

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

THE UNITED STATES OF AMERICA,

PLAINTIFF,

v.

MACARIA GARCIA,

DEFENDANT.

Civil Action No.

1:26-cv-_____

COMPLAINT TO REVOKE NATURALIZATION

Preliminary Statement

The United States of America brings this civil action against Defendant Macaria Garcia (also known as Silvia Garcia-Barojas, Silvia Garcia Barojas, Silvia Garcia, or Silvia Garcia B.) (collectively, "Defendant"), to revoke her naturalized U.S. citizenship under 8 U.S.C. § 1451(a). Defendant procured her naturalization illegally, or by willful misrepresentation or concealment of a material fact.

In February 1992, sixteen years before she was naturalized, Defendant was apprehended by officers with the former Immigration and Naturalization Service ("INS").¹ Defendant identified herself to INS officers as "Silvia Garcia-Barojas."

¹ On March 1, 2003, INS ceased to exist as an independent agency within the Department of Justice, and most of its functions were transferred to the newly formed Department of Homeland Security. *See* Homeland Security Act of 2002, Pub. L. No. 107-296, §§ 441, 451, 471, 116 Stat. 2135 (Nov. 25, 2002). Plaintiff will reference INS throughout where factually appropriate.

She admitted to the officers that she had entered the country without inspection in October 1989. Defendant was then charged as an alien who entered the country without inspection and placed into deportation proceedings.

On March 30, 1993, following a hearing, an Immigration Judge entered an order permitting "Silvia Garcia-Barojas" to voluntarily depart the country by June 30, 1993. If she failed to depart by that date, the Immigration Judge entered an alternate order of deportation to Mexico.

But Defendant did not depart the country by that date or appear before INS to be deported. Instead, in December 1993, INS received a petition from Defendant's spouse, Jose Ruben Garcia, to adjust Defendant's status to that of a lawful permanent resident. This time, she identified herself as "Macaria Garcia." The petition was granted, Defendant obtained her residency. And, in February 2008, Defendant was ultimately naturalized as a U.S. citizen.

However, in applying to become a citizen, Defendant failed to disclose in her application that she had previously been apprehended by INS officers, she was in active deportation proceedings, or that she was subject a deportation order as "Silvia Garcia-Barojas." Had Plaintiff known these facts, it would not have granted Defendant citizenship. Thus, Defendant procured her naturalized citizenship illegally, or by willful misrepresentation or concealment of a material fact. Her citizenship should now be revoked.

JURISDICTION AND VENUE

1. 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 the Certificate of Naturalization ending in number **3593**.
2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1345 for a cause of action under 8 U.S.C. § 1451(a).
3. Venue is proper in this district pursuant to 8 U.S.C. § 1451(a) because Defendant resides in this district.

PARTIES

4. Plaintiff is the United States of America.
5. Defendant Macaria Garcia is a native of Mexico. She is a naturalized U.S. citizen whose last known address is in Jonesboro, Georgia. She previously identified herself to Plaintiff using the aliases, "Silvia Garcia-Barojas," "Silvia Garcia Barojas," "Silvia Garcia," and "Silvia Garcia B."

FACTUAL ALLEGATIONS

6. As required by 8 U.S.C. § 1451(a), the allegations in this Complaint are supported by the affidavit of an Adjudications Officer with the U.S. Citizenship and Immigration Services ("USCIS"), an agency within the U.S. Department of Homeland Security ("DHS"). The Officer's affidavit demonstrates the requisite

good cause for instituting this action. The affidavit is cited throughout the Complaint as the “AGC” and is attached as Exhibit 1.

I. Defendant is apprehended in 1992 as “Silvia Garcia-Barojas.”

7. On February 5, 1992, Defendant was apprehended by INS officers at her place of business. AGC, ¶ 1. She identified herself as “Silvia Garcia-Barojas” and further signed paperwork as “Silvia Garcia.” *Id.* After signing a waiver of her rights, she was questioned by an INS officer and “readily admit[ted]” to illegally entering the United States, without inspection, in October 1989. *Id.*, ¶ 1, Exs. A and B. Defendant entered near a port-of-entry at Nogales, Arizona. *Id.*

8. Defendant claimed she had a husband with legal status—Jose Ruben Garcia—and had 5 minor children (4 of which have Mexican nationality and 1 child that was a U.S. citizen), which resided with her at an address on [REDACTED] Atlanta, Georgia 30315, or “with friends” at an address on [REDACTED] Riverdale, Georgia. *Id.*, ¶ 1, Ex. A.

