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13 UNITED STATES DISTRICT COURT

14 DISTRICT OF NEVADA

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 LOUISE HUNKPORTI, Axxx-xxx-798,¹ a.k.a.
19 ESSIE PELLY, Axxx-xxx-347,

20 Defendants.

Civil Action No.

21
22
23 **COMPLAINT TO REVOKE
NATURALIZATION**

24 ¹ Pursuant to the Privacy Act, 5 U.S.C. § 552a(b), Plaintiff will redact information throughout this
25 document and its exhibits that includes social security numbers, dates of birth, places of birth, alien
26 numbers, passport numbers, phone numbers, and tax information, which are precluded from disclosure.
27 See *Yith v. Nielsen*, No. 14-CV-01875, 2019 WL 2567290, at *5 (E.D. Cal. June 21, 2019); *Rouse v. U.S.*
28 *Dep't of State*, 567 F.3d 408, 413 (9th Cir. 2009) (“The Privacy Act was designed to ‘protect the privacy
of individuals’ through regulation of the ‘collection, maintenance, use, and dissemination of information’
by federal agencies.”) (citing 5 U.S.C. § 552a).

I. PRELIMINARY STATEMENT OF THE CASE

The United States of America (“Plaintiff”) brings this civil action against Defendant Louise Hunkporti, a.k.a. Essie Pelly (“Defendant” or “Hunkporti”) to revoke her naturalized U.S. citizenship under 8 U.S.C. § 1451(a). Plaintiff alleges that Defendant procured her naturalization unlawfully and that she willfully misrepresented and concealed material facts in applying to naturalize. Before she naturalized as a U.S. citizen on March 5, 2010, an Immigration Judge (“IJ”), on November 3, 1995, denied Defendant’s application for immigration benefits, under the identity Essie Pelly, along with her request for voluntary removal. Accordingly, the IJ ordered her removed to Benin, or, in the alternative, to Togo.

On or about May 3, 1999, Hunkporti made a second attempt for relief. This time Hunkporti used the name Louise Hunkporti to gain admission to the United States and submitted an application for immigration benefits under that name. In her 1999 admission request, Defendant indicated that she had never been in deportation proceedings and had not previously applied to the United States government for immigration benefits. Defendant also indicated that she last entered the United States on February 5, 1999, using a Congolese passport under another name. Based on her second admission request, Immigration and Naturalization Service (“INS”) issued Hunkporti alien registration number Axxx-xxx-798.² Following her interview on August 26, 1999, an immigration officer found her claim credible and granted Hunkporti immigration benefits. INS also approved her petition, I-730, on behalf of her son Komivi Sounou.

On October 7, 2002, Hunkporti filed Form I-485 to Adjust her Status.³ In her application, Hunkporti made numerous misrepresentations or concealments of facts, *infra*, Factual Allegations

² On March 1, 2003, the INS ceased to exist as an independent agency within the Department of Justice, and many 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 several separate agencies, including United States Citizenship and Immigration Services (“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.

³ On February 15, 1999, USCIS approved a waiver of inadmissibility for her fraudulent entry into the United States.

1 Section IV. On December 3, 2009, Hunkporti filed Form N-400, Application for Naturalization, and
2 made the same misrepresentations and or concealments of facts. On February 7, 2010, United States
3 Customs and Immigration Service (“USCIS”) approved the naturalization application. On March 5,
4 2010, Hunkporti took the Oath of Allegiance and was admitted as a citizen of the United States.

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

9 **II. JURISDICTION AND VENUE**

10 1. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the order
11 admitting Defendant to U.S. citizenship and to cancel Certificate of Naturalization No.
12 32953722, issued March 5, 2010.

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

15 3. Venue is proper in the district pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391,
16 because Defendant resides in Las Vegas, Nevada, within the jurisdiction and venue of this
17 Court.

18 **III. PARTIES**

19 4. Plaintiff is the United States of America.

20 5. Defendant is a naturalized U.S. citizen and purports to be a native of Congo. Louise
21 Hunkporti and Essie Pelly are one and the same person.

22 **IV. FACTUAL ALLEGATIONS**

23 6. The affidavit of Heather K. Wylde, Immigration Services Officer, USCIS, an agency
24 within the Department of Homeland Security, showing good cause for their action, as required
25 by 8 U.S.C. § 1451(a) is attached as EXHIBIT A.

