

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

CASE NO. 6:25-cv-1737

UNITED STATES OF AMERICA,

Plaintiff,

v.

**COMPLAINT TO REVOKE
NATURALIZATION**

FERNANDO ADRIAN MOIO BARTOLINI,

a/k/a Fernando Adrian Moio,

a/k/a Fernando Adrian Moio Bartollini,

Defendant.

PRELIMINARY STATEMENT OF THE CASE

The United States of America brings this civil action against Defendant Fernando Adrian Moio Bartolini, a/k/a Fernando Adrian Moio, a/k/a Fernando Adrian Moio Bartollini (“Defendant”) to revoke his naturalization under 8 U.S.C. § 1451(a). Defendant is a native of Argentina who used a fraudulent Cuban identity to adjust status and naturalize as a U.S. citizen.

Defendant was born in Argentina and entered the United States under the Visa Waiver Program for Argentinian citizens. Thereafter, Defendant purchased a fraudulent Cuban birth certificate, obtained a fraudulent Cuban passport, and applied for permanent resident status in the United States under the Cuban Adjustment Act, claiming that he was a native and citizen of Cuba. In his naturalization proceedings, Defendant continued the false assertion that he was born in Cuba, and he denied committing fraud to obtain any immigration benefit.

After Defendant illegally procured naturalization, he fraudulently obtained a U.S. passport, falsely stating on his passport application that he was born in Cuba. In 2013, Defendant was arrested and charged with false statement in application and use of a passport, in violation of 18 U.S.C. § 1542. When he pleaded guilty, Defendant admitted that he was born in Argentina and that he used the fraudulent Cuban documents to adjust status to permanent resident and, ultimately, to naturalize as a U.S. citizen.

Defendant therefore illegally procured his naturalization and, independently, procured his naturalization by willfully misrepresented and concealed material facts during his naturalization proceedings. As a result, the Court must revoke the order admitting Defendant to U.S. citizenship and cancel his certificate of naturalization pursuant to 8 U.S.C. § 1451(a).

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff is the United States of America.
2. Defendant is a native of Argentina and a naturalized U.S. citizen.
3. 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 Defendant's Certificate of Naturalization No. 32489275.
4. The court has subject-matter jurisdiction under 28 U.S.C. §§ 1331 and 1345 for a cause of action under 8 U.S.C. § 1451(a).
5. Venue is proper in this District under 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because Defendant resides in Orange County, Florida, which is within the jurisdiction and venue of this Court.

FACTUAL ALLEGATIONS

6. The affidavit of Max Duarte, Immigration Officer for the United States Citizenship and Immigration Services (“USCIS”) assigned to the Fraud Detection and National Security Directorate, an agency with the U.S. Department of Homeland Security (“DHS”), showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached as Exhibit A.

I. Defendant’s Adjustment of Status to Permanent Resident

7. Defendant was born in Argentina. Argentinian Birth Certificate with Certified English Translation, attached as Exhibit B.

8. On November 18, 2000, Defendant was admitted to the United States as a nonimmigrant visitor under the Visa Waiver Program under 8 U.S.C. § 1187(a) with authorization to stay in the United States for 90 days or less.

9. Defendant did not depart the United States before the 90-day deadline under 8 U.S.C. § 1187(a)(1).

10. On or about June 2, 2005, Defendant filed a Form I-485, Application to Register Permanent Resident or Adjust Status (“first Form I-485”), with U.S. Citizenship and Immigration Services (“USCIS”) seeking permanent resident status under the Cuban Adjustment Act. First Form I-485, attached as Exhibit C.

11. Part 1 of the first Form I-485 asked the applicant for his “Country of Birth,” and Defendant answered “CUBA.”

12. On or about May 9, 2005, Defendant signed his first Form I-485 under penalty of perjury, certifying that the application and the evidence submitted with it were all true and correct.

13. On April 20, 2006, a USCIS officer placed Defendant under oath and interviewed him on his first Form I-485.

14. The USCIS officer asked Defendant his country of birth, and Defendant answered orally under oath that he was born in Cuba.

15. On or about April 22, 2006, USCIS denied the first Form I-485, and on May 5, 2006, USCIS issued a decision indicating that it denied the first Form I-485 because Defendant failed to provide sufficient evidence of his alleged Cuban birth and nationality.

16. On or about October 29, 2006, Defendant filed another Form I-485, Application to Register Permanent Resident or Adjust Status (“second Form I-485”), with USCIS seeking permanent resident status under the Cuban Adjustment Act. Second Form I-485, attached as Exhibit D.

17. Defendant submitted a putative Cuban birth certificate and a putative Cuban passport in support of the second Form I-485, both indicating that he was born in Cuba.

