

Defendant.

[illegible]

Civil Case No. 3:26-cv-274

COMPLAINT TO REVOKE NATURALIZATION

The United States of America brings this civil action against Defendant Jaspal Singh Gill, a/k/a Jaspal S. Gill, Pritam Singh Gill, and Pritam Singh (“Defendant”) to revoke his naturalized U.S. citizenship under 8 U.S.C. § 1451(a).¹ Plaintiff alleges that Defendant illegally procured his naturalization and that he willfully misrepresented and concealed material facts in applying to obtain naturalization.

I. OVERVIEW

1. Defendant Jaspal Singh Gill (“Defendant”) arrived in the United States in New York at John F. Kennedy International Airport on or about March 12, 1995 – without any documents – using the name Pritam Singh Gill. At that time, Defendant was issued a notice to

¹ Pursuant to the Privacy Act, 5 U.S.C. § 552a(b), Plaintiff will redact information throughout this document and its exhibits that includes social security numbers, dates of birth, places of birth, alien numbers, passport numbers, phone numbers, and tax information, which are precluded from disclosure. *See Yith v. Nielsen*, No. 14-CV-01875, 2019 WL 2567290, at *5 (E.D. Cal. June 21, 2019); *Rouse v. U.S. Dep’t of State*, 567 F.3d 408, 413 (9th Cir. 2009) (“The Privacy Act was designed to ‘protect the privacy of individuals’ through regulation of the ‘collection, maintenance, use, and dissemination of information’ by federal agencies.”) (citing 5 U.S.C. § 552a).

appear for a hearing before an immigration judge, charging him as being excludable from the United States because he was (1) not in possession of a valid, unexpired non-immigrant visa; (2) not in possession of a valid, unexpired travel document; and (3) an immigrant not in possession of a valid, unexpired immigrant visa.

2. Defendant failed to appear for the hearing and was ordered excluded in absentia by an immigration judge.

3. On or about January 22, 1996, Defendant filed an immigration application using the name Pritam Singh but failed to appear for a scheduled interview. It was presumed he had abandoned the application.

4. During a show cause hearing in September 1996, Defendant admitted that he entered the United States without inspection and acknowledged that he was deportable.

5. Defendant failed to appear for a subsequent hearing before the Immigration Court and the Immigration Judge ordered that he be deported from the United States, but he failed to surrender for deportation as ordered on July 19, 1999.

6. On or about November 16, 1998, an individual named Bara Singh Gill filed a Petition for Alien Relative seeking to classify Defendant Gill, as the brother of a United States citizen under the name Jaspal Singh. As a result, Defendant was granted so-called "advanced parole" as an applicant for adjustment of status. The Petition was approved.

7. Defendant departed the United States on December 8, 1999, under a Form I-512.

8. On March 8, 2000, Defendant was paroled into the United States from abroad, using the previously issued advance parole document, to resume an application for adjustment of status.

9. Thereafter, Defendant received a Notice to Appear, charging him with removability for being an immigrant who, at the time of application for admission, was not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by Federal Law. Defendant appeared before the Immigration Court and acknowledged receipt of the Notice to Appear.

10. On or about May 15, 2002 – before the charge of removability could be adjudicated – Frances Elaine Singh filed a Petition for Alien Relative, seeking to classify Defendant, using the name Jaspal Singh Gill, as the spouse of a United States citizen.

11. On January 27, 2004, Defendant's status was adjusted to that of a conditional permanent resident in immigrant classification CR6.

12. On or about June 8, 2007, Defendant filed an Application for Naturalization.

13. On March 17, 2010, Defendant's Application was approved and he was admitted as a citizen of the United States on the basis of his written Application, various sworn statements and representations provided during the administrative process, and testimony he provided during his naturalization interview.

14. Defendant used no less than three distinct names in his efforts to gain legal status and naturalization, including Jaspal S. Gill, Pritam Singh Gill, and Pritam Singh.

15. Defendant made false verbal and written representations, under penalty of perjury, including but not limited to statements that he (a) never used other names, (b) had never given false or misleading information to any United States government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal, (c) had never lied to any United States government official to gain entry or admission into the United States, (d) had never

been ordered to be removed, excluded, or deported from the United States, and (e) had never applied for any kind of relief from removal, exclusion, or deportation.

