

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEVIN ROBIN SUAREZ,

Defendant.

Case No. 2:26-cv-1545-KCD-KRH

**ANSWER TO COMPLAINT
TO REVOKE NATURALIZATION**

Defendant Kevin Robin Suarez (“Defendant”), by and through undersigned counsel, and pursuant to Rule 8 of the Federal Rules of Civil Procedure, hereby answers the Complaint to Revoke Naturalization (Dkt. No. 1) (“Complaint”) filed by Plaintiff United States of America (“Plaintiff”), responding to each correspondingly numbered paragraph of the Complaint as follows. Except as expressly admitted below, Defendant denies each and every allegation contained in the Complaint, including the allegations set forth in any headings, subheadings, and unnumbered introductory or descriptive text.

I. PRELIMINARY STATEMENT

The unnumbered “Preliminary Statement” set forth on pages 1–2 of the Complaint constitutes Plaintiff’s characterization of this action, argument, and/or

conclusions of law, to which no response is required. To the extent a response is deemed necessary, Defendant states as follows: Defendant admits that he was granted United States citizenship and issued Certificate of Naturalization No.  on January 5, 2017, and admits that in 2020 he pleaded guilty to, and was adjudicated guilty of, one count of conspiracy to falsify statements in records required to be kept by a firearms dealer, in violation of 18 U.S.C. § 924(a)(1)(A). Defendant expressly denies that he was arrested, charged, indicted, convicted, or adjudicated guilty of any crime or offense at any time before, during, or in connection with his naturalization application, his naturalization interview, or his naturalization oath ceremony. As reflected in Plaintiff's own Complaint and exhibits, Defendant was not indicted until August 28, 2019, more than two and one-half years after he became a citizen, was not arrested until August 30, 2019, did not plead guilty until February 2020, and was not sentenced until November 2020, all well after his January 5, 2017, naturalization. Defendant further denies Plaintiff's characterization that he arranged firearms purchases "for the purpose of trafficking them to Latin America" or that any firearms "would be used by violent drug trafficking organizations," as no such allegation is supported by the Affidavit of Good Cause (Exhibit A), the Indictment (Exhibit E), or the Factual Proffer (Exhibit F) attached to the Complaint. Defendant further states that, during his Naturalization Interview, he disclosed a prior burglary-related matter, amended his Form N-400 in

red ink to reflect that disclosure, and signed the corrected application. This contemporaneous disclosure of adverse information is consistent with Defendant's good-faith effort to answer the questions presented during the interview truthfully and is inconsistent with Plaintiff's characterization that Defendant approached the naturalization process with an intent to conceal disqualifying information. Defendant denies each and every remaining allegation of the Preliminary Statement not expressly admitted herein.

II. PARTIES, JURISDICTION AND VENUE

1. Admitted that Plaintiff has filed this action under 8 U.S.C. § 1451(a) seeking to revoke and set aside the order admitting Defendant to citizenship and to cancel Defendant's Certificate of Naturalization No. 38652496. Defendant denies that Plaintiff is entitled to any such relief.
2. Admitted.
3. Admitted.
4. Paragraph 4 states a legal conclusion regarding subject-matter jurisdiction, to which no response is required. To the extent a response is deemed required, admitted that this Court has subject-matter jurisdiction over the claims asserted in the Complaint.

5. Admitted that Defendant resides in Naples, Florida (Collier County). To the extent Paragraph 5 alleges a legal conclusion that venue is proper, no response is required; to the extent a response is deemed required, admitted.

III. FACTUAL BACKGROUND

A. Defendant's Illegal Naturalization

a. Naturalization Application

6. Admit only that the Affidavit of  Special Agent with U.S. Immigration and Customs Enforcement Homeland Security Investigations, is attached to the Complaint as Exhibit A. Defendant denies the remaining allegations and characterizations in Paragraph 6, including any characterization that the Affidavit shows "good cause" for this action.
7. Admitted.
8. Admitted.
9. Admitted that a document identified as Defendant's Form N-400 is attached to the Complaint as Exhibit B. Defendant lacks sufficient knowledge or information to admit or deny whether Exhibit B is a true and complete copy of the original in USCIS's possession, and on that basis denies the same.

10. Admitted.

11. Admitted.

12. Admitted.

b. Naturalization Interview

13. Admitted.

14. Admitted.

15. Admitted only that Defendant answered the question referenced in Paragraph 15 during his Naturalization Interview. Defendant further states that, during the same interview, he disclosed a prior burglary-related matter and his Form N-400 was amended in red ink to change his response to the applicable criminal-history question to “Yes” and to include the burglary-related matter in the criminal-history table. Defendant denies that any testimony was knowingly false or given for the purpose of obtaining naturalization through deception, and denies the remaining allegations and characterizations contained in Paragraph 15.