9. On the date of her apprehension, Defendant was fingerprinted by INS in Atlanta and was assigned an “A-number” ending in “096.” *Id.*, ¶ 2. Defendant signed the document capturing her fingerprints as “Silvia Garcia” and reported her date of birth. *Id.*, ¶ 2, Ex. C.

10. INS further captured additional information and Defendant’s picture in that encounter. *See id.*, ¶ 2, Ex. D.

11. Defendant further completed a Form I-43, Baggage and Personal Effects of Detained Alien, in which she claimed certain “personal belongings” in the possession of her husband “Jose Ruben Garcia” who was domiciled at the same address on  Riverdale, GA 30274. *Id.*, ¶ 2, Ex. E. Defendant signed the Form I-43 as “Silvia Garcia B.” *Id.*

12. Lastly, Defendant was personally served with a Form I-221S, Order to Show Cause, Notice of Hearing, and Warrant for Arrest of Alien (“OSC”), alleging that she entered the United States at Nogales, Arizona, or about October 19, 1989, without inspection. *Id.*, ¶ 3, Ex. F. The OSC charged her as subject to deportation pursuant to INA § 241(a)(1)(B). *Id.* Defendant signed the OSC as “Silvia Garcia B.,” indicating that she did not request a redetermination by an immigration judge of the custody decision. *Id.* She also placed her thumbprint on the certificate of service. *Id.*

13. Defendant requested a hearing before an immigration judge and was released pending the hearing. *Id.*, ¶¶ 1, 3.

II. “Silvia Garcia-Barojas” is ordered deported on March 30, 1993.

14. On March 30, 1993, Defendant appeared for a hearing before Immigration Judge John Milo Bryant. *Id.*, ¶ 4. She was represented by counsel Susan H. Colussy. *Id.*, ¶ 4, Ex. G. Defendant signed her counsel’s notice of appearance as “Silvia Garcia.” *Id.*

15. Following a hearing and oral decision, Immigration Judge Bryant ordered that Defendant, under the name "Silvia Garcia-Barojas," may voluntarily depart the country on or before June 30, 1993. *Id.*, ¶ 4, Ex. H ("Deportation Order"). However, in the event Defendant failed to depart by that date, the Immigration Judge also entered an alternate order of deportation to Mexico. *Id.*

16. Defendant personally appeared at the March 30, 1993 hearing before Immigration Judge Bryant and heard and understood the ruling. *See id.*, ¶ 4. As the Deportation Order recites, it was provided to Defendant in English and in Spanish, and Defendant was given oral notice of the Deportation Order's contents in her native language, or in a language she understands. *Id.*, ¶ 4, Ex. H. Further, contemporaneous notes taken down by the INS attorney present at the hearing, on a Form I-703, Record of Action, confirm that Defendant was "present w/ atty" Colussy at the hearing. *Id.*, ¶ 4, Ex. I.

17. Following the hearing, the INS did not receive any document or other proof that Defendant had voluntarily departed the country, or was otherwise deported, by June 30, 1993. *See id.*, ¶ 5. Accordingly, on October 7, 1993, INS issued a Form G-146, voluntary departure verification form, to Defendant's counsel, with a copy to Defendant at her home address. *Id.*, Ex. J. The form stated that "Silvia Garcia-Barojas" was granted permission to remain in the United States for a temporary period, but INS had not received a record of her departure

from the United States. *Id.* The form further requested that Defendant complete the form and take it to the office of the nearest American Consul, for return to INS's offices in Atlanta. *Id.*

18. Receiving no response, on December 8, 1995, INS issued a Form I-205, Warrant of Deportation, directing that Defendant be taken into custody and deported. *Id.*, ¶ 6, Ex. L. INS further issued a Form I-166, notifying Defendant that arrangements had been made for her departure to Mexico and that she should report to the INS's offices at 77 Forsyth Street, SW, Atlanta, GA, at 8:00 AM on January 10, 1996 "completely ready for deportation." *Id.* at 4, Ex. K.² The Form I-166 was delivered to Defendant via certified mail to her attorney; it was signed upon receipt. *Id.*

19. Defendant did not appear on January 10, 1996 for deportation, nor does Plaintiff have any record that Defendant departed the United States pursuant to the Deportation Order. *Id.*

III. "Macaria Garcia" later secures residency and then citizenship.

20. On December 1, 1993, Jose Ruben Garcia filed a Form I-130, Petition for Alien Relative, seeking to classify his spouse, "Macaria Garcia," as the spouse

² Plaintiff refers to page 4 of the AGC rather than a paragraph number simply because there is a minor typographical error (misnumbered paragraph) in the AGC between ¶¶ 5 and 6.

of an alien granted permanent resident status as a Seasonal Agricultural Worker. *Id.*, ¶ 7, Ex. M.

