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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIA LOURDES MONTOYA,
a/k/a MARIA DE LOURDES NUNEZ ACOSTA,

Defendant.

Case No. 1:26-cv-2498

**COMPLAINT TO REVOKE
NATURALIZATION**

I. PRELIMINARY STATEMENT

The United States of America (“Plaintiff”) brings this civil action against Maria Lourdes Montoya, a/k/a Maria De Lourdes Nunez Acosta (“Defendant”), to revoke and set aside her naturalized United States citizenship under 8 U.S.C. § 1451. When she became a United States citizen, Defendant was ineligible to naturalize. She was ineligible because when she obtained her permanent resident status as the spouse of a United States citizen, and throughout the period she was naturalizing as the spouse of a United States citizen, Defendant was married to a person who was not, in fact, a United States citizen. Defendant’s husband was never a United States citizen but had assumed the identity of one who had passed away, a fact that Plaintiff learned after Defendant naturalized. But when Defendant applied for permanent residency and then naturalization, Defendant knew her husband was not a United States citizen. She thus illegally procured her naturalization and procured it by concealing and willfully misrepresenting these material facts throughout the naturalization process to obtain citizenship.

Based on Defendant’s actions and the attached affidavit showing good cause, and under 8 U.S.C. § 1451(a), the United States of America brings this civil action to revoke and set aside the order admitting Defendant to citizenship and to cancel her Certificate of Naturalization. In support of this action, the United States alleges as follows.

II. JURISDICTION AND VENUE

1. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the order granting Defendant United States citizenship and to cancel Defendant’s Certificate of Naturalization No. 22824102 issued March 7, 1997.

2. This Court has subject-matter jurisdiction under 8 U.S.C. § 1451(a) and 28 U.S.C. §§ 1331 and 1345.

3. Venue is proper in this district under 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391, because Defendant resides in Commerce City, Colorado, within the jurisdiction and venue of this Court.

III. PARTIES

4. Plaintiff is the United States of America (“United States”).

5. Defendant is a native of Mexico and is a naturalized United States citizen.

IV. FACTUAL ALLEGATIONS

6. Attached herewith as Exhibit A is the affidavit of Todd Bane, Special Agent, Homeland Security Investigations, U.S. Immigration and Customs Enforcement (“ICE”), an agency within the Department of Homeland Security (“DHS”), showing good cause for this action as required by 8 U.S.C. § 1451(a).

A. DEFENDANT’S MARRIAGE TO OROZCO-VIRAMONTES

7. On March 13, 1987, Defendant married Ernesto Orozco-Viramontes (“Orozco-Viramontes”) in Pueblito de Allende, Chihuahua, Mexico.

8. Attached hereto as Exhibit B is a true and complete copy, except for redactions of immaterial personally identifying information, of Defendant’s Marriage Certification attesting to Defendant’s marriage to Orozco-Viramontes and a certified English translation of that Marriage Certification.

9. Both Defendant and Orozco-Viramontes are natives of Mexico.

10. Defendants’ Marriage Certification refers to Orozco-Viramontes as Gilberto Montoya Viramontes.

11. Prior to his marriage to Defendant, Orozco-Viramontes had assumed the identity of Gilberto Montoya, a deceased United States citizen.

12. Thus, at the time of this marriage to Defendant, Orozco-Viramontes was already using the identity of Gilberto Montoya, including on Defendant's Marriage Certification.

B. DEFENDANT'S ADMISSION TO THE UNITED STATES

13. On January 11, 1993, Orozco-Viramontes filed a Form I-130 Petition for Alien Relative ("Form I-130") with the Immigration and Naturalization Service ("INS")¹ on Defendant's behalf, designating Defendant as his spouse and immediate relative based upon their 1987 marriage.

14. Attached hereto as Exhibit C is a true and complete copy, except for redactions of immaterial personally identifying information, of Orozco-Viramontes' Form I-130

15. On January 14, 1993, the INS approved Orozco-Viramontes' Form I-130.

16. On June 1, 1993, Defendant filed an Application for Immigrant Visa and Alien Registration.

17. Attached hereto as Exhibit D is a true and complete copy, except for redactions of immaterial personally identifying information, of Defendant's Application for Immigrant Visa and Alien Registration.