18. Part 1 of the second Form I-485 asked the applicant his “Country of Birth,” and Defendant answered “CUBA.”

19. Part 1 of the second Form I-485 asked the applicant his “Country of Citizenship/Nationality,” and Defendant answered “CUBA.”

20. Question 10 of Part 3 of the second Form I-485 asked the applicant whether he was “under a final order of civil penalty for violating section 274C of the Immigration and Nationality Act for use of fraudulent documents or have you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the United States or any immigration benefit.”

21. Defendant checked the box “No” to answer Question 10 of Part 3 of his second Form I-485.

22. On or about October 11, 2006, Defendant signed his second Form I-485 under penalty of perjury, certifying that the application and the evidence submitted with it were all true and correct.

23. On July 30, 2007, a USCIS officer placed Defendant under oath and interviewed him on his second Form I-485.

24. The USCIS officer asked Defendant whether he, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the United States, or any other immigration benefit, and Defendant orally answered under oath that he had not, confirming his answer Question 10 of Part 3 of his second Form I-485.

25. On July 30, 2007, USCIS approved Defendant’s second Form I-485 granting him permanent resident status retroactive to April 29, 2004.

II. Defendant’s Naturalization

26. On or about June 15, 2009, Defendant filed a Form N-400, Application for Naturalization (“naturalization application”). Naturalization Application, attached as Exhibit E.

27. Question D of Part 3 of the naturalization application asked the applicant’s “Country of Birth.”

28. Defendant answered “CUBA” in response to Question D of Part 3 of his naturalization application.

29. Question E of Part 3 of the naturalization application asked the applicant's "Country of Nationality."

30. Defendant answered "CUBA" in response to Question E of Part 3 of his naturalization application.

31. Question 23 of Part 10, Section D of the naturalization application asked the applicant if he had "**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."

32. Defendant checked the box "No" to answer Question 23 of Part 10, Section D of his naturalization application.

33. On or about April 24, 2009, Defendant signed his naturalization application under penalty of perjury certifying that the application and evidence submitted with it were all true and correct.

34. On September 21, 2009, a USCIS officer placed Defendant under oath and interviewed him on his eligibility for naturalization.

35. The USCIS officer asked Defendant whether he had 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, and Defendant answered orally under oath that he had not, confirming his "No" answer to Question 23 of Part 10, Section D of his naturalization application.

36. At the conclusion of the interview, Defendant signed the naturalization application, again attesting under penalty of perjury that the contents of the application, including the six corrections made during the interview, were true and correct.

37. At no point during the naturalization process did Defendant disclose that he was not a Cuban native or national.

38. At no point during the naturalization process did Defendant disclose that he gave false and misleading information to U.S. government officials while applying for adjustment of status.

39. On September 21, 2009, based on his written application and the oral testimony that he provided at his naturalization interview, USCIS approved Defendant's naturalization application.

40. On September 25, 2009, Defendant took the Oath of Allegiance to the United States and was admitted as a U.S. citizen.

41. On September 25, 2009, USCIS issued Certificate of Naturalization No. 32489275 to Defendant in the name of Fernando Adrian Moio Bartolini listing Cuba as his country of former nationality. Naturalization Certificate, attached as Exhibit F.

III. Defendant's Arrest and Prosecution for Passport Fraud

42. On or about June 12, 2013, Defendant arrived at the Miami International Airport aboard a flight from Medellín, Colombia.

43. A U.S. Customs and Border Protection ("CBP") officer interviewed Defendant at the Miami International Airport.

44. Defendant admitted in a sworn statement to CBP that:

- a. he was born in Buenos Aires, Argentina;
- b. he was never a Cuban citizen;
- c. neither his parents nor his grandparents were Cuban citizens;

- d. “around 2004” he purchased a Cuban birth certificate for “around \$5,000.00 [from] a Cuban Lady in Miami Lakes, Florida;” and
- e. he knew it was illegal to obtain United States residency status with fraudulent documents.

Form I-867A, Record of Sworn Statement in Proceedings under Section 235(b)(1) of the Act (June 13, 2013), attached as Exhibit G.

45. On or about June 27, 2013, Defendant was indicted by a grand jury convened by the United States District Court for the Southern District of Florida for one count of false statement in application and use of a passport, in violation of 18 U.S.C. § 1542. Indictment, *United States v. Bartollini*, No. 13-20475-CR-LENARD (S.D. Fla. June 28, 2013), ECF No. 7, attached as Exhibit H.

46. Defendant spelled his last name “Moio Bartollini” with two Ls on his U.S. passport application, which was the spelling that the U.S. Department of State used on his U.S. passport and the spelling that the United States Attorney’s Office used in the indictment.

