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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

NEERAJ SHARMA,

Defendant.

No. 2:26-cv-6532

**COMPLAINT TO REVOKE
NATURALIZATION**

I. INTRODUCTION

1. The United States of America (“Plaintiff”) brings this civil action under 8 U.S.C. § 1451(a) against Neeraj Sharma (“Defendant”) to revoke his naturalized U.S. citizenship. Defendant fraudulently and unlawfully procured U.S. citizenship, because he had committed crimes prior to naturalizing that rendered him ineligible and because he concealed those crimes, for which he was charged and convicted after naturalizing, throughout the naturalization process. Specifically, after he became a U.S. citizen, Defendant pled guilty to Fraud and Misuse of Visas, in violation of 18 U.S.C. § 1546, for conduct committed immediately prior to filing of his

naturalization application. *See United States v. Neeraj Sharma*, 3:19-CR-00743-AET-1 (D.N.J. April 6, 2021).

2. This complaint seeks revocation of Defendant's naturalization on three independent grounds. First, Defendant lacked the required good moral character to naturalize because, during the period during which he was required to show good moral character, he committed unlawful acts that adversely reflected on his moral character. Second, Defendant lacked the required good moral character to naturalize because, during the period during which he was required to show good moral character, he falsely testified under oath during his naturalization interview about his prior criminal conduct. Third, during his naturalization proceedings, Defendant willfully misrepresented and concealed facts that were material to determining his naturalization eligibility.

3. Based on Defendant's actions described further below and in the attached affidavit showing good cause, the United States brings this civil action under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Defendant to citizenship and to cancel his Certificate of Naturalization No. 39207661.

II. JURISDICTION AND VENUE

4. The Court has jurisdiction under 28 U.S.C. §§ 1331 and 1345 for this cause of action under 8 U.S.C. § 1451(a).

5. Venue is proper in this jurisdiction, because Defendant resides within the District of New Jersey. *See* 8 U.S.C. § 1451(a).

III. PARTIES

6. Plaintiff is the United States of America.

7. Defendant is a naturalized U.S. citizen who resides in New Jersey.

IV. LEGAL BACKGROUND

A. *Congessionally Imposed Prerequisites to the Acquisition of Citizenship*

8. 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). 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)).

9. 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).

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

11. Congress has 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).

12. 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. Denaturalization Statute

13. 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.

14. 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.

15. 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.

16. 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).

17. 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. FACTUAL BACKGROUND

18. The affidavit of George Johnson, a Special Agent with DHS, showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached as Exhibit A.

A. *Procuring H-1B Visas*

19. H-1B visas permit foreign nationals to work in the United States subject to certain requirements. *See* U.S.C. § 1101(a)(15)(H).

20. The H-1B visa program allows businesses in the United States to temporarily employ foreign workers with specialized or technical expertise in a particular field. *See* U.S.C. §§ 1101(a)(15)(H), 1184(i); 8 C.F.R. § 214.2(h)(1)(i).

21. Before hiring a foreign worker under the H-1B visa program, the employer must first obtain approval from the Department of Labor (“DOL”) by filing a Labor Condition Application (“LCA”). *See* 8 U.S.C. § 1182(n); 8 C.F.R. § 214.2(h)(4)(i)(B)(1).

22. In submitting and signing the LCA, the employer must attest that the statements therein are true and promise to comply with the labor conditions statements attested in the filing. *See* 20 C.F.R. § 655.730(c)(2).

23. In the LCA, the employer represents that it intends to employ a specified number of foreign workers for specific positions for a particular period of time (“end client job letters”). *See* 20 C.F.R. § 655.730(c)(4).

24. The employer also is required to make truthful representations regarding the foreign worker’s rate of pay, work location, and whether the position is full-time. *See* 20 C.F.R. § 655.730(c)(4).

25. After the DOL approves the LCA, which approvals are primarily based upon the employer's representations in the LCA, the employer must then obtain permission from USCIS to hire a specific individual. *See* 8 C.F.R. § 214.2(h)(4)(i)(B).