16. Admitted that, at the conclusion of his Naturalization Interview, Defendant signed his Form N-400 and certified that its contents, including corrections made during the interview, were true and correct to the best of his knowledge

and belief. Defendant further states that those corrections included changing a criminal-history response to “Yes” and adding a prior burglary-related matter to the criminal-history table. Defendant denies any allegation or inference that his certification was knowingly false or made with an intent to deceive USCIS.

17. Admitted.

c. Naturalization Ceremony

18. Admitted.

19. Admitted that a document identified as Defendant’s Form N-445 is attached to the Complaint as Exhibit C. Defendant lacks sufficient knowledge or information to admit or deny whether Exhibit C is a true and complete copy of the original in USCIS’s possession, and on that basis denies the same.

20. Admitted.

21. Admitted.

22. Admitted.

23. Admitted.

24. Admit only that Defendant did not disclose the conduct described in Paragraph 24 during the naturalization process. Defendant denies that he knowingly or willfully concealed material information or acted with the purpose of obtaining naturalization through deception. During his Naturalization Interview, Defendant disclosed a prior burglary-related matter, amended his Form N-400 to reflect that disclosure, and signed the corrected application. Defendant's contemporaneous disclosure of adverse criminal-history information is consistent with his good-faith effort to answer the questions presented according to his knowledge and understanding at the time. Defendant denies the remaining allegations and characterizations contained in Paragraph 24.

25. Admitted.

26. Admitted that a document identified as Defendant's Certificate of Naturalization is attached to the Complaint as Exhibit D. Defendant lacks sufficient knowledge or information to admit or deny whether Exhibit D is a true and complete copy of the original, and on that basis denies the same.

B. Defendant's Crimes and Conviction

27. Admitted that on August 28, 2019, more than two and one-half years after Defendant's January 5, 2017, naturalization, a federal grand jury in the Middle

District of Florida returned an indictment against Defendant and others, as reflected in Exhibit E, which speaks for itself.

28. Admitted that a document identified as the Indictment is attached to the Complaint as Exhibit E.
29. Admitted that Count One of the Indictment (Exhibit E) charged Defendant as described therein; the Indictment speaks for itself as to its contents.
30. Admitted that the Indictment (Exhibit E) alleges the dates described therein; the Indictment speaks for itself. Defendant notes that the alleged conspiracy is charged as continuing through November 2017, approximately ten months after Defendant's January 5, 2017, naturalization.
31. Admitted that the Indictment (Exhibit E) describes the manner and means alleged therein; the Indictment speaks for itself. Defendant denies any characterization of the conduct alleged beyond the four corners of Exhibit E.
32. Admitted that Defendant was arrested on August 30, 2019, more than two and one-half years after his naturalization.
33. Admitted that Defendant signed a plea agreement on January 27, 2020, agreeing to plead guilty to Count One of the Indictment. Admitted that a

document identified as the Plea Agreement is attached to the Complaint as Exhibit F.

34. Admitted.
35. Admitted that Exhibit F contains a document identified as a Factual Proffer bearing Defendant's signature. Defendant further admits that the Factual Proffer was submitted in connection with the plea proceedings in the underlying criminal case. Except as expressly admitted herein, Defendant denies Plaintiff's characterization of the legal effect of the Factual Proffer, which speaks for itself.
36. Admitted that Exhibit F contains the statements identified in subparagraphs (a) through (f). The Factual Proffer speaks for itself as to its complete contents and is the best evidence of its contents. Defendant denies any characterization, inference, or legal conclusion beyond the contents of Exhibit F, including any characterization inconsistent with its express language.
37. Admitted that on February 3, 2020, Defendant pleaded guilty to Count One of the Indictment.
38. Admitted that Defendant was adjudicated guilty and sentenced to a term of 37 months' imprisonment, more than three and one-half years after his

naturalization. Defendant lacks sufficient knowledge or information to admit or deny the specific date of adjudication alleged in Paragraph 38, as the Judgment attached as Exhibit G reflects a date of imposition of November 5, 2020, and on that basis denies the specific date alleged in Paragraph 38.

39. Admitted that a document identified as the Judgment is attached to the Complaint as Exhibit G.

IV. GOVERNING LAW

A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

40. The allegations in Paragraph 40 constitute recitations and/or conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the same.
41. The allegations in Paragraph 41 constitute recitations and/or conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the same.
42. The allegations in Paragraph 42 constitute recitations and/or conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the same.