47. On or about August 1, 2013, Defendant pleaded guilty to the sole count in the indictment. Change of Plea Minutes, *United States v. Bartollini*, No. 13-20475-CR-LENARD (S.D. Fla. Aug. 1, 2013), ECF No. 15, attached as Exhibit I.

48. The Court, being satisfied there was a factual basis for the plea, accepted Defendant’s plea of guilty and found Defendant guilty as charged.

49. With his guilty plea, Defendant signed and submitted to the Court a factual proffer explaining how he came to the United States from Argentina, obtained a fraudulent Cuban birth certificate and passport, and used those fraudulent documents to obtain

permanent resident status and U.S. citizenship. Factual Proffer, *United States v. Bartollini*, No. 13-20475-CR-LENARD (S.D. Fla. Aug. 1, 2013), ECF No. 17, attached as Exhibit J.

50. Defendant admitted in the Factual Proffer that:

- a. “he obtained a false Cuban birth certificate in 2004 by paying \$5000 to a Cuban lady in Miami Lakes;”
- b. “he used that [false Cuban] birth certificate to apply for U.S. residency (LPR status);” and
- c. “he falsely stated his birthplace as Cuba throughout the process of acquiring his naturalization and his U.S. passport.”

51. During the change of plea hearing, the court asked and Bartolini answered the following:

THE COURT: Do you understand that as a result of an adjudication in this matter, it may result in the loss of your status as a United States citizen and subsequent removal from the United States?

THE DEFENDANT: Yes. I understand.

Change of Plea Hr’g Tr. 12:16–20, *United States v. Bartollini*, No. 13-20475-CR-LENARD (S.D. Fla. May 15, 2025), ECF No. 24, attached as Exhibit K.

52. On August 23, 2013, Defendant was sentenced to time served and one year of supervised release for false statement in application and use of a passport, in violation of 18 U.S.C. § 1542. Judgment, *United States v. Bartollini*, No. 13-20475-CR-LENARD (S.D. Fla. Aug. 23, 2013), ECF No. 23, attached as Exhibit L.

GOVERNING LAW

I. Statutory Prerequisites to the Acquisition of Citizenship through Naturalization

53. 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).

54. 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)).

55. Among other requirements, Congress mandated that an applicant for naturalization must demonstrate that he or she has been *lawfully* admitted to the United States for permanent residence and subsequently resided in this country for at least five years before the date of application. 8 U.S.C. §§ 1427(a)(1), 1429.

56. Congress also mandated that an individual may not naturalize unless that person “during all periods referred to in [8 U.S.C. § 1427(a)] has been and still is a person of good moral character.” 8 U.S.C. § 1427(a).

57. The required statutory period for good moral character begins five years before the date the applicant files the application for naturalization and continues until the applicant takes the Oath of Allegiance and becomes a U.S. citizen. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(1).

58. Congress has explicitly precluded individuals who give false testimony during the statutory period 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).

II. The Denaturalization Statute

59. 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.

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

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

61. Failure to comply with any of the congressionally imposed prerequisites to the acquisition of citizenship through naturalization renders the order granting citizenship “illegally procured.” *Fedorenko*, 449 U.S. at 506.

62. 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).

63. 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*, 449 U.S. at 517.

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

71. Because he was ineligible to naturalize, Defendant illegally procured his naturalization, and this Court must revoke his naturalization as a U.S. citizen under 8 U.S.C. § 1451(a).

COUNT II
ILLEGAL PROCUREMENT OF NATURALIZATION
(Lack of Good Moral Character – False Testimony)

72. Defendant was required to establish that he was a person of good moral character from June 15, 2004, five years before he filed his naturalization application, until the date he became a U.S. citizen on September 25, 2009 (the “statutory period”). 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(1).

73. Defendant was statutorily barred from showing that he was a person of good moral character during the statutory period because he gave false testimony, under oath, on three different occasions for the purpose of obtaining immigration benefits. 8 U.S.C. § 1101(f)(6).

74. First, as alleged in Paragraphs 13 and 14, Defendant testified falsely for the purpose of obtaining an immigration benefit when he testified, under oath, during his April 20, 2006 interview on his first Form I-485 that he was born in Cuba.

75. Defendant’s testimony was false because he was born in Argentina, and not in Cuba.

76. Second, as alleged in Paragraphs 23 and 24, Defendant testified falsely for the purpose of obtaining an immigration benefit when he testified, under oath, during his July 30, 2007 interview on his second Form I-485, that he had never, by fraud or willful

misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the United States, or any other immigration benefit.