- 1 a. Her name was Louise Hunkporti;
- 2 b. She was born on June xx, 1961, in Congo;
- 3 c. She last arrived in the United States at JFK Airport and was inspected by a U.S.
- 4 Immigration Officer, albeit under a false identity and passport;
- 5 d. She had never been deported from the U.S. or removed from the U.S. or ordered
- 6 removed at government expense, excluded within the past year, nor was she then
- 7 in exclusion or deportation proceedings; and
- 8 e. She had never sought to procure, or procured, a visa, or other documentation,
- 9 entry into the United States, or any immigration benefit by fraud or willful
- 10 misrepresentation of a material fact.

11 30. On or about March 19, 1998, Defendant signed her adjustment application, thereby
12 certifying under penalty of perjury that its contents were true and correct.

13 31. In conjunction with and in support of her Adjustment Application, Defendant further
14 submitted another Form G-325A, Biographic Information.

15 32. A true and accurate copy of the G-325A Defendant submitted on Defendant's March 19,
16 1998, is attached as EXHIBIT D.

17 33. On the G-325A Defendant submitted on Defendant's March 19, 1998, she represented,
18 under severe penalties for knowingly and willfully falsifying or concealing a material fact, that:

- 19 a. Her name was Louise Hunkporti;
- 20 b. She was born in Congo;
- 21 c. She had never used any names other than Louise Hunkporti;
- 22 d. She had never been ordered removed.

23 34. On October 7, 2002, Defendant, using the name Louise Hunkporti, provided fingerprint
24 impressions to acquire permanent residence, encounter number 1402147823.

25 35. On February 12, 2006, USCIS approved Defendant's Form I-485, adjusting her status to
26 that of a permanent resident as of February 12, 2006.

1 **D. Defendant’s Naturalization Application Under the Identity Louise Hunkporti**

2 36. On December 3, 2009, Hunkporti filed Form N-400, Application for
3 Naturalization.

4 37. A true and accurate copy of Defendant’s Form N-400 is attached as EXHIBIT E.

5 38. In her naturalization application, in response to Question A in Part 1, Defendant
6 represented that her name was Louise Hunkporti.

7 39. In her naturalization application, in response to Part 1, she listed the A-number (Axxx-
8 xxx-798) that had been assigned to her using the Louise Hunkporti identity.

9 40. In her naturalization application, in response to Question C in Part 1, Defendant left the
10 question blank asking her to identify any other names she had used (N/A entered).

11 41. In her naturalization application, in response to Question B in Part 3, Defendant
12 represented that her date of birth was June xx, 1961.

13 42. In her naturalization application, Defendant answered “no” to Question 8 in Part 10,
14 which asked: “Have you **ever** been a member of or associated with any organization,
15 association, fund, foundation, party, club, society, or similar group in the United States or in any
16 other place?” (emphasis in original).

17 43. In her naturalization application, Defendant answered “no” to Question 16 in Part
18 10, which asked: “Have you **ever** been arrested, cited, or detained by any law enforcement
19 officer (including INS and military officers) for any reason?” (emphasis in original);

20 44. In her naturalization application, Defendant answered “no” to Question 23 in Part
21 10, which asked: “Have you **ever** given false or misleading information to any U.S. Government
22 official while applying for any immigration benefit or to prevent deportation, exclusion, or
23 removal?” (emphasis in original);

24 45. In her naturalization application, Defendant answered “no” to Question 24 in Part 10,
25 which asked: “Have you **ever** lied to any U.S. Government official to gain entry or admission
26 into the United States?” (emphasis in original);

1 46. In her naturalization application, Defendant answered “no” to Question 27 in Part 10,
2 which asked: “Have you **ever** been ordered to be removed, excluded, or deported from the
3 United States?” (emphasis in original);

4 47. In her naturalization application, Defendant answered “no” to Question 28 in Part 10,
5 which asked: “Have you **ever** applied for any kind of relief from removal, exclusion, or
6 deportation?” (emphasis in original).

7 48. On December 1, 2009, Defendant signed her naturalization application under penalty of
8 perjury pursuant to the laws of the United States, thereby certifying that the application and the
9 evidence submitted with it were all true and correct.

10 49. On December 3, 2009, Defendant, under the name Louise Hunkporti, submitted her N-
11 400 fingerprint impressions, encounter number 1402147823.