16. Defendant's actions and conduct demonstrate that he procured his naturalization by concealment and willful misrepresentation. Accordingly, Defendant's naturalization was unlawfully procured, and he is statutorily barred from becoming a U.S. citizen.

17. Therefore, with the attached affidavit showing good cause, the United States of America brings this civil action on the grounds that Defendant illegally procured his naturalization and willfully misrepresented and concealed material facts during the naturalization process. Pursuant to 8 U.S.C. § 1451(a), the United States requests that the Court revoke and set aside the order admitting Defendant to citizenship and cancel his certificate of naturalization.

18. The Affidavit of Melanie Medina, an Immigration Services Officer with U.S. Citizenship and Immigration Services ("USCIS"), 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).²

II. PARTIES

19. Plaintiff is the United States of America.

20. Defendant Jaspal Singh Gill ("Defendant") is the same person as "Jaspal S. Gill," "Pritam Singh Gill," and "Pritam Singh." The Defendant was born in India and is presently a naturalized citizen of the United States. His last known address is in Knoxville, Tennessee.

III. JURISDICTION AND VENUE

21. 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

² Affidavit of Good Cause, attached hereto as Exhibit A.

No. xxxxx651.³

22. The court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1345 for this cause of action under 8 U.S.C. § 1451(a).

23. Venue is proper in this District under 8 U.S.C. § 1451(a) because Defendant resides in this federal judicial district.

IV. FACTUAL ALLEGATIONS

A. Defendant's Immigration History Using the Pritam Singh Gill Identity

24. On or about March 12, 1995, Defendant, using the name Pritam Singh Gill, arrived at John F. Kennedy International Airport without travel documents. In a sworn statement taken in the Hindi language, Defendant stated that his name was "Pritam Singh Gill" and he was born on [REDACTED], in India.⁴ He was assigned Alien Registration Number or Alien Number ("A-number") Axxxxxx423 under the name Pritam Singh Gill.⁵

25. On or about March 12, 1995, Immigration and Naturalization Service ("INS")⁶ issued Form I-122, Notice to Applicant for Admission Detained/Deferred for Hearing before Immigration Judge, charging Defendant as being excludable from the United States pursuant to: (a) the Immigration and Nationality Act ("INA") § 212(a)(7)(B)(i)(II) – not in possession of a valid, unexpired non-immigrant visa; (b) INA § 212(a)(7)(B)(i)(I) – not in possession of a valid,

³ Certificate of Naturalization, attached hereto as Exhibit B.

⁴ Record of Sworn Statement in March 12, 1995, attached hereto as Exhibit C.

⁵ This A-Number was later consolidated into the primary A-Number, which is Axxxxxx085.

⁶ On March 1, 2003, the INS ceased to exist as an independent agency within the Department of Justice, and many of its functions were transferred to the newly formed Department of Homeland Security. *See* Homeland Security Act of 2002, Pub. L. No. 107-296, §§ 441, 451, 471, 116 Stat. 2135 (Nov. 25, 2002). The INS was divided into several separate agencies, including United States Citizenship and Immigration Services ("USCIS"), Customs and Border Protection, and Immigration and Customs Enforcement. USCIS assumed naturalization authority from the INS. This Complaint will refer to INS where historically accurate and appropriate.

unexpired travel document; and (c) INA § 212(a)(7)(A)(i)(I) – immigrant not in possession of a valid, unexpired immigrant visa.⁷

26. Defendant was deferred under the provisions of INA § 235(b) for a hearing before the Immigration Judge. Defendant received Form I-122 informing him that his initial Immigration Court hearing was scheduled for April 7, 199[5], in New York, New York.⁸

27. Defendant failed to appear before the Immigration Court on April 7, 1995, and was ordered excluded *in absentia* by an immigration judge.⁹

B. Defendant's Immigration History Under the Identity Pritam Singh

28. On or about January 22, 1996, Defendant, using the name Pritam Singh filed an immigration application with INS. He was assigned A-number Axxxxxx125 under the name Pritam Singh.

29. On his application, signed under penalty of perjury, Defendant indicated his name was "Pritam Singh" and his date of birth was .

30. On or about February 27, 1996, Defendant failed to appear for a scheduled interview in furtherance of his application. Accordingly, it was presumed that the Defendant had abandoned the application.

31. On May 28, 1996, INS issued Form I-221, Order to Show Cause and Notice of Hearing, charging Defendant with being deportable pursuant to INA § 241(a)(1)(B), in that he entered the United States without inspection.¹⁰

⁷ Form I-122 Notice to Applicant for Admission, attached hereto as Exhibit D.