26. This approval is obtained by filing a Petition for a Non-Immigrant Worker, Form I-129. *See* 8 C.F.R. § 214.2(h)(2)(i)(A).

27. In this petition, the employer is required to submit documentation, affidavits, declarations, or writings to establish that the beneficiary is qualified to perform services in the specialty occupation and the services the beneficiary is to perform. *See* 8 C.F.R. § 214.2(h)(4)(iv)(A).

28. In this petition, the employer is also required to submit copies of any written contracts or a summary of an oral agreement between the petitioner and the beneficiary regarding the beneficiary's employment. *See* 8 C.F.R. § 241.2(h)(4)(iv)(B).

29. Once the visa is issued, the foreign worker possesses lawful non-immigrant status and may reside in the United States and work for the employer until the visa expires or his or her government approved employment with the company ends, whichever occurs first. *See* 8 C.F.R. § 214.1.

B. Defendant's Procurement of H-1B Visas Via Fraud

30. Defendant, a native and citizen of India, became a Permanent Resident of the United States on February 10, 2012.

31. A true and accurate copy of Defendant's Permanent Resident Card is attached as Exhibit B.

32. Defendant was the owner and chief executive officer of Magnavision LLC (“Magnavision”), an information technology staffing and consulting company with its principal office located at Somerset, New Jersey.

33. From April 25, 2015, through April 27, 2017, Defendant, as the chief executive officer of Magnavision, signed under penalty of perjury and filed with USCIS eleven H-1B visa petition packages that each included:

- a. An LCA containing false representations about employment, signed by Defendant; and
- b. A fraudulent end client letter bearing a forged signature.

34. When Defendant submitted the documentation under penalty of perjury, he knew the documents contained fraudulent documents and false material statements.

35. On October 11, 2019, the United States filed a Criminal Information (“Information”) before the United States District Court for the District of New Jersey in which the United States charged Defendant with knowingly and intentionally making a false statement with respect to a material fact in a visa application, in violation of 18 U.S.C. § 1546(a), in connection with the above-mentioned events.

36. The Information stated that the alleged offenses occurred from April 25, 2015, through April 27, 2017, in New Jersey and elsewhere.

37. A true and accurate copy of the Information is attached as Exhibit C.

38. On October 11, 2019, pursuant to a written plea agreement, Defendant, represented by counsel, pled guilty to violating 18 U.S.C. § 1546(a), as charged in the Information.

39. A true and accurate copy of the transcript of Defendant’s Plea Hearing is attached as Exhibit D.

40. A true and accurate copy of Defendant's Plea Agreement is attached as Exhibit E.

41. Both orally and in writing, Defendant acknowledged that a consequence to his guilty plea and conviction included the likely result of denaturalization and removal from the United States.

42. Before the Court, Defendant admitted that, between April 25, 2015, and April 27, 2017, he signed and filed eleven H-1B visa petitions containing fraudulent documents and false statements made under penalty of perjury and that he had known that those statements were false and material to USCIS's adjudication of the visa petitions.

43. Specifically, Defendant filed visa petitions with USCIS that contained (a) Defendant's false statements that he had secured full-time employment for the foreign worker beneficiaries of the H-1B visas at a bank, and (b) fraudulent letters on the bank's letterhead with forged signatures of bank executives.

44. A true and accurate copy of the transcript of Defendant's Sentencing Hearing is attached as Exhibit F.

45. On October 11, 2019, a U.S. District Judge for the District of New Jersey accepted Defendant's plea of guilty, as charged in the Information.

46. On April 6, 2021, the U.S. District Court found Defendant guilty in violation of 8 U.S.C. § 1546, with the date of offenses between April 25, 2015, through April 27, 2017.

47. On April 6, 2021, the U.S. District Court sentenced Defendant to a period of home detention for ten months and three years of probation.