12 **E. Defendant’s Naturalization Interview Under the Identity Louise Hunkporti**

13 50. On February 17, 2010, Immigration Officer John T. Smith (“the adjudicator”)
14 interviewed Defendant on her Form N-400.

15 51. At the start of the interview, the adjudicator placed Defendant under oath.

16 52. During the interview, Defendant testified orally and under oath to the contents of her
17 Form N-400, consistent with her written answers that:

- 18 a. Her legal name was Louise Hunkporti;
- 19 b. Her date of birth was June xx, 1961;
- 20 c. She was born in Congo;
- 21 d. She had never used any other names;
- 22 e. She had never applied for immigration benefits;
- 23 f. She had never been ordered removed from the United States; and
- 24 g. She had never committed a crime or offense for which she was not arrested.
- 25 h. She had never lied to government officials for immigration benefits.
- 26 i. She had never been in removal proceedings.

1 53. At the conclusion of the interview, Defendant signed her naturalization application in the
2 presence of the adjudicator, thereby attesting that the information it contained was true and
3 correct.

4 54. On February 17, 2010, based upon the information Defendant supplied in her
5 naturalization application and on the sworn testimony she gave during her naturalization
6 interview, USCIS granted the naturalization application.

7 55. On March 5, 2010, Defendant took the Oath of Allegiance and was admitted as a citizen
8 of the United States and issued Certificate of Naturalization No. 32953722.

9 56. A true and accurate copy of the Certificate of Naturalization is attached as EXHIBIT F.

10 **F. Fingerprint Analysis Confirms Essie Pelly and Louise Hunkporti are the Same Person**

11 57. On January 17, 2018, USCIS Fingerprint Specialist Kevin FitzGerald
12 conducted a fingerprint impression comparison for Essie Pelly and Louise Hunkporti,
13 identified at FIN 1033273444.

14 58. A true and accurate copy of Specialist FitzGerald’s analysis report is attached as
15 EXHIBIT G.

16 59. The Fingerprint Specialist concluded that the impressions submitted as encounter
17 number 2415456681 and encounter number 1402147823 were made by the same individual.

18 **V. GOVERNING LAW**

19 **A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship**

20 60. No alien has a right to naturalization “unless all statutory requirements are complied
21 with.” *United States v. Ginsberg*, 243 U.S. 472, 474-75 (1917). Indeed, the Supreme Court has
22 underscored that “there must be strict compliance with all the congressionally imposed
23 prerequisites to the acquisition of citizenship.” *Fedorenko v. United States*, 449 U.S. 490, 506
24 (1981); *see also id.* (holding that “An alien who seeks political rights as a member of this Nation
25 can rightfully obtain them only upon the terms and conditions specified by Congress”) (quoting
26 *Ginsberg*, 243 U.S. at 474)).

27 61. Congress has mandated that an individual may not naturalize unless that person
28

1 “during all periods referred to in their subsection has been and still is a person of good moral
2 character” 8 U.S.C. § 1427(a)(3). The required statutory period for good moral character
3 begins five years before the date the applicant files the application for naturalization, and it
4 continues until the applicant takes the oath of allegiance and becomes a U.S. citizen. *Id.*

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

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

11 64. An individual who, by fraud or by willfully misrepresenting a material fact, seeks to
12 procure (or has sought to procure or has procured) a visa, other documentation, or admission
13 into the United States or other benefit provided for in the Immigration and Nationality Act
14 (“INA”) is inadmissible. *See* 8 U.S.C. § 1182(a)(6)(C)(i).

15 **B. The Denaturalization Statute**

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

20 66. Under 8 U.S.C. § 1451(a), this Court must revoke a U.S. citizen’s naturalization and
21 cancel her Certificate of Naturalization if naturalization was either:

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

24 67. Failure to comply with any of the congressionally imposed prerequisites to the
25 acquisition of citizenship renders the citizenship “illegally procured.” *Fedorenko*, 449 U.S. at
26 506.

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

6 69. Where the government establishes that a defendant’s citizenship was procured illegally
7 or by concealment of a material fact or by willful misrepresentation, “district courts lack
8 equitable discretion to refrain from entering a judgment of denaturalization.” *Fedorenko* , 449
9 U.S. at 517.