⁸ The date written on Form I-122 was April 7, 1993, which was clearly in error since exclusion proceedings were not initiated until March 12, 1995 and events detailed in the file indicate that the date should have been April 7, 1995.

⁹ Order of Exclusion in Absentia, attached hereto as Exhibit E.

¹⁰ I-221 Order to Show Cause Dated May 28, 1996, attached hereto as Exhibit F.

32. The Form I-221 issued to Defendant notified him that his initial Immigration Court hearing was scheduled for September 25, 1996, in New York, New York. Form I-221 was issued to Defendant by certified mail.

33. On September 25, 1996, Defendant appeared with his counsel before the Immigration Court where he acknowledged service of Form I-221, admitted to the allegations contained on Form I-221, and conceded that he was subject to deportation. The Immigration Judge continued his deportation hearing until February 11, 1997.

34. On February 11, 1997, Defendant failed to appear for his scheduled hearing. The Immigration Judge ordered Defendant deported to India on the charge contained in the Form I-221 issued to him.¹¹

35. On or about February 19, 1997, INS issued Form I-294, Notice of Country to which Deportation has been directed and Penalty for Reentry without Permission.¹²

36. On June 10, 1999, INS issued Form I-166 notifying Defendant that he was to appear on July 19, 1999, at the INS Office in New York, New York to surrender for deportation.¹³

37. Form I-294 and Form I-166 were mailed to Defendant and his attorney via certified mail. Delivery to Defendant's attorney was confirmed. However, the forms sent to Defendant were returned to INS as undeliverable on July 23, 1999. On July 19, 1999, Defendant failed to appear and surrender for deportation as instructed on Form I-166.

¹¹ Deportation Order Dated February 11, 1997, attached hereto as Exhibit G.

¹² Form I-294 Notice of Country to which Deportation has been directed and Penalty for Reentry without Permission, attached hereto as Exhibit H.

¹³ Form I-166 Post Deportation Notice of Departure Arrangements Dated June 10, 1999, attached hereto as Exhibit I.

C. Defendant's Immigration History Under the Identity Jaspal Singh Gill, a/k/a Jaspal S. Gill

38. On or about June 20, 1997, an individual using the name Bara Singh Gill filed a Form I-130, Petition for Alien Relative, seeking to classify the Defendant as the brother of a United States citizen pursuant to INA § 203(a)(4).¹⁴ The application was denied on June 4, 1998.

39. On or about November 16, 1998, Bara Singh Gill filed another Form I-130, Petition for Alien Relative seeking to classify the Defendant as the brother of a United States citizen pursuant to INA § 203(a)(4).¹⁵ Defendant was assigned A-number Axxxxxx085 under the name Jaspal Singh Gill.

40. On October 28, 1999, a Form I-512 Authorization for Parole of an Alien into the United States – known as “advanced parole” – was issued to Defendant as an applicant for adjustment of status.¹⁶ Although Defendant was issued an advanced parole, there is no record of an I-131 application to apply for this benefit, nor is there any record of an I-485 application for adjustment of status.

41. Defendant departed the United States on December 8, 1999 pursuant to the October 28, 1999, Form I-512.

42. The Form I-130 filed by Bara Singh Gill was approved on February 14, 2000. On March 8, 2000, Defendant was paroled into the United States to resume an application for adjustment of status.

¹⁴ Form I-130, Petition filed by USC Brother Dated June 20, 1997 and Denied June 4, 1998, attached hereto as Exhibit J.

¹⁵ Form I-130, Petition filed by USC Brother Dated November 16, 1998 and Approved February 14, 2000, attached hereto as Exhibit K.

¹⁶ Form I-512 Authorization for Parole of Alien into the United States dated October 28, 1999, attached hereto as Exhibit L.

43. On or about October 25, 2001, INS issued Form I-862, Notice to Appear, charging Defendant with removability pursuant to INA § 212(a)(7)(A)(i)(I) as an immigrant, who, at the time of application for admission, was not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, other valid entry document required by the INA, a valid unexpired passport, other suitable travel document, or document of identity and nationality as required under regulations issued by the Attorney General under INA § 211(a).¹⁷ Defendant was personally served Form I-862 and was given notice that the time, place, and date of his hearing before the Immigration Judge were to be set.

