

therefore seeks an order from the Court revoking and setting aside the order admitting Defendant to citizenship and canceling his Certificate of Naturalization.

II. PARTIES, JURISDICTION, AND VENUE

1. This is an action filed under 8 U.S.C. § 1451(a) to revoke and set aside the decision admitting Defendant to U.S. citizenship and to cancel Defendant's Certificate of Naturalization No. 20910450.

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

3. Venue is proper in this District under 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391, because Defendant resides in this District.

4. Plaintiff is the United States of America suing on behalf of itself.

5. Defendant is a native of Haiti and obtained his U.S. citizenship through naturalization.

III. FACTUAL BACKGROUND

6. The affidavit of Jon Longo, a Special Agent with U.S. Immigration and Customs Enforcement, an agency within the U.S. Department of Homeland Security, showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached hereto as Exhibit A.

A. Defendant's Sexual Abuse of His Minor Daughter and Conviction

7. From September 1, 1993, to June 3, 1996—before, during, and after he naturalized—Defendant repeatedly sexually abused his minor daughter.

8. On June 27, 1996, Defendant was charged in a criminal information by the State of Florida with three counts of Sexual Battery upon or with a Child 12 Years of Age

or Older but Younger than 18 Years of Age by Person in Familial or Custodial Authority, in violation of Florida Statute §§ 794.011(8)(b), and two counts of Lewd, Lascivious, and Indecent Assault upon a Child under the Age of 16 Years, in violation of Florida Statute § 800.04(1).¹ Criminal Information, *Florida v. Alfred*, No. 96-06447-CF (Fla. 15th Cir. Ct. June 27, 1996) (attached as Exhibit B).

9. The Criminal Information charged Defendant with committing the crimes on his minor daughter from on or about September 1, 1993, to June 3, 1996. *Id.*

10. On October 31, 1996, a jury found Defendant guilty of Count Two of the Criminal Information, Attempted Sexual Activity with a Child, in violation of Florida Statute §§ 777.04 and 794.011(8)(b), and Count Five of the Criminal Information, Lewd, Lascivious, and Indecent Assault upon a Child under the Age of 16 Years, in violation of Florida Statute § 800.04(1). Verdict, *Florida v. Alfred*, No. 96-06447-CF (Fla. 15th Cir. Ct. Oct. 31, 1996) (attached as Exhibit C).

11. On January 9, 1997, the Florida Circuit Court for the Fifteenth Judicial Circuit sentenced Defendant to community control (house arrest) for two years followed by eight years of probation. Judgment, *Florida v. Alfred*, No. 96-06447-CF (Fla. 15th Cir. Ct. Jan. 9, 1997) (attached as Exhibit D).

B. Defendant's Naturalization

12. Defendant began sexually abusing his minor daughter in September 1993, about one month before he applied to naturalize and become a U.S. citizen.

¹ Defendant was charged with sexual abuse of two minor daughters, *see* Ex. B, but ultimately convicted of such conduct in relation to only one of them, Ex. C. Accordingly, this complaint uses the singular “daughter” when referring to the victim Defendant’s criminal sexual abuse.

13. On or about October 22, 1993, Defendant filed a Form N-400, Application for Naturalization (“Naturalization Application”), with the legacy Immigration and Naturalization Service (“INS”)² in Miami, Florida.

14. A true and complete copy of the Naturalization Application, except for redactions of immaterial personally identifying information, is attached hereto as Exhibit E.

15. In his Naturalization Application, Defendant checked “No” in response to Question 29(a), which asked “[H]ave you ever, in or outside the United States: knowingly committed any crime for which you have not been arrested?” *Id.* at 3.

16. On or about January 12, 1994, INS Supervisory Immigration Inspector Lisa Boatwright orally interviewed Defendant regarding his Naturalization Application to determine his eligibility for naturalization (“Naturalization Interview”).

17. At the beginning of the Naturalization Interview, Inspector Boatwright placed Defendant under oath.

18. During the interview, Inspector Boatwright reviewed Defendant’s application, confirming his answers by checking each question with a purple mark and noting any changes to Defendant’s responses. Inspector Boatwright asked Defendant, consistent with Question 29(a) of Defendant’s Naturalization Application, whether he had ever committed a crime for which he had not been arrested.