10 **VI. CAUSES OF ACTION**

11 **COUNT ONE**

12 **ILLEGAL PROCUREMENT OF NATURALIZATION**
13 **ALIEN SUBJECT TO REMOVAL ORDER**

14 70. The United States realleges and incorporates by reference the allegations set forth in
15 Sections I through V of this complaint.

16 71. No person shall be naturalized against whom there is outstanding a final finding of
17 deportability pursuant to a warrant of arrest issued under the provisions of this chapter or any
18 other Act. 8 U.S.C. § 1429.

19 72. No application for naturalization shall be considered if there is pending against the
20 applicant a removal proceeding pursuant to a warrant of arrest issued under the provisions of
21 this chapter or any other Act. 8 U.S.C. § 1429.

22 73. Defendant is the subject of a final removal order, above, because an IJ ordered her
23 removed on November 3, 1995.

24 74. Because Defendant failed to appear for her deportation as scheduled, there is a pending
25 removal proceeding against her.

26 75. Because Defendant is the subject of a final removal order and faces a pending removal
27 proceeding, she was and remains ineligible for naturalization under 8 U.S.C. § 1429.

28 76. Because she was ineligible to naturalize, Defendant illegally procured her citizenship.

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

3 **COUNT TWO**

4 **ILLEGAL PROCUREMENT OF NATURALIZATION NOT LAWFULLY ADMITTED**
5 **FOR PERMANENT RESIDENCE (Illegal Entrants and Immigration Violators–**
6 **Misrepresentation - 8 U.S.C. § 1182(a)(6)(C)(i))**

7 78. The United States realleges and incorporates by reference the allegations set
8 forth in Sections I through V of this complaint.

9 79. To qualify for naturalization, an applicant must have been “lawfully admitted” to the
10 United States for permanent residence. *See* 8 U.S.C. §§ 1427(a)(1), 1429. As noted above, the
11 term “lawfully” denotes compliance with substantive legal requirements, not mere procedural
12 regularity. *See* 8 U.S.C. § 1101(a)(20); *Monet v. INS*, 791 F.2d 752, 753 (9th Cir. 1978).

13 80. Among the applicable provisions in the INA at the time of Defendant’s adjustment of
14 status to permanent resident was the requirement that she be admissible to the United States. *See*
15 8 U.S.C. §§ 1159(b)(5), 1255(a).

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

20 82. Defendant was never lawfully admitted to the United States as a permanent resident and
21 cannot satisfy the requirements of 8 U.S.C. §§ 1427(a)(1) and 1429, because she was
22 inadmissible at the time of her adjustment to permanent resident status.

23 83. Defendant sought to procure admission into the United States and other benefits
24 provided for in the INA by fraud or willfully misrepresenting a material fact. Specifically, at
25 the time Defendant adjusted her status to permanent resident using the name Louise Hunkporti,
26 she had previously sought to procure and had been denied an immigration benefit under the
27 identity of Essie Pelly.
28

1 84. During her attempt to procure admission under the Hunkporti identity, Defendant
2 willfully concealed that she had previously sought to procure and had been denied an
3 immigration benefit under the identity of Essie Pelly.

4 85. Defendant's false statements regarding her identity and immigration history are material
5 to determining her eligibility for the immigration benefits for which she applied.

6 86. Defendant's false statements had the natural tendency to influence a decision by the
7 immigration officer(s) to approve her application(s). Defendant thus sought to procure an
8 immigration benefit by fraud or willfully misrepresenting a material fact. 8 U.S.C.
9 § 1182(a)(6)(C)(i).

10 87. Because Defendant was inadmissible at the time she adjusted to permanent resident
11 status, she was never lawfully admitted for permanent residence in accordance with the
12 substantive legal requirements to obtain that status.

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

15 89. Because she was ineligible to naturalize, Defendant illegally procured her citizenship.

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

18 **COUNT THREE**

19 **ILLEGAL PROCUREMENT OF NATURALIZATION**

20 **LACK OF GOOD MORAL CHARACTER**

21 **(Unlawful Acts Adversely Reflecting Moral Character with No Extenuating Circumstances,
22 18 U.S.C. § 1001(a)(1)-(3), Fraudulent Statements or Entries)**

23 91. The United States realleges and incorporates by reference the allegations set forth
24 in Sections I through V of this Complaint.

