

Citizenship and Immigration Services (“USCIS”) has no record that Defendant departed the United States pursuant to the departure order.

On September 26, 2000, Defendant made a second attempt for relief. This time Defendant used the name Victor San Shing Kwok to apply and to adjust status, ultimately naturalizing as a U.S. citizen on August 11, 2006. In his applications and throughout his naturalization proceedings, Defendant made numerous misrepresentations or concealments of facts, including failing to disclose that he had previously sought benefits—and had been ordered removed—under a different identity.

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

II. 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. 29701443, issued August 11, 2006.

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 the district pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391, because Defendant resides in Alpharetta, Georgia, within the jurisdiction and venue of this Court.

III. PARTIES

4. Plaintiff is the United States of America.

5. Defendant is a naturalized U.S. citizen and purports to be a native of the People's Republic of China. Victor San Shing Kwok and Xin Cheng Guo are one and the same person.

IV. FACTUAL ALLEGATIONS

6. The affidavit of Heather K. Wylde, Immigration Services Officer, USCIS, an agency within DHS, showing good cause for this action, is attached to this complaint as required by 8 U.S.C. § 1451(a), attached as EXHIBIT A.

A. Defendant's Immigration Proceedings Under the Identity Xin Cheng Guo

7. On September 28, 1994, Defendant initially sought admission to the United States under the identity of Xin Cheng Guo, A# Axxx-xxx-002, and requested immigration benefits.

8. In his admission request, Defendant represented that his name was Xin Cheng Guo, born June xx, 1975 in the People's Republic of China.

9. On September 19, 1995, an immigration officer interviewed Defendant about his admission request.

10. At his interview, Defendant testified that he last entered the United States on September 19, 1994, without inspection.

11. At his interview, Defendant testified that he previously resided in Fujian, China, from June 1975 until August, 1994.

12. In connection with his admission request, Defendant also completed and filed Form G-325A.

13. A true and accurate copy of Defendant's Form G-325A is attached as EXHIBIT B.

14. The immigration officer denied the request and issued an Order to Show Cause ("OSC") and Notice of Hearing.

15. On April 9, 1996, Defendant appeared at his initial deportation hearing and conceded the charge in the OSC.

16. The IJ continued Defendant's case until September 9, 1996.

17. On September 9, 1996, the IJ denied Defendant's application for immigration benefits and granted Defendant's request for voluntary removal.

18. On September 22, 1997, Defendant failed to appear for his deportation as scheduled.

19. USCIS has no record that Defendant departed the United States.

20. On September 28, 1994, Defendant, under the name Xin Cheng Guo, submitted his fingerprint impressions, identified at FIN # 1040031576, Encounter ID # 2401298415, *infra* below fingerprint comparison section.

20. A true and accurate copy of Defendant's fingerprint submission is attached as EXHIBIT C.

B. Defendant's Adjustment Application Under the Identity Victor San Shing Kwok

21. On July 27, 2000, Defendant married a U.S. citizen.

22. On September 18, 2000, Defendant's spouse filed a Form I-130, Petition for Alien Relative, on his behalf.

23. A true and accurate copy of the Form I-130 Defendant's spouse filed on his behalf is attached as EXHIBIT D.

24. The Form I-130 Defendant's spouse filed on September 18, 2000, identified him under a different identity: Victor San Shing Kwok.

25. Concurrent with the Form I-130, Defendant, using the Victor San Shing Kwok identity, filed a Form I-485, Application to Register Permanent Residence or Adjust Status.

26. A true and accurate copy of Defendant's Form I-485 is attached as EXHIBIT E.
27. On September 26, 2000, INS assigned Defendant alien registration number Axxx-xxx-034.
28. In the adjustment application, Defendant stated/represented as follows:
 - a. his name was Victor San Shing Kwok;
 - b. he was born on June xx, 1975, in the People's Republic of China;
 - c. he last arrived in the United States on September 19, 1994;
 - d. he had never been deported from the U.S. or removed from the U.S. at government expense, excluded within the past year, nor was he then in exclusion or deportation proceedings; and
 - e. 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.
29. On September 18, 2000, Defendant signed his adjustment application, thereby certifying under penalty of perjury that its contents were true and correct.
30. In conjunction with and in support of his Adjustment Application, Defendant further submitted another Form G-325A, Biographic Information.
31. A true and accurate copy of the Form G-325A Defendant submitted with his Adjustment Application is attached as EXHIBIT F.
32. On the Form G-325A Defendant submitted with his Adjustment Application, Defendant represented, under severe penalties for knowingly and willfully falsifying or concealing a material fact, that:
 - a. his name was Victor San Shing Kwok;

- b. he was born in the People's Republic of China;
- c. he had never used any names other than Victor San Shing Kwok.
- d. he had never been in removal proceedings or ordered removed from the United States.