77. Defendant's testimony was false because he testified, under oath, during his April 20, 2006 interview on his first Form I-485, that he was born in Cuba when, in fact, he was born in Argentina.

78. The fact that he was not born in Argentina and not in Cuba was material because an applicant for adjustment under the Cuban Adjustment Act must be a native or citizen of Cuba, married to a Cuban national, or the child of a Cuban national.

79. Third, as alleged in Paragraphs 34 and 35, Defendant testified falsely for the purpose of obtaining an immigration benefit when he testified, under oath, during his September 21, 2009 interview on his naturalization application, that he had never given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal.

80. As alleged in Paragraphs 74 through 77, Defendant's testimony in his naturalization interview was false, because he provided false testimony during his April 20, 2006 interview on his first Form I-485 and during his July 30, 2007 interview on his second Form I-485.

81. Because Defendant provided false testimony under oath for the purpose of obtaining immigration benefits during the statutory period, 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.

82. Because Defendant could not establish the requisite good moral character under 8 U.S.C. § 1427(a)(3), he was ineligible for naturalization.

83. Because Defendant was ineligible to naturalize, he illegally procured his naturalization, and this Court must revoke his naturalization as a U.S. citizen under 8 U.S.C. § 1451(a).

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

84. Under 8 U.S.C. § 1451(a), this Court must revoke and set aside the order admitting Defendant to citizenship and cancel his Certificate of Naturalization because he procured his naturalization by concealment of a material fact or by willful misrepresentation.

85. As alleged in Paragraphs 27 to 30, during the naturalization process Defendant willfully misrepresented and concealed the fact that he was born in and was a native of Argentina, not Cuba.

86. As alleged in Paragraphs 31, 32, and 66, during the naturalization process Defendant willfully misrepresented and concealed that fact that he had given false or misleading information to U.S. government officials while applying for immigration benefits or to prevent deportation, exclusion, or removal, namely that he provided false information about his place of birth.

87. Defendant made the misrepresentations and concealments voluntarily and despite knowing that such representations were false and misleading. Accordingly, Defendant made these representations willfully.

88. At no point during the naturalization process did Defendant disclose that he was born in and was a native of Argentina, and not Cuba; or that he had given false or

misleading information to U.S. government officials while applying for immigration benefits or to prevent deportation, exclusion, or removal.

89. Defendant's misrepresentations and concealments were material to his naturalization application, because each would have had a natural tendency to influence USCIS's decision whether to approve his naturalization application. Indeed, if USCIS had known that Defendant was born in Argentina, his naturalization application would have been denied for failure to lawfully adjust status to permanent resident.

90. Defendant therefore procured his naturalization by concealment of material facts and willful misrepresentations, and this Court must revoke his naturalization as a U.S. citizen under 8 U.S.C. § 1451(a).

PRAYER FOR RELIEF

WHEREFORE, the United States of America respectfully requests:

- (1) A declaration that Defendant illegally procured his U.S. citizenship;
- (2) A declaration that Defendant procured his U.S. citizenship by concealment of material facts and by willful misrepresentation;
- (3) Judgment revoking and setting aside the order admitting Defendant to citizenship and canceling Certificate of Naturalization No. 32489275, effective as of the original date of the order and certificate, September 25, 2009.
- (4) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages related to U.S. citizenship that he obtained as a result of his September 25, 2009 naturalization;
- (5) Judgment requiring the Defendant to surrender and deliver, within ten days of entry of Judgment, his Certificate of Naturalization, as well as 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 Attorney General, or his representative, including the undersigned;

(6) Judgment requiring the Defendant to immediately surrender and deliver, within ten days of entry of Judgment, any other indicia of U.S. citizenship, including, but not limited to, U.S. passports (whether valid or expired), U.S. passport cards (whether valid or expired), and Enhanced Driver's Licenses (whether valid or expired), as well as 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 Attorney General, or her representative, including the undersigned; and

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

Dated: September 9, 2025

GREGORY W. KEHOE
United States Attorney
Middle District of Florida

Respectfully submitted,

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Assistant Attorney General
Civil Division

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General Litigation and Appeals Section
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**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

CASE NO. 6:25-cv-1737

UNITED STATES OF AMERICA,

Plaintiff,

v.

FERNANDO ADRIAN MOIO BARTOLINI,

a/k/a Fernando Adrian Moio,

a/k/a Fernando Adrian Moio Bartollini,

Defendant.