21. As with Silvia Garcia-Barojas, the Form I-130 recites that Macaria Garcia arrived in the United States in October 1989 as an alien who entered without inspection, and both share the same date of birth. *Id.* Attached to the Form I-130, Jose Ruben Garcia and Macaria Garcia also submitted Forms G-325A, which capture biographic information of the petitioner and the beneficiary spouse. *Id.*, ¶ 8, Ex. N. The Forms G-325A recite that Jose Ruben Garcia and Macaria Garcia lived together at various addresses since at least January 1992. *Id.* This includes sharing the address that Silvia Garcia-Barojas provided to INS officials as her residence (on , and the address Silvia Garcia-Barojas indicated her children stayed at “with friends” in Riverdale, Georgia. Compare AGC, ¶ 8, Ex. N at 2 with AGC, ¶ 1, Ex. A; see also AGC, Exs. C at 2 (recording same address on fingerprint card) and E (listing same address for Silvia Garcia-Barojas’ husband, Jose Ruben Garcia).

22. The Form G-325A for Macaria Garcia further recites that she shares the same date of birth and date of entry into the United States as Silvia Garcia-Barojas. *Id.*, ¶ 8, Ex. N at 2. Lastly, and notably, the Form G-325A for Macaria Garcia leaves blank the question requesting “ALL OTHER NAMES USED” and does not disclose any prior employment. *Id.*

23. On February 8, 1994, INS approved Jose Ruben Garcia's Form I-130. *Id.*, ¶ 9.

24. On May 15, 2000, more than six years later, Macaria Garcia filed a Form I-485, Application to Register Permanent Residence or Adjust Status. *Id.*, ¶ 10, Ex. O.

25. As with Silvia Garcia-Barojas, Attorney Susan H. Colussy filed an appearance on behalf of Macaria Garcia. *Id.*, ¶ 10, Ex. P.

26. Macaria Garcia again represented on the Form I-485 that she had the same date of birth and date of entry into the United States as Silvia Garcia-Barojas. *Id.*, ¶ 10, Ex. O. Further, the Form I-485 recites that Macaria Garcia is married and has two Mexican citizen sons and two Mexican citizen daughters. *Id.*

27. Macaria Garcia was also asked the following questions on the Form I-485: "Have you ever been deported from the U.S., or removed from the U.S. at government expense, excluded within the past year, or are you now in exclusion or deportation proceedings?"; and, "Are you under a final order of civil penalty for violating section 274C of the Immigration Act for use of fraudulent documents, or have you, by fraud or will misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the U.S., or any other immigration benefit?" *Id.*, ¶ 11, Ex. O at 3. To both, she responded, "No." *Id.*

28. INS approved Defendant's Form I-485 on November 5, 2001. *Id.*, ¶ 12. On that same date, she provided a picture of herself, and her thumbprint was captured for purposes of issuing her a green card. *Id.*, ¶ 12, Ex. Q.

29. On June 5, 2007, again nearly six years later, Defendant filed a Form N-400, Application for Naturalization. *Id.*, ¶ 13, Ex. R. Under penalty of perjury, Defendant represented that her name was "Macaria Garcia," she had not used any other names, her date of birth was xx-xx-1965 (the same DOB as Silvia Garcia-Barojas), she was married, and she had four children born in Mexico. *Id.* She further disclosed that she had one child born in the United States but, unfortunately, that child had passed away. *Id.*; *see also id.*, Ex. A (noting that Silvia Garcia-Barojas had 5 minor children at the time of her apprehension).

30. Defendant further represented that she had never been arrested, cited, or detained by any law enforcement officer, including USCIS or former INS. *Id.*, ¶ 13, Ex. R at 8 (Question 16). Defendant was also asked:

- "Have you 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?" (Question 23);
- "Have you ever lied to any U.S. government official to gain entry or admission into the United States?" (Question 24);

- “Are removal, exclusion, recission or deportation proceedings pending against you?” (Question 25);
- “Have you ever been removed, excluded or deported from the United States?” (Question 26);
- “Have you ever been ordered to be removed, excluded or deported from the United States?” (Question 27); and
- “Have you ever applied for any kind of relief from removal, exclusion or deportation?” (Question 28).