33. On March 12, 2002, INS approved Defendant's Form I-485 and afforded him permanent residence in a conditional status.

34. INS removed the conditional status on or about December 23, 2004.

C. Defendant's Naturalization Application Under the Identity Victor San Shing Kwok

35. On August 15, 2005, Defendant filed Form N-400, Application for Naturalization.

36. A true and accurate copy of Defendant's Form N-400 is attached as EXHIBIT G.

37. In his naturalization application, in response to Question A in Part 1, Defendant represented that his name was Victor San Shing Kwok.

38. In his naturalization application, in response to Part 1, Defendant listed the A-number (Axxx-xxx-034) that had been assigned to him using the identity Victor San Shing Kwok.

39. In his naturalization application, in response to Question C in Part 1, Defendant left the word "none" undisturbed and already appearing on form when asked about other names used.

40. In his naturalization application, in response to Question B in Part 3, Defendant represented that his date of birth was June xx, 1975.

41. In his naturalization application, Defendant answered "no" to Question 8 in Part 10, which asked: "Have you **EVER** been a member of or associated with any organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place?" (emphasis in original).

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

44. In his naturalization application, Defendant answered “no” to Question 23 in Part 10, 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?” (emphasis in original).

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

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

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

48. On December 1, 2009, 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.

49. On January 18, 2006, Defendant, under the name Victor San Shing Kwok, submitted his N-400 fingerprint impressions, and attached as EXHIBIT H.

D. Defendant's Naturalization Interview Under the Identity Victor San Shing Kwok

50. On April 6, 2006, Immigration Officer Linda Baker Banks interviewed Defendant on his Form N-400.

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

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

- a. his legal name was Victor San Shing Kwok
- b. his date of birth was June xx, 1975
- c. his name was Xin Cheng Guo.
- d. he had never been in removal proceedings or ordered removed from the United States.

53. At the conclusion of the interview, Defendant signed his naturalization application in the presence of the immigration officer under penalty of perjury, thereby attesting that the information it contained was true and correct.

54. On April 6, 2006, based upon the information Defendant supplied in his naturalization application and on the sworn testimony he gave during his naturalization interview, USCIS granted the application.

55. On August 11, 2006, Defendant took the Oath of Allegiance, was admitted as a citizen of the United States, and was issued Certificate of Naturalization No. 29701443.

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

E. Fingerprint Analysis Confirms Xin Cheng Guo and Victor San Shing Kwok are the Same Person

57. On March 5, 2026, USCIS Senior Fingerprint Specialist Alicia Hope conducted a

fingerprint impression comparison for Xin Cheng Guo and Victor San Shing Kwok, identified at FIN # 1040031576.

58. The Fingerprint Specialist concluded that the impressions examined were made by the same individual. A true and accurate copy of the Specialist Hope’s fingerprint analysis report is attached as EXHIBIT J.

V. GOVERNING LAW

A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

59. 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 “there 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.* (holding that “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)).

60. Congress has mandated that an individual may not naturalize unless that person “during all periods referred to in their subsection has been and still is a person of good moral character” 8 U.S.C. § 1427(a)(3). For an individual who naturalizes based on marriage to a U.S. citizen, the required statutory period for good moral character begins three 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. 8 U.S.C. § 1430(a).

61. 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).

62. 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. 1986).

63. 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

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

65. 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.

66. Failure to comply with any of the congressionally imposed prerequisites to the acquisition of citizenship renders the citizenship “illegally procured.” *Fedorenko* at 506.

67. 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).

68. 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* at 517.

VI. CAUSES OF ACTION

COUNT ONE

ILLEGAL PROCUREMENT OF NATURALIZATION ALIEN SUBJECT TO REMOVAL ORDER

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

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

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

72. Defendant is the subject of a final removal order, above, because an IJ ordered him removed on November 12, 1996.

73. Because Defendant failed to appear for his deportation as scheduled, as described in Paragraph 14 above, there is pending against him a removal proceeding.