44. On February 19, 2002, Defendant appeared before the Immigration Court and acknowledged receipt of Form I-862.

45. On or about May 15, 2002, Frances Elaine Singh Gill filed Form I-130, Petition for Alien Relative, seeking to classify Defendant as the spouse of a United States citizen pursuant to INA § 201(b).¹⁸ A Form G-325A (Biographic Information for Deferred Action) completed and signed by Defendant was filed with Form I-130. On Form G-325A, Defendant indicated that his name was Jaspal Singh Gill, that he was born on [REDACTED], and that he had never used any other names. Form I-130 was approved on February 21, 2003.

46. On March 6, 2003, an Immigration Judge ordered Defendant's removal proceedings terminated without prejudice.¹⁹ The immigration judge remanded the matter to DHS for adjudication of Defendant's application for adjustment of status. *Id.*

47. On or about March 13, 2003, Defendant filed Form I-485, Application to Register

¹⁷ Form I-862 Notice to Appear Dated October 25, 2001, attached hereto as Exhibit M.

¹⁸ Form I-130, Petition for Alien Relative – Filed by USC Spouse, attached hereto as Exhibit N

¹⁹ Immigration Judge Order Terminating Removal Proceedings Without Prejudice to Pursue Adjustment Dated March 6, 2003, attached hereto as Exhibit O.

Permanent Residence or Adjust Status.²⁰ On his Form I-485, which was signed under penalty of perjury, he represented that his name was Jaspal Singh Gill and his date of birth was [REDACTED]. Defendant also represented that he had never been deported from the United States and had never sought to procure or procured an immigration benefit by fraud or willful misrepresentation of a material fact.

48. In support of his Form I-485, Defendant submitted Form G-325A, Biographic Information. On Form G-325A, he indicated that his name was Jaspal Singh Gill and that he had never used any other names.

49. On June 3, 2003, Defendant and his United States citizen spouse appeared for an adjustment of status interview at a USCIS Office.

50. On January 27, 2004, USCIS approved Form I-485. Defendant's status was adjusted to that of a conditional permanent resident.

51. On or about November 17, 2005, Defendant filed Form I-751, Petition to Remove Conditions on Residence, jointly with his United States citizen spouse.²¹ Form I-751 was approved on May 11, 2006. *Id.*

52. On or about June 8, 2007, Defendant filed Form N-400, Application for Naturalization, with USCIS pursuant to INA §319(a), 8 U.S.C. §1430.²² On his Form N-400, which was signed under penalty of perjury, he indicated that: his current legal name was Jaspal Singh Gill; he had never used other names; his date of birth was [REDACTED]; he had never given false or misleading information to any United States government official while

²⁰ Form I-485, Application to Register Permanent Residence or Adjust Status, attached hereto as Exhibit P.

²¹ Form I-751, Petition to Remove Conditions on Residence, attached hereto as Exhibit Q.

²² Form N-400, Application for Naturalization filed June 8, 2007, attached hereto as Exhibit R.

applying for any immigration benefit or to prevent deportation, exclusion, or removal; he had never lied to any United States government official to gain entry or admission into the United States; he had never been ordered to be removed, excluded, or deported from the United States; and he had never applied for any sort of relief from removal, exclusion, or deportation.

53. On March 25, 2008, Defendant was interviewed by an immigration officer at a USCIS Office to determine his eligibility for naturalization. During his interview he was asked his legal name; other names he had used; his date of birth; 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 whether he had ever lied to any U.S. government official to gain entry or admission into the United States.

54. In response to the questions asked by the USCIS officer on March 25, 2008, Defendant stated that his name was Jaspal Singh Gill, he had not used any other names, and his date of birth was [REDACTED]. He answered “no” to the remaining questions. During this interview, five corrections were made to his application for naturalization.

55. Defendant failed his naturalization test and he was scheduled for re-examination on July 22, 2008.

56. On or about July 22, 2008, Defendant appeared from his re-examination (naturalization test), which he failed. Consequently, USCIS denied his Form N-400.

57. On or about July 30, 2008, Defendant filed Form N-336, Request for a Hearing on a Decision in Naturalization Proceedings (Under Section 336 of the INA), requesting a review of the decision.²³

²³ Form N-336, Request for a Hearing on a Decision in Naturalization Proceedings filed July 30, 2008, attached hereto as Exhibit S.