**EXHIBITS IN SUPPORT OF
COMPLAINT TO REVOKE NATURALIZATION**

- A. Affidavit of Good Cause of Max Duarte, Immigration Officer, Fraud Detention and National Security Directorate, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security (Sept. 4, 2025)
- B. Argentinian Birth Certificate with Certified English Translation
- C. Form I-485, Application to Register Permanent Resident or Adjust Status (June 2, 2005)
- D. Form I-485, Application to Register Permanent Resident or Adjust Status (Oct. 29, 2006)
- E. Form N-400, Application for Naturalization (June 15, 2009)
- F. Certificate of Naturalization No. 32489275 (Sept. 25, 2009)
- G. Form I-867A, Record of Sworn Statement in Proceedings under Section 235(b)(1) of the Act (June 13, 2013)
- H. Indictment, *United States v. Bartollini*, No. 13-20475-CR-LENARD (S.D. Fla. June 28, 2013), ECF No. 7
- I. Change of Plea Minutes, *United States v. Bartollini*, No. 13-20475-CR-LENARD (S.D. Fla. Aug. 1, 2013), ECF No. 15

- J. Factual Proffer, *United States v. Bartollini*, No. 13-20475-CR-LENARD (S.D. Fla. Aug. 1, 2013), ECF No. 17
- K. Change of Plea Hr'g Tr., *United States v. Bartollini*, No. 13-20475-CR-LENARD (S.D. Fla. Aug. 1, 2013), ECF No. 24
- L. Judgment, *United States v. Bartollini*, No. 13-20475-CR-LENARD (S.D. Fla. Aug. 23, 2013), ECF No. 23

Exhibit A

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	AFFIDAVIT OF GOOD CAUSE
)	
FERNANDO ADRIAN MOIO BARTOLINI,)	
Also known as Fernando Adrian Moio,)	
Fernando A. Moio, and)	
Fernando Adrian Moio Bartollini,)	
)	
Defendant.)	

I, Max Duarte, declare under penalty of perjury as follows:

I am an Immigration Officer ("IO") for the United States Citizenship and Immigration Services ("USCIS") assigned to the Fraud Detection and National Security Directorate, an agency with the U.S. Department of Homeland Security ("DHS") and have been so employed since April 10, 2022. I am currently on detail to U.S. Immigration and Customs Enforcement's Homeland Security Investigations (HSI) as a Task Force Officer, where I assist in investigations to combat immigration benefits fraud. In this capacity, I have access to the official records of DHS, including the immigration file of Fernando Adrian Moio Bartolini ("Bartolini"), Alien Registration Number A [REDACTED] Bartolini also used the names of Fernando Adrian Moio and Fernando A. Moio in applications for adjustment of status and the name of Fernando Adrian Moio Bartollini on a fraudulent Cuban birth certificate and fraudulent Cuban passport.

I have examined records relating to Bartolini, including, but not limited to, his immigration file(s) ("A-File"). An A-File is the official file for all immigration and naturalization records created. Based upon my review of Bartolini's records, I state, on

information and belief, that the information set forth in this Affidavit of Good Cause is true and correct.

I. Bartolini was granted U.S. citizenship on September 25, 2009.

1. Bartolini filed an application for an F-1 student visa with the United States Department of State in Buenos Aires, Argentina. He listed Argentina as his country of birth. That student visa application was denied on November 8, 2000.

2. On November 18, 2000, Bartolini was admitted to the United States as a nonimmigrant visitor under the Visa Waiver Program under section 217 of the Immigration and Nationality Act (“INA” or “Act”), with authorization to remain in the United States for 90 days or less, and overstayed.

3. On or about June 2, 2005, Bartolini applied for Permanent Resident status under the Cuban Adjustment Act,¹ by filing a Form I-485, Application to Register Permanent Resident or Adjust Status (“Form I-485”) with U.S. Citizenship and Immigration Service (“USCIS”) in Miami, Florida, claiming he was a native and citizen of Cuba. In this application he used the name of Fernando Adrian Moio.

4. USCIS denied the Form I-485 on May 5, 2006, for failure to provide sufficient evidence of his Cuban birth and nationality, either through an original birth certificate or a Cuban passport.

5. Bartolini purchased a fraudulent Cuban birth certificate in the name of Fernando Adrian Moio Bartollini for \$5000.

6. On August 1, 2006, Bartolini obtained a fraudulent Cuban passport (No. C909662) in the name of Fernando Adrian Moio Bartollini, with expiration date of July 31, 2012.

¹ Public law 89-732, enacted on November 2, 1966.

7. Bartolini then reapplied for permanent resident status under the Cuban Adjustment Act by filing a new Form I-485 with USCIS on or about October 29, 2006, in the name of Fernando A. Moio. In that application he claimed he was a native and citizen of Cuba and presented his newly-acquired, but fraudulent, Cuban passport and the fraudulent Cuban birth certificate, both in the name of Fernando Adrian Moio Bartollini, as supporting evidence.