² On March 1, 2003, the INS ceased to exist as an independent agency within the Department of Justice, and most of its functions were transferred to the newly formed Department of Homeland Security (“DHS”). *See* Homeland Security Act of 2002, Pub. L. No. 107-296, §§ 441, 451, 471, 116 Stat. 2135 (Nov. 25, 2002). U.S. Citizenship and Immigration Services (“USCIS”) assumed naturalization authority from the INS. *Id.* § 451. This transfer does not affect the issues in the case, and the Complaint will reference the INS as necessary.

19. During his Naturalization Interview, Defendant verbally confirmed his written response to Question 29(a) of his Naturalization Application by stating, orally and under oath, that he had never committed a crime for which he had not been arrested. *Id.*

20. Defendant's testimony regarding his commission of a crime was false.

21. At his naturalization interview, Defendant did not disclose his criminal conduct involving sexual abuse of his minor daughter.

22. At the end of the interview, Defendant signed the Naturalization Application in the presence of Inspector Boatwright and swore that the contents of his application, including three numbered changes, were true and correct to the best of his knowledge and belief. *Id.* at 4.

23. Based upon the information supplied by Defendant in his Naturalization Application, and the sworn answers he gave during his Naturalization Interview, the INS approved the application. *Id.* at 1.

24. Defendant received from INS a Form N-445A, Notice of Naturalization Oath Ceremony ("Oath Notice"), which notified him that his naturalization oath ceremony would take place on February 28, 1994, in Miami, Florida, and asked him to answer seven questions before filing it with the INS on the day he was to appear for the oath ceremony.

25. A true and complete copy of the Oath Notice, except for redactions of immaterial personally identifying information, is attached hereto as Exhibit F.

26. Defendant answered "No" in response to Question 3 of the Oath Notice, which asked "AFTER THE DATE you were first interviewed on your Application for Naturalization, Form N-400 Have you knowingly committed any crime or offense, for which you have not been arrested; or have you been arrested, cited, charged, indicted,

convicted, fined, or imprisoned for breaking or violating any law or ordinance, including traffic violations??”

27. Defendant signed the Oath Notice, certifying that “each of the answers shown above were made by me or at my direction, and that they are true and correct.”

28. At no point during the naturalization process did Defendant disclose to INS his sexual abuse of his minor daughter.

29. On February 28, 1994, Defendant took the Oath of Allegiance to become a U.S. citizen and was issued Certificate of Naturalization No. 20910450 (“Certificate of Naturalization”).

30. A true and complete copy of the Certificate of Naturalization, except for redactions of immaterial personally identifying information, is attached hereto as Exhibit G.

IV. GOVERNING LAW

A. Congressionally imposed prerequisites to the acquisition of citizenship.

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

32. Among other requirements, 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 begins five years before the date the applicant files the application for naturalization, and it continues until the applicant takes the oath of allegiance and becomes a U.S. citizen. *Id.*; 8 C.F.R. § 316.10(a).

33. 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).

34. Congress has also explicitly precluded individuals who give false testimony for the purpose of obtaining immigration benefits from being able to establish the good moral character necessary to naturalize. 8 U.S.C. § 1101(f)(6).

35. Further, Congress created a “catch-all” provision, which states, “[t]he fact that any person is not within any of the foregoing classes shall not preclude a finding that for other reasons such person is or was not of good moral character.” 8 U.S.C. § 1101(f) (flush language).

36. Individuals who commit unlawful acts adversely reflecting upon their moral character cannot meet the good moral character requirement, unless they prove that extenuating circumstances existed. *See* 8 C.F.R. § 316.10(b)(3)(iii); 8 U.S.C. § 1101(f) (flush language).

37. Thus, an individual unlawfully procured naturalization if he or she committed unlawful acts during the statutory period, even if he or she was convicted of those crimes after being granted citizenship. *See United States v. Jean-Baptiste*, 395 F.3d 1190, 1193-94 (11th Cir. 2005), *cert. denied*, 546 U.S. 852 (2005).

B. The Denaturalization Statute

38. 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.

39. 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.

40. 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.

41. 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. *See Kungys v. United States*, 485 U.S. 759, 767 (1988).

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

V. CAUSES OF ACTION

COUNT I

ILLEGAL PROCUREMENT OF NATURALIZATION
LACK OF GOOD MORAL CHARACTER
(FALSE TESTIMONY)

43. The United States re-alleges and incorporates by reference the factual and legal allegations in Sections II through IV of this Complaint.