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

1 93. On December 3, 2009, Defendant filed Form N-400, Application for Naturalization, and
2 naturalized on March 5, 2010. Thus, to be eligible for naturalization, Defendant was required to
3 establish that she was a person of good moral character during her “statutory period” from
4 December 3, 2004 (five years prior to application for naturalization) until March 5, 2010.

5 94. Defendant failed to show she was a person of good moral character during her statutory
6 period, because she committed unlawful acts during that period that adversely reflected on her
7 moral character with no extenuating circumstances that would ameliorate or palliate her guilt.

8 95. Defendant violated 18 U.S.C. § 1001(a)(1)-(3) by knowingly and willfully concealing in
9 her naturalization application—a matter within the jurisdiction of the executive, branch of the
10 Government of the United States—that she had previously used a different identity to gain
11 admission to the United States.

12 96. Specifically, Defendant violated 18 U.S.C. § 1001(a)(1)-(3) when she completed and
13 filed her naturalization application by stating that she had never used any other names to be
14 admitted to the United States and that she has never been involved in removal proceedings.

15 97. No extenuating circumstances exist that would palliate Defendant’s guilt for violating
16 18 U.S.C. § 1001(a)(1)-(3).

17 98. The narrow "extenuating circumstances" exception must pertain to the reasons showing
18 lack of good moral character, including acts negating good character, not to the consequences of
19 these matters, including the consequence of denaturalization. *United States v. Teng Jiao Zhou*,
20 815 F.3d 639, 644-645 (9th Cir. 2016).

21 99. Because Defendant committed unlawful acts during the statutory period during which
22 she was required to maintain good moral character, she was and remains ineligible for
23 naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

24 100. Because she was ineligible to naturalize, Defendant illegally procured her citizenship.

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

COUNT FOUR

**ILLEGAL PROCUREMENT OF NATURALIZATION
LACK OF GOOD MORAL CHARACTER**

**(Unlawful Acts Adversely Reflecting Moral Character With No Extenuating
Circumstances, 18 U.S.C. § 1546(a) and (b)(3), Fraud and Misuse of VISAs,
Permits, and Other Documents)**

102. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this Complaint.

103. As outlined above, to be eligible for naturalization, Defendant was required to establish that she was a person of good moral character during her “statutory period” from December 3, 2004 (five years prior to application for naturalization) until March 5, 2010.

104. Defendant failed to show she was a person of good moral character during her statutory period, because she committed unlawful acts during that period that adversely reflected on her moral character with no extenuating circumstances that would ameliorate or palliate her guilt.

105. Defendant violated 18 U.S.C. § 1546(a) and (b)(3) by knowingly and willfully presenting fraudulent applications and documents and attesting to misrepresentations made under oath.

106. Specifically, Defendant violated 18 U.S.C. § 1546(a) and (b)(3) when she completed and filed her naturalization application by stating that she had never used any other names to gain admission to the United States and that she had never been involved in removal proceedings.

107. No extenuating circumstances exist that would palliate Defendant’s guilt for violating 18 U.S.C. § 1546(a) and (b)(3). *See Zhou at 644-645.*

108. Because Defendant committed unlawful acts during the statutory period during which she was required to maintain good moral character, and because no extenuating circumstances exist that would ameliorate or palliate Defendant’s guilt for violating 18 U.S.C. § 1546(a) and (b)(3), she was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429. 8 U.S.C. § 1101(f)(catch-all).

109. Because she was ineligible to naturalize, Defendant illegally procured her citizenship.

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

3 **COUNT FIVE**
4 **ILLEGAL PROCUREMENT OF NATURALIZATION**
5 **LACK OF GOOD MORAL CHARACTER**
6 **(Procurement by False Testimony - 8 U.S.C. § 1101(f)(6))**

7 111. The United States realleges and incorporates by reference the allegations set forth in
8 Sections I through V of this complaint.

9 112. As outlined above, to be eligible for naturalization, Defendant was required to establish
10 that she was a person of good moral character during her “statutory period” from December 3,
11 2004 (five years prior to application for naturalization) until March 5, 2010.

12 113. At her naturalization interview, in response to Question A in Part 1, Defendant orally
13 and under oath stated that her name was Louise Hunkporti.

14 114. At her naturalization interview, in response to Part 1, Defendant orally and under oath
15 stated that A-number (Axxx-xxx-798) had been assigned to her using the identity Louise
16 Hunkporti.