8. Bartolini's application to adjust status was approved after a personal interview on July 30, 2007. His permanent resident status was retroactive as of April 29, 2004, making him eligible to apply for naturalization on or about April 29, 2009.

9. Bartolini filed an Application for Naturalization ("Form N-400"), with the USCIS in Miami, Florida on June 15, 2009. An attorney appearance form was filed on that date and accompanied Bartolini's application. Both Bartolini and the attorney signed the Form N-400 under penalty of perjury.

10. On September 21, 2009, USCIS Immigration Services Officer Sims interviewed Bartolini under oath, concerning the information provided on his Form N-400 to determine his eligibility for naturalization.

11. On September 21, 2009, based on his N-400 application and on his testimony at the naturalization interview, USCIS Officer Sims approved Bartolini's N-400 application for naturalization.

12. Bartolini was also provided a Form N-649, Certificate of Preparation Sheet and Oath Declaration, in which he signed an Oath of Allegiance to the United States and listed Cuba as his country of former nationality.

13. On September 25, 2009, Bartolini completed the questionnaire on a Form N-445, Notice of Naturalization Oath Ceremony.

14. On September 25, 2009, Bartolini took the oath of allegiance and was admitted as a citizen of the United States. He was issued a Certificate of Naturalization, number [REDACTED] in the name of Fernando Adrian Moio Bartollini, bearing Cuba as the country of his former nationality.

15. On September 25, 2009, Bartolini submitted a U.S. Passport Application to the Clerk of Court in Miami, Florida where he presented his Certificate of Naturalization as proof of citizenship. Bartolini swore under oath that the statements he made on his U.S. Passport Application were true.

16. On September 28, 2009, the National Passport Center issued Bartolini a U.S. Passport book bearing the number [REDACTED] in the name of Fernando Adrian Moio Bartollini and listed his place of birth as Cuba.

17. On or about June 13, 2013, Bartolini arrived at the Miami International Airport from Colombia via American Airlines and presented his U.S. Passport, bearing number [REDACTED] to a U.S. Customs and Border Protection ("CBP") officer for examination.² Bartolini was directed to the secondary inspection area for further investigation of possible passport and citizenship fraud.

18. During the secondary examination, CBP Officer Medrano asked Bartolini where he was born, to which Bartolini responded, Buenos Aires, Argentina. Bartolini was asked of what country he is a citizen; he replied, "Argentina." When CBP Officer Medrano asked Bartolini if he had ever been a Cuban citizen legally, Bartolini replied, "No." He also stated that his parents and grandparents have never been Cuban citizens. Bartolini also stated under oath that he obtained a false Cuban birth certificate in 2004 for \$5000.

² Bartollini had presented his U.S. Passport bearing number [REDACTED] at least on two additional occasions when seeking admission into the United States as a U.S. citizen: on October 25, 2009, and again on April 26, 2010.

19. Bartolini told CBP Officer Medrano that he used the Cuban birth certificate and Cuban passport to apply for Permanent Resident status. He then used his Permanent Resident status to apply for U.S. citizenship. After acquiring citizenship status on September 25, 2009, he applied for a U.S. passport which was issued on September 28, 2009. He falsely stated his birthplace as Cuba throughout the process of acquiring his Permanent Resident status, his naturalization, and his U.S. Passport.³

20. On June 13, 2013, Bartolini was arrested by CBP Enforcement Officer Cervantes and Miami HSI Special Agent Sklarsky. Bartolini provided a written statement post *Miranda* in which he admitted engaging in the fraudulent conduct.

21. On June 14, 2013, a criminal complaint was filed in the United States District Court for the Southern District of Florida charging Bartolini with One Count of False Statements in Application for Passport and Use of a Passport Fraudulently Obtained, in violation of 18 U.S.C. § 1542.

22. On June 27, 2013, Bartolini was subsequently indicted for violation of 18 U.S.C. § 1542. The charge carries a maximum term of imprisonment of up to ten years.

23. On August 23, 2013, Bartolini pled guilty to the charge and was sentenced to a term of imprisonment of time served, one year of supervised release, and monetary assessment of \$100. As part of the Special Conditions of Supervision, the Court ordered that Bartolini should surrender to the Department of Homeland Security for removal after imprisonment.

³ On his U.S. Passport Application, Bartollini stated under oath that his mother, Maria Angelica Bartollini, was born in Cuba. In the sworn statement Bartollini gave to the CBP officer on June 13, 2013, he stated that his mother, Maria Angelica Bartollini, was born in Argentina and her citizenship is Argentinian.

