72. The term “lawfully” requires compliance with substantive legal requirements for admission and not mere procedural regularity. *Gallimore v. Att’y Gen.*, 619 F.3d 216, 223 & n.6 (3d Cir. 2010). Even if the government adjusts an alien to that of permanent resident when the alien was not eligible for adjustment, the alien did not “lawfully” obtain permanent resident status. *See id.*

73. An alien who, by fraud or by 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).

74. Congress has also mandated that an individual may not naturalize unless that person “during all periods referred to in [8 U.S.C. § 1427(a)] has been and still is a person of good moral character.” *See* 8 U.S.C. § 1427(a).

75. Congress has explicitly precluded individuals within certain enumerated classes from being able to establish the good moral character necessary to naturalize. 8 U.S.C. § 1101(f)(6). In addition to the enumerated classes of persons precluded from establishing the good moral character necessary to naturalize, Congress also created a “catch-all” provision, which states, “The fact that any person is not within any of the foregoing classes shall not preclude a finding that for other reasons such person is or was not of good moral character.” 8 U.S.C. § 1101(f). Such claims are evaluated on a case-by-case basis taking into account “the standards of the average citizen in the community of residence.” 8 C.F.R. § 316.10(a)(2).

76. An applicant 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 extenuating circumstances existed. *See* 8 U.S.C. § 1101(f); 8 C.F.R. § 316.10(b)(3)(iii).

B. The Denaturalization Statute

77. 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 naturalization application, Congress enacted 8 U.S.C. § 1451.

78. 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.

79. 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.

80. Naturalization has been 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).

81. Where the government establishes that the 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
NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE
(Adjustment Procured by Fraud or Willful Misrepresentation)**

82. The United States incorporates by reference the allegations set forth in the foregoing paragraphs of this Complaint.

83. 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.

84. As noted above, the term “lawfully” denotes compliance with substantive legal requirements, not mere procedural regularity. *See* 8 U.S.C. § 1101(a)(20); *Gallimore*, 619 F.3d at 223 & n.6 .

85. Among the applicable provisions in the INA at the time of Defendant’s adjustment of status to permanent resident was the requirement that he be admissible to the United States. *See* 8 U.S.C. §§ 1159(b)(5), 1255(a).

86. 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).

87. When Defendant sought to adjust his status to permanent resident using the name Oliver Bennett Oyakhire, he had previously sought to procure an immigration benefit using the name George Ofuan Oyakhire.

88. Defendant made sworn statements in immigration benefit applications under Oliver Bennett Oyakhire and George Ofuan Oyakhire regarding his name, date of birth, date of entry into the United States, and his immigration history that cannot be simultaneously true and that were therefore false..

89. Defendant's false statements regarding his name, date of birth, 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. Defendant's false statements had the natural tendency to influence a decision by the INS to approve his application(s).

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

91. Because Defendant had sought to procure an immigration benefit by fraud or willfully misrepresenting a material fact, he was inadmissible at the time he adjusted to permanent resident status.

92. 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.

93. 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.

94. 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
LACK OF GOOD MORAL CHARACTER
(Unlawful Acts)**

95. The United States incorporates by reference the allegations set forth in the foregoing paragraphs of this Complaint.

96. As noted above, Defendant was required to establish that he was a person of good moral character during the period beginning five years prior to the filing of his application for naturalization and continuing until the time of admission to citizenship. *See* 8 U.S.C. §§ 1427(a), 8 C.F.R. § 316.10(a)(1).

97. Thus, to be eligible for naturalization, Defendant was required to establish good moral character from September 12, 1990, through the date of his naturalization on April 22, 1996.

98. Defendant could not establish the requisite good moral character for naturalization because he committed unlawful acts during the statutory period that adversely reflect on his moral character, and there were no extenuating circumstances. *See* 8 U.S.C. § 1101(f) (catch-all provision); 8 C.F.R. § 316.10(b)(3)(iii).