43. The allegations in Paragraph 43 constitute recitations and/or conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the same.
44. The allegations in Paragraph 44 constitute recitations and/or conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the same.
45. The allegations in Paragraph 45 constitute recitations and/or conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the same.
46. The allegations in Paragraph 46 constitute recitations and/or conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the same.
47. The allegations in Paragraph 47 constitute recitations and/or conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the same.

B. The Denaturalization Statute

48. The allegations in Paragraph 48 constitute recitations and/or conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the same.
49. The allegations in Paragraph 49 constitute recitations and/or conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the same.
50. The allegations in Paragraph 50 constitute recitations and/or conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the same.
51. The allegations in Paragraph 51 constitute recitations and/or conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the same.
52. The allegations in Paragraph 52 constitute recitations and/or conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the same.

V. CAUSES OF ACTION

COUNT ONE ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER

(Crime Involving Moral Turpitude)

53. Defendant repeats and incorporates by reference his responses to Paragraphs 1 through 52 of the Complaint as though fully set forth herein.
54. The allegations in Paragraph 54 constitute recitations and/or conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the same.
55. Denied.
56. Admitted that Defendant was convicted, following his guilty plea, of conspiracy to cause false statements and representations to be made to persons licensed under Chapter 44 of Title 18, United States Code, with respect to information required to be kept in the records of such persons, in violation of 18 U.S.C. § 924(a)(1)(A), as reflected in the Judgment attached to the Complaint as Exhibit G. Defendant denies any characterization that the offense of conviction constitutes a crime involving moral turpitude or otherwise establishes, as a matter of law, that Defendant lacked the good moral character required for naturalization.
57. The allegations in Paragraph 57 constitute recitations and/or conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the same.

58. The allegations in Paragraph 58 constitute recitations and/or conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the same.
59. The allegations in Paragraph 59 constitute recitations and/or conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the same.
60. Admitted that the Indictment alleges a conspiracy beginning on or about May 31, 2016, and continuing through approximately November 2017, and that the Factual Proffer describes certain conduct occurring on specific dates in 2016. Defendant denies Plaintiff's characterization that these allegations establish, as a matter of law, that Defendant committed a crime involving moral turpitude during the statutory period, and denies the remaining allegations of Paragraph 60.
61. Denied.
62. Denied.
63. Denied.

COUNT TWO
ILLEGAL PROCUREMENT OF NATURALIZATION
LACK OF GOOD MORAL CHARACTER
(Unlawful Acts)

64. Defendant repeats and incorporates by reference his responses to Paragraphs 1 through 52 of the Complaint as though fully set forth herein.
65. The allegations in Paragraph 65 constitute recitations and/or conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the same.
66. Denied.
67. Admitted that Defendant was convicted, following his guilty plea, of the offense identified in Paragraph 67, as reflected in the Judgment attached to the Complaint as Exhibit G. Defendant denies the remaining allegations of Paragraph 67, including any characterization that the offense of conviction, by itself or under the circumstances alleged, establishes that Defendant lacked the good moral character required for naturalization.
68. Admitted that the Indictment alleges conduct during the dates stated therein and that the Factual Proffer describes certain conduct occurring before Defendant's naturalization. Defendant denies that these allegations establish, as a matter of law, that Defendant committed unlawful acts adversely

reflecting upon his moral character within the meaning of the Immigration and Nationality Act or applicable regulations, and denies the remaining allegations.

69. Denied.

70. The allegations in Paragraph 70 constitute recitations and/or conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the same.

71. Admitted that Defendant entered a guilty plea after his naturalization and that Exhibit F contains the factual proffer referenced by Plaintiff. Defendant denies that the cited regulation automatically bars a finding of good moral character under the circumstances alleged and denies the remaining allegations and legal conclusions contained in Paragraph 71.

72. Denied.

73. Denied.

74. Denied.

75. Denied.

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

76. Defendant repeats and incorporates by reference his responses to Paragraphs 1 through 52 of the Complaint as though fully set forth herein.
77. The allegations in Paragraph 77 constitute recitations and/or conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the same.
78. Denied.
79. Admitted only that Defendant testified during his December 14, 2016, Naturalization Interview as reflected in the interview record. During that interview, Defendant disclosed a prior burglary-related matter, his Form N-400 was amended in red ink to reflect that disclosure, and Defendant signed the corrected application. Defendant specifically denies that any testimony was knowingly false or given with the subjective purpose of obtaining naturalization through deception, and denies the remaining allegations.
80. Denied.