II. Bartolini illegally procured his naturalization.

24. To be eligible for naturalization, an applicant, 1) immediately preceding the date of filing his application for naturalization must have resided continuously, after being lawfully admitted for permanent residence, within the United States for at least five years, 2) has resided continuously within the United States from the date of the application up to the time of admission to citizenship, and 3) has been a person of good moral character for five years immediately preceding the filing of the application until the date on which he was admitted as a citizen of the United States (the “statutory period”). INA § 316(a) 8 U.S.C. § 1427(a).

A. Bartolini was not lawfully admitted as a permanent resident to the United States.

25. Bartolini was ineligible to naturalize because he was not lawfully admitted to the United States for permanent residence under the Cuban Adjustment Act.

26. Adjustment of status under the Cuban Adjustment Act is available to nationals of Cuba, and their non-Cuban spouses and children under special circumstances. The Cuban national must also be inspected and admitted or paroled into the United States and physically present in the United States for at least one year prior to filing their adjustment application.⁴

27. Bartolini presented a fraudulent Cuban birth certificate and a fraudulent Cuban passport in his name; however, he was a native and citizen of Argentina, and not Cuba. Therefore, Bartolini was ineligible to adjust his status under the Cuban Adjustment Act and should not have been granted Permanent Resident status because he was not a Cuban national, was not married to a Cuban national, and was not the child of Cuban nationals.

⁴ Some non-Cubans may be eligible to adjust status under the Cuban Adjustment Act if they reside with the Cuban spouse or parent. However, this scenario is not applicable in the instant case as Bartollini is not married to a Cuban national, and his parents are not Cuban nationals.

28. Moreover, under the law in effect, as today, an individual who by fraud or willfully mispresenting a material fact seeks to procure (or had sought to procure or had procured) a visa, other documentation, admission into the United States, or other benefit under the INA was inadmissible. INA § 212(a)(6)(C)(i); 8 U.S.C. § 1182(a)(6)(C)(i).

29. Based on the information contained above, Bartolini willfully misrepresented material facts, specifically his nationality and country of birth, at the time he adjusted his status. Because he misrepresented material facts, he was inadmissible at the time of his adjustment and thus was not lawfully admitted for permanent resident status. Moreover, Bartolini was not lawfully admitted for permanent resident status at the time of his adjustment since he was not a national or citizen of Cuba, was not married to a Cuban national, or was not the child of Cuban nationals.

B. Bartolini committed unlawful acts that adversely reflected upon his moral character.

30. Bartolini was required to prove that he was a person of good moral character from June 15, 2004, five years before he filed his application for naturalization, until September 25, 2009, the date on which he was admitted as a citizen of the United States (the “statutory period”).

31. Under the law then in effect, an individual cannot establish good moral character if, during the statutory period, he commits unlawful acts that adversely reflect on his moral character, unless he could establish extenuating circumstances. INA § 101(f); 8 U.S.C. § 1101(f); 8 C.F.R. § 316.10 (b)(3)(iii).

32. During the statutory period, Bartolini committed the following criminal offenses for which he was never charged: perjury, in violation of 18 U.S.C. § 1621(1); false swearing in an immigration matter, in violation of 18 U.S.C. § 1546(a); and false statements, in violation of 18 U.S.C. § 1001(a).

33. Bartolini could not have established that he was a person of good moral character because during the statutory period from April 24, 2004 to September 25, 2009, he committed the following unlawful acts that adversely reflected upon his moral character.

- a. On or about June 2, 2005, Bartolini applied for Permanent Resident status under the Cuban Adjustment Act, claiming he was a native and citizen of Cuba, when, in fact, he was not.
- b. On or about October 29, 2006, Bartolini reapplied for Permanent Resident status under the Cuban Adjustment Act, in which he claimed he was a native and citizen of Cuba and presented his fraudulently obtained Cuban passport and Cuban birth certificate.
- c. On April 24, 2009, Bartolini completed (or caused to be completed) the questions on the Form N-400 Application for Naturalization based on his fraudulently obtained Permanent Resident status and signed the Form N-400 and submitted it to the USCIS on or about June 15, 2009.

34. Based on the facts above and contained herein, during the statutory period, Bartolini committed unlawful acts that adversely reflected on his good moral character, and he could not establish extenuating circumstances; accordingly, he was not eligible for naturalization and illegally procured his citizenship.

C. Bartolini lacked good moral character during the statutory period because he gave false testimony to obtain an immigration benefit.