58. On or about November 3, 2008, Defendant appeared for his Form N-336 hearing at a USCIS field office.

59. On or about November 6, 2008, USCIS denied Defendant's Form N-336 and affirmed the denial of the Form N-400.

60. On or about August 17, 2009, Defendant filed Form N-400, Application for Naturalization, with USCIS.²⁴ On his Form N-400, signed under penalty of perjury, he indicated that his legal name was Jaspal Singh Gill; he had used the names Jaspal Singh and Jaspal S. Gill; his date of birth was [REDACTED]; he had never given false or misleading information to any United States Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal; he had never lied any United States Government official to gain entry or admission into the United States; he had never been ordered to be removed, excluded, or deported from the United States; and he had never applied for any kind of relief from removal, exclusion, or deportation.

61. On November 19, 2009, Defendant was interviewed at a USCIS Office to determine his eligibility for naturalization. At that time, he failed his naturalization test.

62. On January 28, 2010, Defendant appeared for a re-examination of his application for naturalization. During the interview, an Immigration Services Officer placed Defendant under oath and asked the following questions: "[h]ave you ever given false or misleading information to any United States Government official while applying for any immigration benefit or to prevent deportation, exclusion or removal," "[h]ave you ever lied to any United States Government official to gain entry or admission into the United States," and "[h]ave you ever

²⁴ Form N-400, Application for Naturalization filed August 17, 2009, attached hereto as Exhibit T.

been ordered to be removed, excluded, or deported from the United States?” In response to these questions, Defendant answered “no.”

63. During the January 28, 2010, naturalization interview, thirty-three corrections were made to the written answers initially provided on Defendant’s Form N-400. At the conclusion of the interview, Defendant swore under oath that the contents of his Form N-400, including the thirty-three corrections, were true and correct.

64. On the basis of his written application and the testimony he provided during his naturalization interview, Defendant’s Form N-400 was approved on March 17, 2010.

65. On May 12, 2010, Defendant took the Oath of Allegiance and was admitted as a citizen of the United States. He was issued Certificate of Naturalization No. .

D. Fingerprint Analysis

66. Jaspal Singh Gill, Jaspal Gill, Pritam Singh, and Pritam Gill are the same person.

67. Fingerprint evidence demonstrates by clear, convincing, and unequivocal evidence that the same individual submitted fingerprints under the names Jaspal Singh Gill, Jaspal Gill, Pritam Singh, and Pritam Gill identities.²⁵

V. GOVERNING LAW

A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

68. 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).

69. 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 alien who seeks political rights as a

²⁵ Forensic Fingerprint Report dated August 19, 2019, attached hereto as Exhibit U.

member of this Nation can rightfully obtain them only upon the terms and conditions specified by Congress,” quoting *Ginsberg*, 243 U.S. at 474)).

70. Under the first ground for denaturalization (illegal procurement), citizenship is “illegally procured” if the applicant failed to comply with any of the congressionally imposed prerequisites to the acquisition of citizenship. *Fedorenko*, 449 U.S. at 506.

71. Among other requirements for naturalization, Congress mandated that an applicant for naturalization must demonstrate that he has been *lawfully* admitted to the United States for permanent residence. See 8 U.S.C. § 1427(a)(1); see also 8 U.S.C. § 1429.

72. The term “lawfully admitted for permanent residence” means “the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws. 8 U.S.C. § 1101(a)(20). Thus, for an alien to be “lawfully admitted,” his adjustment of status must be in “compliance with substantive legal requirements, not mere procedural regularity.” *In re Koloamatangi*, 23 I. & N. Dec. 548, 550 (B.I.A. 2003); see *Turfah v. United States Citizenship and Immigration Services*, 845 F.3d 668, 671-672 (6th Cir. 2017); see also *Gallimore v. Att’y Gen.*, 619 F.3d 216, 223 & n.6 (3d Cir. 2010).

73. Under the law in effect at the time of Defendant’s admission as a permanent resident, Congress mandated that an individual who had been deported from the United States was inadmissible for ten years after the date of such departure. See 8 U.S.C. § 1182(a)(9)(A)(ii).

74. 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.” See 8 U.S.C. § 1427(a).

75. The required statutory period for good moral character begins five years before the date an applicant files the application for naturalization and continues until the applicant takes the oath of allegiance and becomes a United States citizen (the Statutory Period”). 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(1).