17 115. At her naturalization interview, in response to Question C in Part 1, Defendant stated
18 orally and under oath that she had never used any name other than Louise Hunkporti (N/A
19 entered).

20 116. At her naturalization interview, in response to Question B in Part 3, Defendant stated
21 orally and under oath that her date of birth was June xx, 1961.

22 117. At her naturalization interview, Defendant orally and under oath answered “no” to
23 Question 23 in Part 10, which asked: “Have you **ever** given false or misleading information to
24 any U.S. Government official while applying for any immigration benefit or to prevent
25 deportation, exclusion, or removal?” (emphasis in original).

26 118. At her naturalization interview, Defendant orally and under oath answered “no” to
27 Question 24 in Part 10, which asked: “Have you **ever** lied to any U.S. Government official to
28 gain entry or admission into the United States?” (emphasis in original).

1 119. At her naturalization interview, Defendant orally and oath answered “no” to Question 27
2 in Part 10, which asked: “Have you **ever** been ordered to be removed, excluded, or deported
3 from the United States?” (emphasis in original).

4 120. At her naturalization interview, Defendant orally and under oath answered “no” to
5 Question 28 in Part 10, which asked: “Have you **ever** applied for any kind of relief from
6 removal, exclusion, or deportation?” (emphasis in original).

7 121. At her naturalization interview, Defendant orally and under oath answered “no” to
8 Question 15 in Part 10, which asked: “Have you **ever** committed a crime or offense for which
9 you were **not** arrested?” (emphasis in original).

10 122. Each of Defendant’s answers and statements, made orally and under oath, described
11 above in paragraphs 106-111, was false.

12 123. Because Defendant’s answers and statements described above in paragraphs 106-111
13 were false, made orally, and made while under oath, each represents false testimony that
14 Defendant provided during her naturalization interview.

15 124. Providing false testimony is an *enumerated act* for lacking good moral character.
16 8 U.S.C. § 1101(f)(6).

17 125. Accordingly, Defendant was ineligible to naturalize.

18 126. Defendant was ineligible to naturalize, she illegally procured her citizenship.

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

21 **COUNT SIX**

22 **ILLEGAL PROCUREMENT OF NATURALIZATION**
23 **NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE**
(USCIS Lacked Statutory Authority to Adjust Status - 8 U.S.C. § 1255(a))

24 128. The United States realleges and incorporates by reference the allegations set forth in
25 Sections I through V of this complaint.

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

1 130. As noted above, the term “lawfully” denotes compliance with substantive legal
2 requirements, not mere procedural regularity. *See* 8 U.S.C. § 1101(a)(20); *Monet v. INS*, 791
3 F.2d 752, 753 (9th Cir. 1986).

4 131. USCIS may adjust the status of an alien who was inspected and admitted or paroled into
5 the United States in its discretion if i) the alien makes an application for such adjustment; ii) the
6 alien is eligible to receive an immigrant visa and is admissible to the United States; and iii) an
7 immigrant visa is immediately available for the alien. 8 U.S.C. § 1255(a).

8 132. Even though adjustment is discretionary and vested in USCIS, the applicant must first
9 satisfy the statutory criteria to be eligible to naturalize. *See Elkins v. Moreno*, 435 U.S. 647,
10 664-665 (1978).

11 133. Because Defendant falsified her applications and presented two identities, she was not
12 lawfully admitted to the U.S.

13 134. Because Defendant was not lawfully admitted to the U.S, she failed to meet the statutory
14 eligibility requirements to adjust her status to that of permanent resident. 8 U.S.C. § 1255(a)

15 135. Because Defendant did not lawfully adjust her status to that of permanent resident, she
16 was and is ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

17 136. Because she was ineligible to naturalize, Defendant illegally procured her citizenship.

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

20 **COUNT SEVEN**

21 **ILLEGAL PROCUREMENT OF NATURALIZATION**
22 **NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE**
(USCIS Lacked Jurisdiction to Adjust Status - 8 U.S.C. § 1229a(a)(1))

23 138. The United States realleges and incorporates by reference the allegations set forth in
24 Sections I through V of this complaint.

25 139. Congress has afforded authority to IJs to conduct removal proceedings under 8 U.S.C.
26 § 1229a(a)(1). *See Jianhua Dong v. Chertoff*, 513 F. Supp. 2d 1158, 1172, n.x8 (N.D.CA 2007)
27 (citing *Abu-Khaliel v. Gonzales*, 436 F.3d 627, 634 (6th Cir. 2006).