35. An applicant for naturalization shall be found to lack good moral character during the statutory period if he has given false testimony to obtain any benefit under the Immigration and Nationality Act. This applies to oral testimony or affirmative oral misrepresentations made under oath with the intent to obtain an immigration benefit. Under this provision, it is irrelevant whether the information provided in the false testimony was material, in the sense that if given truthfully it would have rendered the applicant ineligible for immigration benefits.

36. On April 20, 2006, during the statutory period, Bartolini was interviewed by USCIS Officer Bruno regarding his June 2, 2005, Application for Permanent Residence or Adjustment of Status. He was placed under oath and provided the following false statements:

a. He was applying for adjustment to permanent resident status because he was a native and citizen of Cuba.

b. He denied the question in Part 3, 1a, that he had ever knowingly committed a crime of moral turpitude for which he had not been arrested.

c. He denied the question in Part 3, 10, that he had ever by fraud or willful misrepresentation of a material fact, sought to procure, or procured, a visa or other documentation, entry into the U.S. or any immigration benefit.

37. On July 30, 2007, during the statutory period, Bartolini was interviewed under oath by USCIS Officer Hantzes regarding his October 29, 2006, Application for Permanent Residence or Adjustment of Status. He was placed under oath and testified to the following:

a. He was applying for permanent resident status under the Cuban Adjustment Act because he was a native and citizen of Cuba.

b. In response to the question in Part 3, 1a, he had never knowingly committed a crime of moral turpitude for which he had not been arrested.

c. In response to question in Part 3, 10, he had never by fraud or willful misrepresentation of a material fact, sought to procure, or procured, a visa or other documentation, entry into the U.S. or any immigration benefit.

38. On September 21, 2009, during the statutory period, Bartolini appeared for an interview regarding his application for naturalization.

39. At the beginning of the naturalization interview, Bartolini took an oath or affirmed that he would answer all questions truthfully.

40. During the course of the naturalization interview, and to determine his eligibility for naturalization, USCIS Officer Sims went over the answers that appeared on Bartolini's N-400 application. Under oath and under penalty of perjury under the laws of the United States, Bartolini provided the following false statements:

a. He had never given false or misleading information to any U.S. government official while applying for any immigration benefit.

b. His nationality is Cuban.

c. He had never lied to any U.S. Government official to gain entry or admission into the United States.

41. Because Bartolini provided false testimony during the naturalization interview and throughout the statutory period to obtain permanent resident status and ultimately naturalize, he could not establish that he was a person of good moral character.

III. Bartolini procured his naturalization by willful misrepresentation and concealment of material facts.

42. Bartolini willfully misrepresented and concealed his true nationality during the naturalization proceedings.

43. On or about April 24, 2009, Bartolini completed (or caused to be completed) the questions on the Form N-400 Application for Naturalization and signed the Form N-400 and submitted it to the USCIS on or about June 15, 2009.

44. In response to Question 23, Bartolini checked the “No” box representing that he had not given false or misleading testimony while applying for any immigration benefit.

45. In response to Question 15, Bartolini checked the “No” box representing that he had not committed any crime or offense for which he had not been arrested.

46. Bartolini signed his Form N-400 on September 21, 2009, thereby certifying, under penalty of perjury, that all the information contained on the Form N-400 was true and correct.

47. During the naturalization interview, to adjudge his eligibility for naturalization, USCIS Officer Sims asked Bartolini whether he had ever given false or misleading information to any U.S. government official while applying for any immigration benefit.

48. In response to this question, Bartolini testified under oath that he never gave false or misleading information to any U.S. government official while applying for any immigration benefit.

49. This representation was false. Bartolini's true nationality was material to determining his eligibility to naturalize because it would have influenced USCIS's decision whether to approve his application for naturalization. In fact, if Bartolini had answered truthfully the questions regarding his true nationality, it would have indicated that he obtained his permanent resident status by fraud and would have further precluded him from establishing good moral character.

50. At the end of his interview, Bartolini signed his naturalization application without changing his responses. Therefore, Bartolini procured his naturalization by misrepresenting and concealing his true nationality.

51. Based on the facts outlined in the foregoing paragraphs, good cause exists to institute proceedings pursuant to INA § 340(a) 8 U.S.C. § 1451(a), to revoke Bartolini's citizenship, and to cancel his certificate of naturalization.

52. Bartolini's last known address is 5425 Walsh Pond Court, Windermere, Florida, 34786.

DECLARATION IN LIEU OF JURAT
(28 U.S.C. § 1746)

I declare under penalty of perjury that the foregoing is true and correct. Executed on
September 4, 2025.



Max Duarte
Immigration Officer
Department of Homeland Security
United States Citizenship and Immigration Services
Fraud, Detection and National Security
Homeland Security Investigations (HSI)
Miami, Florida