74. Because Defendant is the subject of a final removal order and faces pending against him a removal proceeding, he was and remains ineligible for naturalization under 8 U.S.C. § 1429.

75. Because he was ineligible to naturalize, Defendant illegally procured his citizenship.

76. Because Defendant illegally procured his citizenship, 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)**

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

78. 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.

79. 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* at 753.

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

81. 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).

82. 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.

83. Defendant sought to procure admission into the United States and other benefits provided for in the INA by fraud or willfully misrepresenting a material fact. Specifically, at the

time Defendant adjusted his status to permanent resident using the name Victor San Shing Kwok, he had previously sought to procure and had been denied an immigration benefit under the identity of Xin Cheng Guo.

84. Indeed, the Defendant had willfully concealed the facts in the above paragraph during his second attempt for admission.

85. Because Defendant made sworn statements in immigration benefit applications that cannot be simultaneously true, he is inadmissible.

86. Defendant's false statements regarding his true identity and immigration history are 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 immigration officer(s) to approve his application(s). Defendant thus sought to procure an immigration benefit by fraud or willfully misrepresenting a material fact. 8 U.S.C. § 1182(a)(6)(C)(i).

87. 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. *Id.*

88. 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.

89. Because he was ineligible to naturalize, Defendant illegally procured his citizenship.

90. Because Defendant illegally procured his citizenship, 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**

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

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

92. As outlined above, to be eligible for naturalization, Congress has mandated that an applicant—such as Defendant—who naturalizes based on marriage to a U.S. citizen must show that he has been a person of good moral character for the three-year statutory period before filing a naturalization application until the time the applicant becomes a naturalized U.S. citizen. 8 U.S.C. § 1430(a); 8 C.F.R. § 316.10.

93. Defendant filed Form N-400, Application for Naturalization, on August 15, 2005, and he naturalized on August 11, 2006.

94. 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 August 15, 2002 (three years prior to application for naturalization), until he naturalized on August 11, 2006.

95. Defendant failed to show he is a person of good moral character during his statutory period, because he committed unlawful acts during that period that reflect adversely on his moral character, and no extenuating circumstance exist that would ameliorate his guilt.

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

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

98. No extenuating circumstances exist that would palliate Defendant's guilt for violating 18 U.S.C. § 1001(a)(1)-(3). *United States v. Teng Jiao Zhou*, 815 F.3d 639, 644-645 (9th Cir. 2016).

99. Because Defendant committed unlawful acts during the statutory period during which he 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. § 1001(a)(1)-(3), Defendant was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429. 8 U.S.C. § 1101(f)(catch-all).

100. Because he was ineligible to naturalize, Defendant illegally procured his citizenship.

101. Because Defendant illegally procured his citizenship, this Court must revoke his 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, Congress has mandated that an applicant—such as Defendant—who naturalizes based on marriage to a U.S. citizen must show that he has been a person of good moral character for the three-year statutory period before filing a

naturalization application until the time the applicant becomes a naturalized U.S. citizen. 8 U.S.C. § 1430(a); 8 C.F.R. § 316.10.

104. Defendant filed Form N-400, Application for Naturalization, on August 15, 2005, and he naturalized on August 11, 2006.

105. 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 August 15, 2002 (three years prior to application for naturalization), until he naturalized on August 11, 2006.

106. Defendant failed to show he is a person of good moral character, because he committed unlawful acts during that period that reflect adversely on his moral character, and no extenuating circumstance exist that would ameliorate his conduct.

107. 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.

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

109. 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.

110. Because Defendant committed unlawful acts during the statutory period during which he 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), he was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429. 8 U.S.C. § 1101(f)(catch-all).

111. Because he was ineligible to naturalize, Defendant illegally procured his citizenship.

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

COUNT FIVE

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (Providing False Testimony - 8 U.S.C. § 1101(f)(6))

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

114. As outlined above, to be eligible for naturalization, Congress has mandated that an applicant—such as Defendant—who naturalizes based on marriage to a U.S. citizen must show that he has been a person of good moral character for the three-year statutory period before filing a naturalization application until the time the applicant becomes a naturalized U.S. citizen. 8 U.S.C. § 1430(a); 8 C.F.R. § 316.10.