76. 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).

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

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

79. “[A] conviction during the statutory period is not necessary for a finding that an applicant lacks good moral character . . . it is enough that the offense was ‘committed’ during that time.” *United States v. Zhou*, 815 F.3d 639, 644 (9th Cir. 2016) (quoting *United States v. Suarez*, 664 F.3d 655, 661 (7th Cir. 2011)).

B. The Denaturalization Statute

80. 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 him or her naturalization application, Congress enacted 8 U.S.C. § 1451.

81. 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 naturalization was *either*:

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

82. 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.

83. 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); *United States v. Ahmed*, 735 Fed.Appx. 863 (6th Cir. 2018).

84. Where the government establishes that the 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.

VI. CAUSES OF ACTION

COUNT I

ILLEGAL PROCUREMENT OF NATURALIZATION Not Lawfully Admitted for Permanent Residence (Fraud or Willful Misrepresentation of a Material Fact)

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

86. As asserted hereinabove; to qualify for naturalization, an applicant must have been lawfully admitted to the United States for permanent residence. *See* 8 U.S.C. § 1429.

87. The term “lawfully” requires compliance with substantive legal requirements for admission and not mere procedural regularity. *Turfah*, 845 F.3d at 671-672.

88. An alien who, by fraud or by willful misrepresentation of a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided for in the INA, is inadmissible. *See* 8 U.S.C. § 1182(a)(6)(C)(i).

89. Defendant was inadmissible under 8 U.S.C. § 1182(a)(6)(C)(i) at the time of his adjustment to permanent resident status, because he both sought to procure, and did procure, admission into the United States or other immigration benefits by fraud or by willfully misrepresenting material facts.

90. Defendant sought to procure admission into the United States or another benefit provided for in the INA by fraud or by willfully misrepresenting material facts in his Form G-325A (Biographic Information for Deferred Action) completed and signed in support of a Form I-130 (Petition for Alien Relative) filed by the Defendant’s U.S. spouse filed on or about May 15, 2002.

91. Moreover, the Defendant sought to procure admission into the United States or another benefit provided for in the INA by fraud or by willfully misrepresenting material facts in his Form I-485 (Application to Register Permanent Residence or Adjust Status) filed on March 13, 2003.

92. In addition, the Defendant sought to procure admission into the United States or another benefit provided for in the INA by fraud or by willfully misrepresenting material facts in

a Form G-325A (Biographic Information for Deferred Action) submitted in support of his Form I-485, which was filed on or about March 13, 2003.

93. On January 27, 2004, USCIS approved the Form I-485 and Defendant's status was adjusted to that of a conditional permanent resident.

94. At the time Defendant was admitted as a conditional permanent resident, the Defendant was inadmissible pursuant to 8 U.S.C. § 1182(a)(6)(C)(i).

95. Defendant's false statements and misrepresentations regarding his identity, biographic information, immigration history were material to determining his eligibility for the immigration benefits for which he applied.

96. Defendant's false statements had the natural tendency to influence a decision by immigration officers to adjust his immigration status to conditional permanent resident.

97. Thus, Defendant sought to procure an immigration benefit by fraud or willfully misrepresenting material facts, rendering him inadmissible at the time his status was adjusted to that of a permanent resident.

98. Because Defendant misrepresented material facts, he was inadmissible to the United States at the time of his adjustment of status and was not lawfully admitted for permanent residence.

99. Because Defendant was not lawfully admitted for permanent residence, he was and remains ineligible for naturalization under 8 U.S.C. § 1429.

100. Because Defendant was ineligible for naturalization, he illegally procured his naturalization.

101. Because Defendant illegally procured his naturalization, this Court must revoke that naturalization as provided for in 8 U.S.C. § 1451(a).

COUNT II

ILLEGAL PROCUREMENT OF NATURALIZATION Not Lawfully Admitted for Permanent Residence (Inadmissible Based on Final Order of Removal Executed Prior to Adjustment)

102. The United States re-alleges and incorporates by reference all foregoing paragraphs.

103. As alleged hereinabove, to qualify for naturalization, Defendant must have been “lawfully admitted” to the United States for permanent residence. *See* 8 U.S.C. § 1429.

104. Among the statutory provisions that were applicable at the time of Defendant’s admission as a permanent resident was the requirement that he be admissible to the United States or otherwise seek admission with advanced approval and consent of the United States. 8 U.S.C. § 1255(a); *see also* 8 U.S.C. § 1182(a)(9)(A)(iii).