99. During the statutory period, Defendant committed the following criminal offenses during the naturalization process: false swearing in an immigration matter, in violation of 18 U.S.C. § 1546(a); making false statements, in violation of 18 U.S.C. § 1001; and perjury, in violation of 18 U.S.C. § 1621.

a. **False Swearing in an Immigration Matter:** On August 8, 1995, Defendant knowingly made under penalty of perjury under 28 U.S.C. § 1746, the following materially false statements in his Naturalization Application, a document required by the INA and related regulations, : (i) he had only ever used the other name Oliver Bennett Oyakhire; (ii) his date of birth was in 1959; (iii) he wrote “N/A” when asked to identify the name of his spouse; and (iv) he did not disclose that he had been employed by the Willard Inter-Continental

Hotel in Washington, DC, at any point from November 1986 through April 1990. Defendant knew these statements to be false. Each of these sworn statements represents a separate violation of 18 U.S.C. § 1546(a).

b. **False Statements:** On August 8, 1995, Defendant willfully and knowingly made and caused to be made materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of a department or agency of the United States when he stated on his Form N-400 the following: (i) he had only ever used the other name Oliver Bennett Oyakhire; (ii) his date of birth was in 1959; (iii) he wrote “N/A” when asked to identify the name of his spouse; and (iv) he did not disclose that he had been employed by the Willard Inter-Continental Hotel in Washington, DC at any point from November 1986 through April 1990. Defendant knew these statements and representations were false. Each of these statements and entries represents a separate violation of 18 U.S.C. § 1001.

c. **Perjury (Written Statement):** On August 8, 1995, in a statement under penalty of perjury as permitted under 28 U.S.C. § 1746, Defendant did willfully subscribe as true the following material matter that he did not believe to be true on his Application for Naturalization: (i) he had only ever used the other name Oliver Bennett Oyakhire; (ii) his date of birth in 1959; (iii) he wrote “N/A” when asked to identify the name of his spouse; and (iv) he did not disclose that he had been employed by the Willard Inter-Continental Hotel in Washington, DC at any point from November 1986 through April 1990. Those statements under penalty of perjury were material and not true, and Defendant did not believe them to be true. Each of these statements represents a separate violation of 18 U.S.C. § 1621(2).

100. The crimes of false swearing in an immigration matter, in violation of 18 U.S.C. § 1546(a); making false statements, in violation of 18 U.S.C. § 1001(a); and perjury, in violation of 18 U.S.C. § 1621(1), are all crimes that adversely reflect on Defendant's moral character.

101. Defendant has not established, and cannot establish, extenuating circumstances regarding his foregoing unlawful acts, and he therefore cannot avoid the regulatory bar on establishing good moral character found in 8 C.F.R. § 316.10(b)(3)(iii).

102. Because Defendant committed unlawful activity that adversely reflected on his moral character during the statutory period and he cannot demonstrate extenuating circumstances, he was barred under 8 U.S.C. § 1101(f) and 8 C.F.R. § 316.10(b)(3)(iii) from showing that he had the good moral character necessary to become a naturalized United States citizen.

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

COUNT THREE

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

104. The United States incorporates by reference the allegations set forth in the foregoing paragraphs of this Complaint.

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

106. As set forth herein, throughout the naturalization process, Defendant willfully misrepresented and concealed in his Naturalization Application and at his Naturalization

Interview, among other things, his use of another identity, his date of birth, his marital status/history, and his employment history.

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

108. Defendant's misrepresentations were material to his naturalization because the disclosure of his multiple identities, multiple claimed dates of birth, marital history, and work history would have had a natural tendency to influence the INS's decision whether to approve Defendant's application for naturalization. In fact, had the INS known all the facts that Defendant misrepresented or concealed, it would have had to deny his Naturalization Application, because he would not have been eligible to naturalize.

109. 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. 22263508, effective as of the original date of the certificate, April 22, 1996;

(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 April 22, 1996, naturalization;

(5) Judgment requiring the Defendant, within ten days of the entry of judgment against him, to surrender and deliver his Certificate of Naturalization No. 22263508 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 Attorney General, through his designated representative, undersigned counsel;

(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 Driver's 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 Attorney General, through his representative, undersigned counsel; and

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

Dated: May 8, 2026

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