18. In Section 14 of the Application for Immigrant Visa and Alien Registration, Defendant claimed that she was married to Gilberto Montoya, a U.S. Citizen, born in Los Angeles.

¹ On March 1, 2003, the INS ceased to exist and many of its relevant functions transferred to DHS. *See* Homeland Security Act of 2002, Pub. L. No. 107-296, 110 Stat. 2135 (Nov. 25, 2002). Because several of the events at issue here occurred prior to the transfer, however, the INS will be referenced where factually appropriate.

19. In Section 41 of the Application for Immigrant Visa and Alien Registration, Defendant checked a box claiming she was entitled to the visa as a family sponsored immigrant—that is, as the spouse of a U.S. Citizen.

20. Defendant signed the Application for Visa and Alien Registration before a consular officer in Ciudad Juarez, Mexico, swearing that the statements made by her in the application were true and complete.

21. On June 1, 1993, Defendant’s Application for Visa and Alien Registration was approved.

22. The same day, June 1, 1993, Defendant arrived in the United States via land in El Paso, Texas.

23. Defendant’s approved Visa and Alien Registration rendered her a permanent resident upon admission to the United States on June 1, 1993.

24. Attached hereto as Exhibit E is a true and complete copy, except for redactions of immaterial personally identifying information, of Defendant’s approved Visa and Alien Registration, confirming permanent residence upon entry to the United States in El Paso, Texas.

C. DEFENDANT’S NATURALIZATION PROCEEDINGS

25. On June 4, 1996, Defendant filed a Form N-400, Application for Naturalization (“Form N-400”), with the INS.

26. Attached hereto as Exhibit F is a true and complete copy, except for redactions of immaterial personally identifying information, of Defendant’s Form N-400.

27. In Part 2 of her Form N-400, Defendant represented that she had been a permanent resident for at least three years and had been married to a United States citizen during those three years.

28. In Part 5 of her Form N-400, Defendant represented that she was married to “Gilberto Montoya[,]” an individual with a Social Security number ending in 2951 who was born in the United States in 1969.

29. Defendant signed her Form N-400 under penalty of perjury under the laws of the United States, thereby certifying that the information she provided was true and correct.

30. On November 14, 1996, an INS examiner interviewed Defendant, under oath, to determine her eligibility for naturalization (“Naturalization Interview”). During her Naturalization Interview, Defendant testified as follows:

a. Consistent with her written response to Part 2 of her Form N-400, Defendant said, orally and under oath, that she was a lawful permanent resident and had been a lawful permanent resident for at least three years.

b. Consistent with her written response to Part 5 of her Form N-400, Defendant said, orally and under oath, that she was married to a natural-born United States citizen named Gilberto Montoya.

31. At the conclusion of her Naturalization Interview, Defendant swore that the contents of her naturalization application, including any corrections, were true and correct to the best of her knowledge and belief.

32. At the end of her Form N-400, Defendant again signed it under penalty of perjury under the laws of the United States, thereby certifying that the information in her application, including any corrections, was true and correct to the best of her knowledge and belief.

33. Defendant also submitted a Form G-235A, Biometric Information (“G-235A”) to INS in support of her Form N-400.

34. Attached hereto as Exhibit G is a true and complete copy, except for redactions of immaterial personally identifying information, of Defendant's G-235A.

35. In the G-235A, Defendant identified her spouse as Gilberto Montoya, who she further claimed was born in June 1969 in Los Angeles, California.

36. Defendant signed the G-235A on May 21, 1996, above a line that read, "Severe penalties are provided by law for knowingly and willfully falsifying or concealing a material fact."

37. Based on Defendant's written representations in her Form N-400, sworn testimony during her Naturalization Interview, and G-235A INS approved Defendant's naturalization application on November 14, 1996.

38. On March 7, 1997, Defendant took the oath of allegiance to become a U.S. citizen. She was issued Certificate of Naturalization No. 22824102, under the name Maria Lourdes Montoya.

39. Attached hereto as Exhibit H is a true and complete copy, except for redactions of immaterial personally identifying information, of Defendant's Certificate of Naturalization.