81. Admitted only that Defendant testified during his December 14, 2016, Naturalization Interview as reflected in the interview record. During that interview, Defendant disclosed a prior burglary-related matter, his Form N-400 was amended in red ink to reflect that disclosure, and Defendant signed the corrected application. Defendant specifically denies that any testimony was knowingly false or given with the subjective purpose of obtaining naturalization through deception, and denies the remaining allegations.

82. Denied.

83. Denied.

84. Denied.

85. Denied.

86. Denied.

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

87. Defendant repeats and incorporates by reference his responses to Paragraphs 1 through 52 of the Complaint as though fully set forth herein.

88. The allegations in Paragraph 88 constitute recitations and/or conclusions of law, to which no response is required. To the extent a response is deemed required, Defendant denies the same.
89. Admit only that Defendant provided the responses reflected in his Form N-400, his Naturalization Interview, and his Form N-445. Defendant further states that, during the Naturalization Interview, he disclosed a prior burglary-related matter, and amended the Form N-400 to reflect that disclosure, and signed the corrected application. Defendant specifically denies that any response constituted a knowing or willful misrepresentation, concealment, or false statement, and denies the remaining allegations.
90. Admit only that Defendant did not disclose the conduct referenced in Paragraph 90 during the naturalization process. Defendant specifically denies that he knowingly concealed a material fact, denies that he acted willfully, and denies that he acted with the intent to deceive USCIS. Defendant further relies upon the contemporaneous corrections to his Form N-400 and his disclosure of adverse criminal-history information as evidence of his good-faith understanding and lack of deceptive intent. Defendant denies the remaining allegations.

91. Denied. Defendant specifically denies that any alleged statement, omission, or response was made knowingly or willfully.
92. Denied. Defendant specifically denies that any alleged statement or omission was material within the meaning of 8 U.S.C. §1451(a) and *Kungys v. United States*.
93. Denied. Defendant specifically denies that his naturalization was procured because of any alleged misrepresentation or concealment.
94. Denied.

The remainder of the Complaint, including the Prayer for Relief, sets forth Plaintiff's request for relief, argument, and conclusions of law, to which no response is required. To the extent a response is deemed necessary, Defendant denies that Plaintiff is entitled to any of the relief requested, or to any relief whatsoever, and Defendant denies each and every allegation of the Complaint not specifically and expressly admitted herein.

AFFIRMATIVE AND OTHER DEFENSES

Without assuming any burden of proof or persuasion that rests with Plaintiff, Defendant asserts the following affirmative and other defenses. Plaintiff bears the burden of establishing every element necessary to revoke Defendant's citizenship

by clear, unequivocal, and convincing evidence that does not leave the issue in doubt.

FIRST DEFENSE

(Failure to Establish a Crime Involving Moral Turpitude)

Plaintiff cannot establish that Defendant's offense of conviction under 18 U.S.C. § 924(a)(1)(A) constitutes a crime involving moral turpitude under the legally applicable analysis. Defendant further denies that the elements of the offense of conviction necessarily involve fraud, dishonesty, or conduct otherwise sufficient to establish moral turpitude, or that the conviction establishes, as a matter of law, that Defendant lacked the good moral character required for naturalization.

SECOND DEFENSE

(Failure to Establish Unlawful Acts Adversely Reflecting on Moral Character)

Plaintiff cannot establish that Defendant committed unlawful acts during the statutory period that adversely reflected upon his moral character within the meaning of the Immigration and Nationality Act and applicable regulations. Defendant further denies that the conduct alleged by Plaintiff, considered in its complete factual and legal context and together with any applicable extenuating circumstances, precluded him from establishing the good moral character required for naturalization.

THIRD DEFENSE

(Lack of Knowing or Willful Misrepresentation)

Defendant did not knowingly, willfully, or intentionally make a false statement, conceal a material fact, or provide a misleading response during the naturalization process.

During his Naturalization Interview, Defendant disclosed a prior burglary-related matter, his Form N-400 was amended in red ink to change the applicable criminal-history response to “Yes,” and the burglary-related matter was added to the criminal-history table. Defendant thereafter signed the corrected application. Defendant’s contemporaneous disclosure of adverse criminal-history information is consistent with a good-faith effort to answer the questions presented truthfully, based upon his knowledge and understanding at the time, and is inconsistent with an intent to deceive USCIS or obtain naturalization through concealment. Plaintiff cannot establish that any alleged misstatement, omission, or nondisclosure was knowing, willful, or intentional.