44. To be eligible for naturalization, Defendant was required to establish that he was a person of good moral character from October 22, 1988, until the date he came a U.S. citizen, on February 28, 1994.

45. Defendant was statutorily precluded from showing that he was a person of good moral character because he gave false testimony, under oath, during the statutory period, for the purpose of obtaining an immigration benefit, specifically naturalization. 8 U.S.C. § 1101(f)(6); 8 C.F.R. § 316.10(b)(2)(vi).

46. During the statutory period, Defendant provided false testimony for the purpose of obtaining an immigration benefit when he said, orally and under oath, during his January 12, 1994, Naturalization Interview that he had never committed a crime for which he had not been arrested.

47. That testimony was false because starting in approximately September 1993, Defendant had repeatedly sexually abused and assaulted one of his minor daughters, but as of the date of his Naturalization Interview, he had not yet been arrested for those crimes.

48. Defendant's testimony on the foregoing issue was knowingly false and for the purpose of obtaining an immigration benefit, namely naturalization.

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

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

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

COUNT II

PROCUREMENT OF U.S. CITIZENSHIP BY CONCEALMENT OF A MATERIAL FACT OR WILLFUL MISREPRESENTATION

52. The United States re-alleges and incorporates by reference the factual and legal allegations in Sections II through IV of this Complaint.

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

54. As set forth above, in his Naturalization Application, at his Naturalization Interview, and in his Oath Notice, Defendant willfully misrepresented and concealed the repeated sexual abuse of his minor daughter and assault for which he was later found guilty by a jury and convicted of Attempted Sexual Battery upon or with a Child 12 Years of Age or Older but Younger than 18 Years of Age by Person in Familial or Custodial Authority, in violation of Florida Statute §§ 777.04 and 794.011(8)(a), and of Lewd, Lascivious, and Indecent Assault upon a Child under the Age of 16 Years, in violation of Florida Statute § 800.04(1) in the Circuit Court for the Fifteenth Circuit for Palm Beach County, Florida.

55. Defendant also testified during his Naturalization Interview that he had never given false or misleading information to any U.S. Government official while applying for any immigration benefit, despite knowing that his representation was false and misleading.

56. Defendant knew the representations and testimony that he had never knowingly committed any crime or offense for which he had not been arrested was false because starting in approximately September 1993 he knew he had repeatedly sexually abused and assaulted one of his daughters, for which he was later convicted.

57. Defendant knew the representation that he had never given false or misleading information to any U.S. Government official while applying for any immigration benefit was false because he had signed his Form N-400 and submitted it to USCIS on March 12, 1993, stating on his Form N-400 that he had never committed any crime for which she was not arrested, even though starting in approximately September 1993, he had repeatedly sexually abused and assaulted one of his daughters, for which he was later convicted.

58. Defendant's misrepresentations were material to his naturalization because the disclosure of his attempted sexual assault of and his lewd, lascivious, and indecent acts upon his minor daughter would have had a natural tendency to influence USCIS's decision whether to approve Defendant's Naturalization Application. Such information directly relates to statutory and regulatory eligibility criteria USCIS is required to consider when deciding whether to grant or deny a naturalization application.

59. Finally, Defendant procured his naturalization because of his misrepresentations and concealment. Had Defendant disclosed the truth about his conduct,

he would have disclosed his statutory ineligibility for naturalization, and USCIS would not have approved his application or administered the oath of allegiance.

60. Defendant thus procured his naturalization by willful misrepresentation and concealment of material facts, and this Court must revoke his citizenship under 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 and willful misrepresentation of material facts;
3. Judgment revoking and setting aside Defendant's naturalization and canceling Certificate of Naturalization No. 20910450, effective as of the original date of the order and certificate, February 28, 1994;
4. Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages in connection with his February 28, 1994 naturalization;
5. Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment against him, his Certificate of Naturalization, and any copies thereof in his possession—and to make good faith efforts to recover and immediately surrender any copies thereof that he knows are in the possession of others—to the Attorney General, or his representative, including undersigned counsel;
6. Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment against him, any other indicia of U.S. citizenship (including, but not

limited to, U.S. passports, voter registration cards, and other voting documents), and any copies thereof in his possession—and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession of others—to the Attorney General, or his representative, including undersigned counsel; and

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

Dated: June 4, 2026

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Respectfully submitted,

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