D. ARREST AND CONVICTION OF OROZCO-VIRAMONTES

40. On August 6, 2011, Defendant's husband, Orozco-Viramontes, applied for admission to the United States from Mexico by presenting a U.S. Passport Card in the name of Gilberto Montoya to United States Customs and Border Protection ("CBP") at the El Paso Station Street Port of Entry in El Paso, Texas.

41. CBP's query of the name Gilberto Montoya and passport number resulted in a positive hit as an assumed identity.

42. During his August 6, 2011, encounter with CBP, Orozco-Viramontes admitted in a Form I-215B, Record of Sworn Statement (“Sworn Statement”) that he was not a United States citizen and that he was instead a citizen and national of Mexico who was born in Chihuahua, Mexico in 1962.

43. Attached hereto as Exhibit I is a true and complete copy, except for redactions of immaterial personally identifying information, of Orozco-Viramontes’s Sworn Statement.

44. Orozco-Viramontes told CBP officers and admitted in his Sworn Statement that he had assumed the identity of Gilberto Montoya approximately 17 to 19 years earlier.

45. Orozco-Viramontes told CBP officers and admitted in his Sworn Statement that Gilberto Montoya was his deceased cousin and that Orozco-Viramontes had purchased a Social Security card and birth certificate in the name of Gilberto Montoya for \$300.00.

46. The real Gilberto Montoya died in South Gate, California on April 10, 1974.

47. Attached hereto as Exhibit J is a true and complete copy, except for redactions of immaterial personally identifying information, of the Certificate of Death for Gilberto Montoya.

48. Orozco-Viramontes told CBP officers and admitted in his Sworn Statement that he made his spouse, Defendant, aware of his true identity two years into their marriage.

49. Thus, Defendant was cognizant of her husband’s true identity and citizenship when she filed her Application for Visa and Alien Registration and Form N-400, and at the time of her Naturalization Interview.

50. On January 2, 2012, Orozco-Viramontes was convicted in the United States District Court for the District of New Mexico of Fraud and Misuse of Immigration Documents, in violation of 18 U.S.C. § 1546(a). *See* Judgment, *United States v. Orozco-Viramontes*, No. 2:11-cr-02827 (D.N.M. Jan. 12, 2012) (“Orozco-Viramontes Judgment”)

51. Attached hereto as Exhibit K is a true and complete copy of the Orozco-Viramontes Judgment.

V. GOVERNING LAW

Congressionally Imposed Prerequisites to the Acquisition of Citizenship

52. 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) (“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).

53. To qualify for naturalization, an applicant naturalizing based on a marriage to a United States citizen must have been *lawfully* admitted to the United States for permanent residence and subsequently resided in this country for at least three years prior to the date of application. *See* 8 U.S.C. §§ 1427(a)(1), 1430; *see also* 8 U.S.C. § 1429. The term “lawfully” requires compliance with substantive legal requirements for admission and not mere procedural regularity. *See Monet v. I.N.S.*, 791 F.2d 752, 754 (9th Cir. 1986); *see also Cordova-Soto v. Holder*, 659 F.3d 1029, 1034 n.1 (10th Cir. 2011).

54. Among other requirements, lawful admission for permanent residence requires a valid unexpired immigrant visa. 8 U.S.C. § 1181(a).

55. In addition, Congress has mandated that an individual may not naturalize unless that person “during all periods referred to in this subsection has been and still is a person of good moral character” *See* 8 U.S.C. § 1427(a)(3). The required statutory period for good moral

character for someone naturalizing based on a marriage to a United States citizen spouse 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 United States citizen. 8 U.S.C. §§ 1427(a)(3), 1430; 8 C.F.R. §§ 316.10(a), 319.1(a)(7).

56. Although Congress has not specifically defined what constitutes good moral character for naturalization purposes, the Immigration and Nationality Act lists certain classes of applicants who cannot be found to have the requisite good moral character. 8 U.S.C. § 1101(f).

57. As a matter of law, an applicant lacks good moral character if she gives false testimony for the purpose of obtaining immigration benefits. 8 U.S.C. § 1101(f)(6).

The Denaturalization Statute

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

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

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

60. 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.