48. A true and accurate copy of the Judgment entered against Defendant April 6, 2021, is attached as Exhibit G.

C. Defendant's Naturalization

49. On April 18, 2017, Defendant signed under penalty of perjury an Application for Naturalization, attesting that his answers to the questions therein were true and correct.

50. Defendant attested "NO" to Part 12, Question 22: "Have you **EVER** committed, assisted in committing, or attempted to commit, a crime or offense for which you were **NOT** arrested?"

51. Defendant attested "NO" to Part 12, Question 31: "Have you **EVER** given any U.S. Government officials **any** information or documentation that was false, fraudulent, or misleading?"

52. Defendant attested "NO" to Part 12, Question 32: "Have you **EVER** lied to any U.S. Government officials to gain entry or admission into the United States or to gain immigration benefits while in the United States?"

53. A true and accurate copy of Defendant's Naturalization Application is attached as Exhibit H.

54. Defendant filed his signed naturalization application with USCIS on April 20, 2017.

55. On December 7, 2017, a USCIS officer interviewed Defendant under oath regarding his naturalization application to determine Defendant's eligibility for naturalization.

56. During his naturalization interview, Defendant orally testified that he had never "committed, assisted in committing, or attempted to commit, a crime or offense for which [he was] **NOT** arrested," consistent with his written response to Part 12, Question 22 of his naturalization application.

57. During his naturalization interview, Defendant orally testified that he had never “given any U.S. Government officials **any** information or documentation that was false, fraudulent, or misleading,” consistent with his written response to Part 12, Question 31 of his naturalization application.

58. During his naturalization interview, Defendant orally testified that he had never “lied to any U.S. Government officials to gain entry or admission into the United States or to gain immigration benefits while in the United States,” consistent with his written response to Part 12, Question 32 of his naturalization application.

59. At the end of the naturalization interview and in the presence of the USCIS officer, Defendant again signed his naturalization application under penalty of perjury that the contents of his application were complete, true, and correct.

60. Based on the information Defendant supplied in his naturalization application and in the sworn oral answers he gave during his naturalization interview, USCIS approved Defendant’s naturalization application on December 7, 2017.

VI. OATH OF ALLEGIANCE

61. On December 7, 2017, Defendant attested “NO” to Question 3 on Form N-455, Notice of Naturalization Oath: “Since your interview, have you knowingly committed any crime or offense, for which you have not been arrested?”

62. On December 7, 2017, Defendant signed Form N-455, Notice of Naturalization Oath, attesting that “each answer is true and correct as of the date of my Naturalization Oath Ceremony.”

63. A true and accurate copy of Defendant’s Notice of Naturalization Oath is attached as Exhibit I.

64. On December 7, 2017, based on Defendant's approved naturalization application and on the responses he provided that same day on Form N-445, Notice of Naturalization Oath Ceremony, Defendant was administered the oath of allegiance.

65. On December 7, 2017, Defendant was admitted to U.S. Citizenship.

66. On December 7, 2017, Defendant was issued Certificate of Naturalization No. 39207661.

67. A true and accurate copy of Defendant's Certificate of Naturalization is attached as Exhibit J.

VII. CAUSES OF ACTION

COUNT ONE

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (Unlawful Acts Reflecting Adversely on Moral Character)

68. Plaintiff re-alleges and incorporates by reference the factual and legal allegations contained in Sections II through VI of this complaint.

69. As outlined above, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during his "statutory period," which runs from April 20, 2012, until December 7, 2017. *See* 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

70. Defendant could not establish the requisite good moral character for naturalization because he committed unlawful acts, including a violation of 18 U.S.C. § 1546, during his statutory period, that reflected adversely upon his moral character. *See* 8 U.S.C. § 1101(f) (flush language); 8 C.F.R. § 316.10(b)(3)(iii).

71. No extenuating circumstances exist that would ameliorate or palliate Defendant's guilt with regard to Defendant's unlawful activity.

72. Because no extenuating circumstances exist, Defendant cannot avoid the regulatory bar on establishing good moral character at 8 C.F.R. § 316.10(b)(3)(iii).