To each, she responded, “No.” *Id.*, ¶ 14, Ex. R at 8–9.

31. On July 14, 2007, USCIS recorded Defendant’s fingerprints in connection with her naturalization application. *Id.*, ¶ 15.

32. On January 10, 2008, Defendant was interviewed at the USCIS Field Office in Atlanta, Georgia to determine her eligibility for naturalization. *Id.*, ¶ 16. At the conclusion of her interview, the USCIS Officer made only two corrections to her naturalization application. *Id.* Defendant then signed, again, her application thereby affirming and certifying under penalty of perjury that the contents of the application were true and correct to the best of her knowledge. *Id.*

33. USCIS approved Defendant’s naturalization application on January 26, 2008. *Id.*, ¶ 17. Defendant then signed a Form N-445, Notice of Naturalization

Oath Ceremony, stating that she had never knowingly committed any crime or offense, for which she had been arrested. *Id.*

34. On February 22, 2008, Defendant took the Oath of Allegiance and was admitted as a citizen of the United States. *Id.* She was issued the Certificate of Naturalization ending in number **3593**. *Id.*, ¶ 17, Ex. S.

IV. "Silvia Garcia-Barojas" and "Macaria Garcia" are the same person.

35. Defendant, Macaria Garcia, previously identified herself to immigration officials as "Silvia Garcia-Barojas." She also used the aliases, "Silvia Garcia Barojas", "Silvia Garcia," and "Silvia Garcia B." (collectively, "Silvia aliases").

36. Defendant and the Silvia aliases share much of the same identifying information, such as the same:

- date of birth. *Compare* AGC, Exs. A and C at 1 *with* AGC, Exs. N at 2, O at 1, and R at 2;
- place of birth in the State of Puebla, Mexico. *Compare* AGC, Ex. A *with* AGC, Exs. N at 1-2, and O at 2;
- husband, Jose Ruben Garcia. *Compare* AGC, Exs. A and E *with* AGC, Exs. M at 2, O at 2, and R at 4;
- number of children (5). *Compare* AGC, Ex. A *with* AGC, Exs. O at 2, R at 6;

- nationality of those children (4 Mexican and 1 American). *Compare* AGC, Ex. A *with* AGC, Ex. R at 6;
- parents (father named, “Trinidad,” and mother named, “Juana”). *Compare* AGC, Ex. A *with* AGC, Exs. N at 2, and O at 2;
- previous addresses, particularly on “Old Hapeville Rd.” and “Forest Haven Ln.” *Compare* AGC, Exs. A, C, and E *with* AGC, Ex. N;
- date and method of entry into the country (October 1989, without inspection). *Compare* AGC, Exs. A, C, and F *with* AGC, Ex. O at 1–2 and 5;
- attorney, Susan H. Colussy. *Compare* AGC, Ex. G *with* AGC, Ex. P; and
- facial features. *Compare* AGC, Ex. D *with* AGC, Exs. Q and S.

37. Additionally, on or about December 10, 2018, a fingerprint specialist in the forensic laboratory of DHS’s Homeland Security Investigations analyzed fingerprint impressions provided by “Macaria Garcia” and “Silvia Garcia-Barojas.” AGC, ¶ 18, Ex. T. The specialist concluded the fingerprints were made by the same individual. *Id.*

38. Accordingly, “Macaria Garcia” and “Silvia Garcia-Barojas,” inclusive of each of the Silvia aliases, are all one and the same person: Defendant.

39. Thus, despite using the alias “Silvia Garcia-Barojas,” Defendant was in fact the subject of the pending Deportation Order entered by Immigration Judge John Milo Bryant on March 30, 1993. *Id.*, ¶ 4, Ex. H.

40. And despite personally appearing before Immigration Judge Bryant on March 30, 1993, and hearing and understanding the Deportation Order handed down by him, Defendant failed to inform Plaintiff of her prior use of the name “Silvia Garcia-Barojas,” the other Silvia aliases, or her immigration history on the Form N-400, Application for Naturalization. *Id.*, ¶ 14, Ex. R at 8–9; *see also* AGC, Exs. H and I; Complaint, ¶¶ 16, 30, *supra*.