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

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

VI. CAUSES OF ACTION

COUNT ONE

ILLEGAL PROCUREMENT OF NATURALIZATION STATUTORILY INELIGIBLE TO NATURALIZE (Not Married to a United States Citizen as Required by 8 U.S.C. § 1430)

63. The United States re-alleges and incorporates by reference the foregoing paragraphs.

64. Defendant illegally procured her naturalization because she was statutorily ineligible to naturalize as the spouse of a United States citizen because she was not married to a United States citizen.

65. As an applicant for naturalization pursuant to 8 U.S.C. § 1430, Defendant was required to prove that she was the spouse of a United States citizen. 8 U.S.C. §§ 1427, 1430; 8 C.F.R. § 319.1(a)(3).

66. Defendant was not married to a United States citizen when she naturalized.

67. Defendant's spouse at the time of her naturalization, Orozco-Viramontes, is not, and never was, a United States citizen.

68. Rather, Orozco-Viramontes assumed the identity of a relative who had died in 1974.

69. Because Defendant was not the spouse of a United States citizen, she was statutorily ineligible to naturalize regardless of whether she was cognizant of her husband's true identity and citizenship at the time of her naturalization application and interview. *See* 8 C.F.R. § 319.1(a)(3).

70. Because Defendant was statutorily ineligible for naturalization, she illegally procured her naturalization, and this Court must revoke Defendant's citizenship as provided under 8 U.S.C. § 1451(a).

COUNT TWO

ILLEGAL PROCUREMENT OF NATURALIZATION NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE (Not Lawfully Admitted for Permanent Residence)

71. The United States re-alleges and incorporates by reference the foregoing paragraphs.

72. 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), 1430; *see also id.* § 1429.

73. 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." 8 U.S.C. § 1101(a)(20).

74. As discussed above, the term "lawfully" requires compliance with the substantive legal requirements for admission, and not mere procedural regularity. *See Monet*, 791 F.2d at 754. The alien's adjustment must have been consistent with all applicable laws, and 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.

75. Defendant illegally procured her naturalization because she was statutorily ineligible to naturalize, because she was never *lawfully* admitted to the United States for permanent residence.

76. Intending immigrants are eligible for immigrant visas as the spouse of a United States citizen only if they are, in fact, the spouse of a United States citizen. 8 U.S.C. § 1151(b)(2)(A)(i).

77. A visa on the basis of a claimed spousal relationship to a United States citizen has not been lawfully issued if there is no spousal relationship with a United States citizen.

78. Permanent resident status has not been *lawfully* issued if it is based on the approval of an IR-1 visa predicated on the false claim that the applicant is an immediate relative of a United States citizen.

79. Defendant was admitted to the United States on June 1, 1993 as a permanent resident on the basis of her status as the spouse of Orozco-Viramontes, a United States citizen.

80. But Orozco-Viramontes was not, in fact, a United States citizen.

81. Because Orozco-Viramontes was not a United States citizen, Defendant was not married to a United States citizen.

82. Because Defendant was not married to a United States citizen, she did not lawfully receive a visa as the spouse of a United States citizen, and her admission as a permanent resident on June 1, 1993 was not lawful.

83. Because Defendant was not lawfully admitted for permanent residence, she was, and remains, ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1), 1429, and 1430.

84. Because Defendant was ineligible for naturalization, she illegally procured her citizenship and this Court must revoke her citizenship as provided under 8 U.S.C. § 1451(a).

COUNT THREE

**ILLEGAL PROCUREMENT OF NATURALIZATION
NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE
(Inadmissibility Due to Fraud or Willful Misrepresentation)**

85. The United States re-alleges and incorporates by reference the foregoing paragraphs.

86. To qualify for naturalization, an applicant must have 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.

87. The term “lawfully” requires compliance with the substantive legal requirements for admission, and not mere procedural regularity. *See Monet v. I.N.S.*, 791 F.2d 752, 754 (9th Cir. 1986); *see also Cordova-Soto v. Holder*, 659 F.3d 1029, 1034 n.1 (10th Cir. 2011).

88. An alien 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 immigration benefit is inadmissible. 8 U.S.C. § 1182(a)(6)(C)(i).

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

90. At the time of her admission to the United States as a lawful permanent resident, Defendant was inadmissible under 8 U.S.C. § 1182(a)(6)(C) because she had, prior to her admission, by fraud or willfully misrepresenting a material fact, sought to procure or had

procured a visa, other documentation, or admission into the United States or other immigration benefit.