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

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

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

76. Because Defendant illegally procured his naturalization, this Court must revoke his naturalization as provided under 8 U.S.C. § 1451(a).

COUNT TWO

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

77. Plaintiff re-alleges and incorporates by reference the factual and legal allegations contained in Sections II through VI of this Complaint.

78. As outlined above, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during his “statutory period,” which runs from April 20, 2012, five years before he filed his naturalization application, until December 7, 2017, when he naturalized. *See* 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

79. During his naturalization interview with USCIS on December 7, 2017, Defendant gave false testimony to secure an immigration benefit.

80. As outlined above, on December 7, 2017, Defendant falsely testified orally and under oath that he had never committed a crime or offense for which he was not arrested, despite having committed fraud to obtain visas, in violation of 18 U.S.C. § 1546, between April 25, 2015, through April 27, 2017.

81. As outlined above, on December 7, 2017, Defendant falsely testified orally and under oath that he had never given any U.S. Government officials any information or documentation that was false, fraudulent, or misleading, despite having submitted forged documents and provided false information to USCIS in eleven H-1B visa petitions between April 25, 2015, and April 27, 2017.

82. As outlined above, on December 7, 2017, Defendant falsely testified orally and under oath that he had never lied to any U.S. Government official to gain immigration benefits, despite having filed eleven fraudulent H-1B petitions to procure visas between April 25, 2015, through April 27, 2017, and affirmatively concealing that conduct during his naturalization interview.

83. Because, during the statutory period, Defendant provided false testimony under oath for the purpose of obtaining naturalization—an enumerated statutory bar—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.

84. Because Defendant was ineligible to naturalize, he illegally procured his naturalization.

85. Because Defendant illegally procured his naturalization, this Court must revoke his naturalization under 8 U.S.C. § 1451(a).

COUNT THREE

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

86. Plaintiff re-alleges and incorporates by reference the factual and legal allegations contained in Sections II through VI of this Complaint.

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

88. As set forth above, throughout his naturalization process, including in his naturalization application and during his naturalization interview, Defendant concealed his criminal actions and willfully misrepresented that (a) he had never committed a crime or offense for which he had not been arrested, (b) he had never given any U.S. Government officials any information or documentation that was false, fraudulent, or misleading, and (c) he had never lied to any U.S. Government official to gain immigration benefits.

89. Defendant knew these representations were false and misleading.

90. Because Defendant knew these representations were false and misleading, he therefore provided his misrepresentations willfully.

91. Defendant's misrepresentations were material to his naturalization because the disclosure of his fraud and misrepresentations to obtain an immigration benefit would have had a natural tendency to influence USCIS's decision whether to approve Defendant's naturalization application, because such information directly related to statutory and regulatory eligibility criteria that USCIS is required to consider when deciding whether to grant or deny a naturalization application.

92. Defendant procured his naturalization because of his misrepresentations and concealment.

93. Had Defendant disclosed the truth about his criminal conduct, he would have disclosed his ineligibility for naturalization, and USCIS would not have approved his application or administered the oath of allegiance.

94. Defendant thus procured his naturalization by willful misrepresentation and concealment of material facts, and this Court therefore must revoke his naturalization pursuant to 8 U.S.C. § 1451(a).

PRAYER FOR RELIEF

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

- A. Judgment that Defendant illegally procured his naturalization;
- B. Judgment that Defendant procured his naturalization by willful misrepresentation and concealment of material facts;
- C. Judgment revoking and setting aside Defendant's naturalization and canceling Certificate of Naturalization No. 39207661, effective as of the original date of the order and certificate, December 7, 2017;
- D. Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages in connection with his December 7, 2017, naturalization;
- E. 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 or control (and to make good faith efforts to recover and immediately 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;

F. Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment against him, any other indicia of U.S. citizenship whether valid or expired—including, but not limited to, U.S. passports (and passport cards, if applicable), as well as any enhanced driver’s licenses—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

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

Dated: June 4, 2026

Respectfully submitted,

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