115. Defendant filed Form N-400, Application for Naturalization, on August 15, 2005, and he naturalized on August 11, 2006.

116. 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 August 15, 2002 (three years prior to application for naturalization), until he naturalized on August 11, 2006.

117. Defendant could not show that he was a person of good moral character during his “statutory period,” because he provided false testimony, orally and under oath, using the identity of Victor San Shing Kwok, during his naturalization interview, that he had never used any other names before.

118. Defendant also provided false testimony, orally and under oath, in his naturalization interview that he had never been ordered removed or deported from the United States.

119. Defendant further provided false testimony, orally and under oath, in his naturalization interview, that he was not in removal proceedings nor had he ever applied for any relief from removal, exclusion, or deportation.

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

121. Therefore, Defendant is ineligible to naturalize. *Id.*

122. Because he was ineligible to naturalize, Defendant illegally procured his citizenship.

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

COUNT SIX

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

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

125. 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.

126. 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. 1986).

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

128. Even though adjustment is discretionary and vested in USCIS, the alien must first satisfy the statutory criteria to be eligible to adjust status. *See Eldeeb v. Chertoff*, 619 F. Supp 2d. 1190, 1198 (M.D. Fla. 2007) (citing *Elkins v. Moreno*, 435 U.S. 647 (1978)).

129. Because Defendant falsified his applications and presented two identities, he was not lawfully admitted to the U.S.

130. Because Defendant was not lawfully admitted to the U.S, he failed to meet the statutory eligibility requirements to adjust his status to that of permanent resident. 8 U.S.C. § 1255(a)

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

132. Because he was ineligible to naturalize, Defendant illegally procured his citizenship.

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

COUNT SEVEN

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

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

135. Congress has afforded authority to IJs to conduct removal proceedings under 8 U.S.C. § 1229a(a)(1). *See Fiducia v. U.S. Att’y Gen.*, 787 F. App’x 655, 658 (11th Cir. 2019).

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

137. Here, Defendant was still in removal proceedings under the identity of Xin Cheng Guo when he applied for immigration benefits under the identity of Victor San Shing Kwok.

138. Moreover, the IJ had ordered him removed under the identity of Xin Cheng Guo, prior to his falsified application under the identity of Victor San Shing Kwok. 8 U.S.C. § 1231(a)(2).

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

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

141. Because he was ineligible to naturalize, Defendant illegally procured his citizenship.

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

COUNT EIGHT

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

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

144. 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*, 485 U.S. at 767.

145. Throughout the naturalization process, Defendant willfully misrepresented and concealed (i) his use of another identity; (ii) his prior order of exclusion and deportation; (iii) his prior application for an immigration benefit; (iv) the fact 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; (v) the fact that he had lied to a U.S. Government official to gain entry or admission into the United States; (vii) the fact that he had been ordered to be removed, excluded, or deported from the United States; and (viii) the fact that he had previously applied for relief from removal, exclusion, or deportation.

146. Defendant knew each of these statements to be false when he made them during his naturalization proceedings.

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

148. Defendant's misrepresentations and omissions were material to his naturalization, because the disclosure of his multiple identities, prior application for immigration benefits, 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 misinformation, USCIS would have likely denied his naturalization application.

149. 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. 29701443, effective as of the original date of the certificate, August 11, 2006;
- (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 August 11, 2006 naturalization;
- (5) Judgment requiring the Defendant, within ten (10) days of the entry of judgment against his, to surrender and deliver his Certificate of Naturalization No. 29701443 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, or to his designated representative, including 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 Acting Attorney General, or to his representative, including undersigned counsel; and

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

Dated: 04 June 2026

THEODORE S. HERTZBERG
United States Attorney

Respectfully submitted,

BRETT A. SHUMATE
Assistant Attorney General
Civil Division

JENNIFER J. KEENEY
Associate Director
Office of Immigration Litigation
JOHN J. W. INKELES
Chief, Denaturalization Unit

s/ Raymond S. Dietrich
Raymond S. Dietrich, Esq.
Trial Attorney
U.S. Department of Justice
Civil Division
Office of Immigration Litigation
Denaturalization Unit
P.O. Box 878, Ben Franklin Station
Washington, DC 20044
202.353.8536 | 202.305.7211(Fax)
Raymond.S.Dietrich@usdoj.gov
Counsel for Plaintiff