91. In her Application for Visa and Alien Registration, Defendant falsely stated that she was the wife of Gilberto Montoya, a United States citizen, born in Los Angeles in 1969.

92. Defendant was not, and never was, married to a United States citizen.

93. Defendant knew her husband's true identity when she signed the Application for Visa and Alien Registration and knew that her husband was not born in the United States and was not a United States citizen.

94. Because Defendant's eligibility for her immigrant visa and lawful permanent resident status were contingent on her status as spouse of a United States citizen, Defendant's fraudulent misrepresentation was material.

95. Because Defendant willfully misrepresented material facts, she was inadmissible at the time she obtained the status of a lawful permanent resident, and therefore she was never lawfully admitted for permanent residence in accordance with the substantive legal requirements to obtain that status. *See* 8 U.S.C. §§ 1182(a)(6)(C)(i), 1182(a)(7)(A)(i); 8 U.S.C. §§ 1201(a)(i)(A), (g); and 8 U.S.C. § 1151(b)(2)(A)(i)..

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

97. The Court must therefore revoke that citizenship as provided for in 8 U.S.C. § 1451(a).

COUNT FOUR

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

98. The United States re-alleges and incorporates by reference the foregoing paragraphs.

99. As an applicant for naturalization Defendant was required to establish that she was a person of good moral character for the three-year statutory period before she filed her naturalization application, and until the time she became a naturalized U.S. citizen. 8 U.S.C. §§ 1427(a)(3), 1430; 8 C.F.R. 316.10(a)(1), 319.1(a)(7). Accordingly, Defendant was required to establish that she was a person of good moral character from June 4, 1993, until Defendant took the oath of allegiance and became a United States citizen on March 7, 1997 (the “statutory period”).

100. Defendant was statutorily precluded from establishing the requisite good moral character to naturalize because, during the statutory period, she gave false testimony for the purpose of obtaining any immigration benefit. *See* 8 U.S.C. § 1101(f)(6).

101. Defendant gave false testimony for the purpose of obtaining an immigration benefit during her statutory period at her Naturalization Interview on November 14, 1996.

102. During her Naturalization Interview, Defendant said, orally and under oath, that she was married to a United States citizen, that she had been married to that individual for at least three years, and that that individual’s name was Gilberto Montoya.

103. The testimony Defendant provided on each of these matters was false.

104. Defendant never married a United States citizen actually named Gilberto Montoya.

105. Instead, she married only Orozco-Viramontes, a native and citizen of Mexico who was fraudulently using the identity of the deceased Gilberto Montoya.

106. Accordingly, Defendant's representations in Part 2 of her Form N-400 that she had been a lawful permanent resident for at least three years and had been married to a United States citizen during those three years were both false.

107. Defendant's representation that she had been married to a United States citizen was false because Orozco-Viramontes was never a United States citizen.

108. Defendant's statement that she had been a lawful permanent resident for at least three years was false because Defendant was never *lawfully* admitted to the United States as a permanent resident.

109. Defendant's sworn testimony during her Naturalization Interview that she that she had been a lawful permanent resident for at least three years and had been married to a United States citizen during those three years was also false.

110. Defendant's representation in Part 5 of her Form N-400 that she was married to a United States citizen named Gilberto Montoya was false.

111. Defendant's sworn testimony during her Naturalization Interview on November 14, 1996 that she was married to Gilberto Montoya was false.

112. Because Defendant provided false testimony under oath for the purpose of obtaining her naturalization, she was barred under 8 U.S.C. § 1101(f)(6) from showing that she had the good moral character necessary to become a naturalized United States citizen.

113. Because Defendant was not a person of good moral character, s/he was ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

114. Because Defendant was not eligible to naturalize, she illegally procured her naturalization, and this Court must revoke Defendant's citizenship as provided under 8 U.S.C. § 1451(a).

COUNT FIVE

**PROCUREMENT OF UNITED STATES CITIZENSHIP BY
CONCEALMENT OF A MATERIAL FACT OR
WILLFUL MISREPRESENTATION**

115. The United States re-alleges and incorporates by reference the foregoing paragraphs.

116. Under 8 U.S.C. § 1451(a), this Court must revoke Defendant's citizenship and cancel her Certificate of Naturalization because she procured her naturalization by willful misrepresentation and concealment of material facts during her naturalization proceedings.