FOURTH DEFENSE

(Lack of Subjective Intent to Obtain an Immigration Benefit)

Defendant did not provide false testimony for the purpose of obtaining an immigration benefit. During the Naturalization Interview, Defendant disclosed a

prior burglary-related matter and amended his Form N-400 to reflect that disclosure before signing the corrected application. This contemporaneous disclosure of potentially adverse information is evidence that Defendant did not approach the interview with the subjective intent to conceal disqualifying information or procure naturalization through deception. Plaintiff cannot establish that any testimony given by Defendant was knowingly false or was provided with the subjective purpose of obtaining an immigration benefit as required under 8 U.S.C. § 1101(f)(6).

FIFTH DEFENSE

(Lack of Materiality)

Plaintiff cannot establish that any alleged misrepresentation, concealment, omission, or nondisclosure was material. Any alleged statement or omission did not have a natural tendency to influence, and was not predictably capable of affecting, USCIS's decision to approve Defendant's application for naturalization.

SIXTH DEFENSE

(Lack of Procurement or Causation)

Plaintiff cannot establish that Defendant procured naturalization as a result of any alleged concealment or willful misrepresentation. Plaintiff cannot establish that truthful disclosure of the matters alleged in the Complaint would, by itself, have required denial of Defendant's naturalization application or would predictably have led USCIS to discover facts legally warranting denial. Plaintiff therefore cannot

establish the causal connection required between any alleged statement or omission and Defendant's acquisition of citizenship.

SEVENTH DEFENSE

(Good-Faith Understanding of the Questions Presented)

Defendant answered the questions presented during the naturalization process according to his good-faith understanding of their meaning and scope. When adverse criminal-history information concerning a prior burglary-related matter was addressed during the Naturalization Interview, Defendant disclosed the matter, his Form N-400 was corrected, and Defendant signed the amended application. Defendant's conduct demonstrates his willingness to disclose adverse information that he understood to be responsive. Plaintiff cannot establish that Defendant understood the questions identified in the Complaint as requiring disclosure of the separate firearms-related conduct and nevertheless knowingly provided a false response.

EIGHTH DEFENSE

(Extenuating Circumstances, Pleaded in the Alternative)

To the extent the Court determines that Defendant committed an unlawful act during the statutory period that adversely reflected upon his moral character, which Defendant denies, extenuating circumstances existed that preceded or were

contemporaneous with the alleged conduct and mitigate its effect upon the good-moral-character determination. At the time of the alleged conduct, Defendant was approximately twenty or twenty-one years old and acted within a father-son relationship in which his father was the intended recipient of the firearms and controlled the compensation offered for their acquisition. Defendant's young age and relative immaturity, the influence and pressure inherent in the familial relationship, his comparatively subordinate role, and the materially greater role and culpability of his father constitute circumstances preceding and contemporaneous with the alleged conduct that mitigate the extent to which it adversely reflected upon Defendant's individual moral character. This defense is pleaded expressly in the alternative and does not constitute an admission that Defendant committed a disqualifying unlawful act or lacked good moral character.

NINTH DEFENSE

(Failure to Satisfy the Heightened Denaturalization Standard)

Denaturalization is a drastic remedy, and Plaintiff bears the burden of proving every element of each claim by clear, unequivocal, and convincing evidence that does not leave the issue in doubt. Plaintiff cannot satisfy that heightened burden with respect to, among other matters, whether Defendant committed a crime involving moral turpitude, whether the alleged conduct precluded a finding of good moral character, whether any testimony was knowingly false and given for the purpose of

obtaining an immigration benefit, whether any alleged concealment or misrepresentation was willful and material, and whether Defendant procured naturalization as a result of any alleged statement or omission.

Defendant reserves the ability to seek leave to amend this Answer pursuant to Federal Rule of Civil Procedure 15 based upon information obtained through discovery or otherwise during the pendency of this action.

PRAYER FOR RELIEF

WHEREFORE, Defendant Kevin Robin Suarez respectfully requests that this Court: (a) enter judgment in his favor and against Plaintiff on all counts of the Complaint; (b) deny Plaintiff's request to revoke and set aside the order admitting Defendant to United States citizenship; (c) deny Plaintiff's request to cancel Defendant's Certificate of Naturalization; and (d) award Defendant such other and further relief as the Court deems just and proper.

Dated: July 26, 2026

Respectfully submitted,

/s/ Marcus Wobschall
Marcus Wobschall, Esq.
Florida Bar No. 1019033

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Lead Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 26, 2026, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record, including:

Christopher T. Lyerla
U.S. Department of Justice, Civil Division
Office of Immigration Litigation
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044
Counsel for Plaintiff

/s/ Marcus Wobschall
Marcus Wobschall, Esq.