105. Under the law in effect at the time of Defendant’s admission as a permanent resident, an individual who had been deported from the United States was inadmissible for ten years after the date of such departure. *See* 8 U.S.C. § 1182(a)(9)(A)(ii).

106. As alleged above, the Defendant filed an immigration application using the name Pritam Singh On or about January 22, 1996. However, Defendant failed to appear for a scheduled interview and was presumed to have abandoned the application. During a show cause hearing in September 1996, Defendant admitted that entered the United States without inspection and acknowledged that he was deportable.

107. Furthermore, Defendant failed to appear for a subsequent hearing before the Immigration Court and the Immigration Judge ordered that he be deported from the United States. Defendant did not appear as instructed to surrender for deportation.

108. Using the name Jaspal Singh Gill, Defendant filed an Application to Register Permanent Residence or Adjust Status on or about March 13, 2003.

109. Defendant had not sought admission with the advance approval and consent of the United States and, therefore, he was inadmissible when he applied to adjust his status. 8 U.S.C. § 1182(a)(9)(A)(iii).

110. On January 27, 2004, the status of the Defendant, using the name Jaspal Singh Gill, was adjusted to that of a conditional permanent resident.

111. Because Defendant was inadmissible at the time of his admission, Defendant was not lawfully admitted for permanent residence.

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

113. Because Defendant was ineligible to naturalize, Defendant illegally procured his citizenship.

114. Because Defendant illegally procured his citizenship, the Court must revoke his citizenship under 8 U.S.C. § 1451(a).

COUNT III

ILLEGAL PROCUREMENT OF NATURALIZATION Not Lawfully Admitted for Permanent Residence (Inadmissible Based on Unlawful Presence)

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

116. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. 8 U.S.C. § 1429.

117. Among the INA provisions applicable at the time of Defendant's adjustment of status to permanent resident was the requirement that he be admissible to the United States. 8 U.S.C. § 1255(a).

118. Under the law then in effect, an individual who was unlawfully present in the United States for one year or more and who subsequently departed from the United States, became inadmissible for ten years after the date of departure or removal. 8 U.S.C. § 1182(a)(9)(B)(i)(II).

119. As indicated above, Defendant was unlawfully present in the United States for one year or more, subsequently departed from the United States, and then sought admission to the United States within ten years of his departure or removal.

120. Because Defendant was unlawfully present in the United States at the time he applied for adjustment of his status, he was not lawfully admitted for permanent residence.

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

122. Because Defendant was ineligible to become naturalized, he illegally procured his citizenship.

123. Because Defendant illegally procured his citizenship, the Court must revoke his citizenship under 8 U.S.C. § 1451(a).

COUNT IV

ILLEGAL PROCUREMENT OF NATURALIZATION Lack of Good Moral Character (Unlawful Acts with No Extenuating Circumstances)

124. The United States re-alleges and incorporates by reference all foregoing paragraphs.

125. Defendant illegally procured his naturalization, because he was unable to establish the good moral character necessary to naturalize as a result of committing unlawful acts.

126. As addressed above, an applicant for naturalization must satisfy the statutory requirement of demonstrating that he is a person of good moral character for the five-year Statutory Period before he filed his naturalization application, and until the time he becomes a naturalized United States citizen. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(1).

127. Defendant filed his application for naturalization on August 17, 2009. Accordingly, he was required to establish that he was a person of good moral character from August 17, 2004, until the time of his admission to citizenship on May 12, 2010. This was the Statutory Period applicable to the Defendant.

128. Under the law then in effect, an individual could not establish good moral character if, during the Statutory Period, he committed unlawful acts that adversely reflected on his moral character, unless he could establish extenuating circumstances. 8 C.F.R. § 316.10(b)(3)(iii); *see also* 8 U.S.C. § 1101(f).

129. Based on the facts set forth hereinabove, during the Statutory Period Defendant committed unlawful acts that adversely reflected on his moral character. Specifically, Defendant provided false information regarding his identity, immigration history and whether he ever provided false or misleading information, or lied, to a U.S. Government official while applying for an immigration benefit or to prevent deportation. Defendant has not and cannot establish extenuating circumstances. Consequently, he was not eligible for naturalization and illegally procured his naturalization.