1 140. Importantly, the power conferred upon an IJ is statutory, not delegated. *Abu-Khaliel* at
2 634.

3 141. Here, Defendant was still in removal proceedings under the Essie Pelly identity when
4 she applied to adjust her status under the identity of Louise Hunkporti.

5 142. Moreover, the IJ ordered her removed under the identity of Essie Pelly, prior to her
6 falsified application under the identity of Louise Hunkporti. 8 U.S.C. § 1231(a)(2).

7 143. Because Defendant was in removal proceedings when she applied to adjust status to that
8 of permanent resident, USCIS lacked jurisdiction to adjust her status. 8 U.S.C. § 1229a(a)(1).

9 144. Because Defendant did not lawfully adjust her status to that of permanent resident, she
10 was and is ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

11 145. Because she was ineligible to naturalize, Defendant illegally procured her citizenship.

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

14 **COUNT EIGHT**

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

17 147. The United States realleges and incorporates by reference the allegations set forth in
18 Sections I through V of this Complaint.

19 148. Naturalization was procured by concealment of a material fact or by willful
20 misrepresentation, where: (i) the naturalized citizen misrepresented or concealed some fact
21 during the naturalization process; (ii) the misrepresentation or concealment was willful; (iii) the
22 fact was material; and (iv) the naturalized citizen procured citizenship because of the
23 misrepresentation or concealment. *Kungys*, 485 U.S. at 767.

24 149. As set forth herein, throughout the naturalization process, Defendant willfully
25 misrepresented and concealed, among other things: (i) her use of another identity, (ii) her prior
26 order deportation; (iii) her prior application for an immigration benefit; (iv) that she had given
27 false or misleading information to a U.S. Government official while applying for any
28 immigration benefit or to prevent deportation, exclusion, or removal; (v) that she had lied to a

1 U.S. Government official to gain entry or admission into the United States; (vii) that she had
2 been ordered to be removed, excluded, or deported from the United States; (viii) and that she
3 had previously applied for relief from removal, exclusion, or deportation.

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

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

8 152. Defendant's misrepresentations and omissions were material to her naturalization
9 because the disclosure of her multiple identities, prior application for immigration benefits, prior
10 order of deportation, and prior representations to U.S. Government officials while applying for
11 an immigration benefit would have had a natural tendency to influence USCIS's decision
12 whether to approve Defendant's application for naturalization. Indeed, had USCIS been aware
13 of this misinformation, USCIS would have likely denied her naturalization application.

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

16 **PRAYER FOR RELIEF**

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

- 18 (1) A declaration that Defendant illegally procured her citizenship;
- 19 (2) A declaration that Defendant procured her citizenship by concealment of material fact
20 and by willful misrepresentation.
- 21 (3) Judgment revoking and setting aside the order admitting Defendant to citizenship and
22 canceling Certificate of Naturalization No. 32953722, effective as of the original date of the
23 certificate, March 5, 2010;
- 24 (4) Judgment forever restraining and enjoining Defendant from claiming any rights,
25 privileges, benefits, or advantages under any document which evidences United States
26 citizenship obtained because of her March 5, 2010, naturalization;
- 27 (5) Judgment requiring the Defendant, within ten (10) days of the entry of judgment against
28

1 her, to surrender and deliver her Certificate of Naturalization No. 32953722 and any copies
2 thereof in her possession or control (and to make good faith efforts to recover and then
3 surrender any copies thereof that she knows are in the possession or control of others), to the
4 Acting Attorney General, or to his designated representative, including undersigned counsel;
5 (6) Judgment requiring the Defendant, within ten (10) days of the entry of judgment, to
6 surrender and deliver any other indicia of U.S. citizenship (including, but not limited to, United
7 States passports and passport cards, Enhanced Driver's License, and other relevant documents),
8 whether current or expired, and any copies thereof in her possession or control—and to make
9 good faith efforts to recover and then surrender any copies thereof that she knows are in the
10 possession or control of others—to the Acting Attorney General or to his representative,
11 including undersigned counsel; and
12 (7) Judgment granting the United States any other relief that may be lawful and proper in
13 this case.

14 Dated: 03 June 2026.
15 SIGAL CHATTAH
16 First Assistant United States Attorney

Respectfully submitted,
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19
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