117. Defendant made false representations in her naturalization application concerning whether she had ever been *lawfully* admitted for permanent residence; whether she was married to a United States citizen; and whether she was married to Gilberto Montoya.

118. Defendant signed her naturalization application under penalty of perjury under the laws of the United States, thereby certifying under oath that the information contained therein was true and correct. Defendant filed her application on or about June 4, 1996.

119. Defendant made false representations in her Form G-235A concerning her husband's name, and his date of birth and place of birth—specifically identifying her husband as Gilberto Montoya, a United States citizen born in June 1969 in Los Angeles, California.

120. Defendant signed her Form G-235A on May 21, 1996.

121. On November 14, 1996, the INS interviewed Defendant regarding her naturalization application. At the beginning of her naturalization interview, an INS examiner placed Defendant under oath. Defendant affirmed that she would answer all questions truthfully.

122. During her Naturalization Interview on November 14, 1996, Defendant falsely testified under oath concerning whether she had ever been *lawfully* admitted for permanent residence; whether she was married to a United States citizen; whether she was married to Gilberto Montoya.

123. Defendant never married a United States citizen actually named Gilberto Montoya.

124. Instead, she married only Orozco-Viramontes, a native and citizen of Mexico who was fraudulently using the identity of the deceased Gilberto Montoya.

125. Defendant's statement that she had been a lawful permanent resident for at least three years was false because Defendant was never *lawfully* admitted to the United States as a permanent resident.

126. Defendant knew her testimony that she was *lawfully* admitted for permanent residence, that she was married to a United States citizen, and that she was married to Gilberto Montoya were false, because Orozco-Viramontes disclosed his true identify to Defendant two years into their marriage.

127. At the end of her Naturalization Interview, Defendant again signed her naturalization application under penalty of perjury under the laws of the United States, thereby affirming under oath that the information contained therein was true and correct.

128. Defendant intentionally misrepresented and concealed the true identity and citizenship of her husband, Orozco-Viramontes; the fact that she was not *lawfully* admitted for permanent residence; and the fact that she had falsely testified to a United States Government official for the purpose of obtaining an immigration benefit: naturalization. Defendant knew her representations and sworn testimony about these matters were false and misleading.

129. Defendant's false representations and testimony about these matters were material to determining her naturalization eligibility and had the natural tendency to influence the decision by the INS to approve her naturalization application. Specifically, the fact that she was not married to an actual United States citizen and had not been lawfully admitted for permanent residence statutorily precluded her from naturalization. The INS would have denied Defendant's naturalization application had she been truthful about these matters. Defendant thus procured her naturalization by concealment of material facts and willful misrepresentation.

130. Defendant therefore procured her naturalization by concealment of a material fact and willful misrepresentations, and this Court must revoke her citizenship under 8 U.S.C. § 1451(a).

PRAYER FOR RELIEF

WHEREFORE, the United States respectfully requests the following:

- (1) A declaration that Defendant illegally procured her citizenship;
- (2) A declaration that Defendant procured her citizenship by concealment of a material fact and by willful misrepresentation;
- (3) Judgment revoking and setting aside the order admitting Defendant to United States citizenship, and canceling Certificate of Naturalization No. 22824102, effective as of the original date of the order and certificate, March 7, 1997;
- (4) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages under any document which evidences U.S. citizenship obtained as a result of her naturalization on March 7, 1997;
- (5) Judgment requiring Defendant to immediately surrender and deliver her Certificate of Naturalization, as well as any copies thereof in her possession – and to make good faith efforts to

recover and then surrender any copies thereof that she knows are in the possession of others – to the Attorney General through undersigned counsel as his representative;

(6) Judgment requiring Defendant to immediately surrender and deliver any other indicia of U.S. citizenship (including, but not limited to, United States passports; enhanced drivers' licenses issued by the states of Michigan, Minnesota, New York, Vermont, or Washington; voter registration cards; and other voting documents), and any copies thereof in her possession – and to make good faith efforts to recover and then surrender any copies thereof that she knows are in the possession of others – to the Attorney General through undersigned counsel as his representative; and

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

Dated: June 5, 2026

Respectfully submitted,

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