130. Because Defendant committed unlawful acts that reflected negatively on his moral character, Defendant was barred under 8 U.S.C. § 1101(f)(6) and 8 C.F.R. § 316.10(b)(3)(iii) from showing that he had the good moral character necessary to become a naturalized United States citizen.

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

132. Because he was ineligible to naturalize, Defendant procured his citizenship illegally.

133. Because he procured his citizenship illegally, the Court must revoke his citizenship, as provided for by 8 U.S.C. § 1451(a).

COUNT V

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

134. The United States re-alleges and incorporates by reference to all foregoing paragraphs.

135. Defendant illegally procured his naturalization, because he was unable to establish the good moral character necessary to naturalize as a result of providing false testimony for the purpose of obtaining an immigration benefit.

136. As addressed above, an applicant for naturalization must satisfy the statutory requirement of demonstrating that he is a person of good moral character for the five-year Statutory Period before he filed his naturalization application, and until the time he becomes a naturalized United States citizen. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(1).

137. Defendant filed his application for naturalization on August 17, 2009.

138. Accordingly, he was required to establish that he was a person of good moral character from August 17, 2004, until the time of his admission to citizenship on May 12, 2010 – the Statutory Period applicable to Defendant.

139. Under the law then in effect, an individual who, during the Statutory Period, provided false testimony for the purpose of obtaining an immigration benefit could not establish good moral character. INA § 101(f)(6); 8 U.S.C. § 1101(f)(6); 8 C.F.R. § 316.10(b)(2)(vi).

140. Based on the facts contained above, Defendant provided false testimony while under oath during his naturalization interview.

141. Specifically, Defendant provided false testimony regarding: 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, whether he had ever lied to any U.S. government official to gain entry or admission into the United States, and whether he had ever been ordered to be removed, excluded, or deported from the United States.

142. Because Defendant provided false testimony to obtain an immigration benefit during the Statutory Period, Defendant was barred under 8 U.S.C. § 1101(f) and 8 C.F.R. § 316.10(b)(2)(vi) from showing that he had the good moral character necessary to become a naturalized United States citizen.

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

144. Because he was ineligible to naturalize, Defendant procured his citizenship illegally.

145. Because he procured his citizenship illegally, the Court must revoke his citizenship, as provided for by 8 U.S.C. § 1451(a).

COUNT VI

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

146. The United States re-alleges and incorporates by reference to all foregoing paragraphs.

147. A naturalized citizen is subject to revocation of naturalization if he procured naturalization by willfully misrepresenting or concealing material facts.

148. Based on the facts set forth above, Defendant willfully misrepresented his identity and immigration history throughout the naturalization process.

149. The willful misrepresentations made by Defendant during the naturalization process were material to determining his eligibility for naturalization because they had the natural tendency to influence the decision whether to approve his naturalization application.

150. In fact, Defendant willfully misrepresented and concealed facts that would have shown he was not lawfully admitted for permanent residence in accordance with all applicable provisions of the INA and, therefore, was ineligible for naturalization under INA § 318, 8 U.S.C. § 1429.

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

152. Because Defendant procured his naturalization by concealment of material facts and willful misrepresentations, the Court must revoke his citizenship.

VII. PRAYER FOR RELIEF

WHEREFORE, the United States of America respectfully requests:

- A. A declaration that Defendant illegally procured his citizenship;
- B. A declaration that Defendant procured his citizenship by concealment of material facts and by willful misrepresentation;
- C. Judgment revoking and setting aside the order admitting Defendant to citizenship and canceling Certificate of Naturalization No. [REDACTED], effective as of the original date of the order and certificate, May 12, 2010.
- D. Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages related to United States citizenship that he obtained as a result of his May 12, 2010, naturalization;
- E. Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment against him, his Certificate of Naturalization No. [REDACTED] and any copies thereof in his possession – and to make good faith efforts to recover and immediately surrender any copies thereof that he knows are in the possession of others – to the Attorney General, or his designated 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, 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), and other relevant documents, whether current or expired, and any copies thereof in his possession—and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession of others—to the Attorney General, or to her designated representative, including undersigned counsel; and

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

Dated: June 12, 2026

Respectfully submitted,

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Attachment to Civil Cover Sheet

*United States of America v. Jaspal Singh Gill, a/k/a Jaspal S. Gill, Pritam Singh Gill,
and Pritam Singh*

Docket No.

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