GOVERNING LAW

I. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

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

42. One requirement to be naturalized is that an alien must first have been “lawfully admitted for permanent residence” for at least 5 years preceding the application. 8 U.S.C. § 1427(a); *see also* 8 U.S.C. § 1429 (“[N]o person shall be naturalized unless he has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of this chapter.”).

43. The phrase “lawfully admitted for permanent residence” means that “an alien’s adjustment to lawful permanent resident status must be in compliance with the substantive requirements of the law.” *Reganit v. Sec’y*, 814 F.3d 1253, 1257 (11th Cir. 2016) (citation modified); *see also Savane v. Sec’y United States Dep’t of Homeland Sec.*, 164 F.4th 93, 98 (3d Cir. 2026) (“A grant of permanent resident status does not meet the standard of ‘lawful admission’ if the applicant was not legally entitled to it for any reason.”) (citation modified); 8 U.S.C. § 1101(a)(20). Thus, even “an alien whose status was mistakenly adjusted to that of a lawful permanent resident was not an alien lawfully admitted for that purpose.” *Reganit*, 814 F.3d at 1257.

44. To be lawfully admitted as a permanent resident an alien must be, among other requirements, “admissible.” *See* 8 U.S.C. § 1255(a) (requiring that an alien be “eligible to receive an immigrant visa and [] admissible to the United States for permanent residence”). However, as delineated by statute, certain

classes of aliens are “inadmissible” and thus ineligible to receive visas or to be admitted into the United States. *See generally* 8 U.S.C. § 1182.

45. One such class of inadmissible aliens is comprised of “any alien who, by fraud or willfully misrepresenting 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 under [the INA.]” 8 U.S.C. § 1182(a)(6)(C)(i).

46. Another requirement to be naturalized is that an alien “during all periods referred to in this subsection has been and still is a person of good moral character [.]” 8 U.S.C. § 1427(a)(3). The required statutory period to demonstrate good moral character begins five years before the date the alien files the application for naturalization, and it continues until the alien takes the oath of allegiance and becomes a U.S. citizen. *Id.*; *see also* 8 C.F.R. § 316.10(a)(1) (“An applicant for naturalization bears the burden of demonstrating that, during the statutorily prescribed period, he or she has been and continues to be a person of good moral character. This includes the period between the examination and the administration of the oath of allegiance.”).

II. The Denaturalization Statute

47. Congress, under 8 U.S.C. § 1451, mandated that it “shall be the duty of the United States attorneys for the respective districts, upon affidavit showing

good cause therefor, to institute proceedings in any district court of the United States. . .for the purpose of revoking and setting aside the order admitting such person to citizenship and canceling the certificate of naturalization on the ground that such order and certificate of naturalization were illegally procured or were procured by concealment of a material fact or by willful misrepresentation[.]”

48. Under 8 U.S.C. § 1451(a), this Court must revoke an order of naturalization and cancel an individual’s Certificate of Naturalization if Plaintiff establishes that the individual’s was either: (a) illegally procured; or (b) procured by concealment of a material fact or by willful misrepresentation.

49. The standard of proof is “clear, unequivocal, and convincing” evidence. *Fedorenko*, 449 U.S. at 505.

50. Naturalization is “illegally procured” when there is a failure to comply with any of the congressionally imposed prerequisites to the acquisition of citizenship. *Id.* at 506.

51. Naturalization is 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).

52. Where Plaintiff establishes that an individual'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.

CAUSES OF ACTION

COUNT I

ILLEGAL PROCUREMENT OF NATURALIZATION Not Lawfully Admitted for Permanent Residence (Final Order of Removal Outstanding at Adjustment)

53. The United States re-alleges and incorporates by reference paragraphs 1 through and including 52 of this Complaint.

54. Defendant illegally procured her naturalization because she was not "lawfully admitted for permanent residence" for at least 5 years preceding her Form N-400, Application for Naturalization. *See* AGC, ¶¶ 13 and 19-22; AGC, Ex. R; 8 U.S.C. § 1427(a); 8 U.S.C. § 1429.

55. Although the INS granted Defendant's Form I-485, it had no jurisdiction to do so. Federal regulations provide that, for an "alien who has been placed in deportation proceedings or in removal proceedings (other than as an arriving alien), the immigration judge hearing the proceeding has *exclusive jurisdiction* to adjudicate any application for adjustment of status the alien may file." 8 C.F.R. § 1245.2(a)(1)(i) (emphasis added); *see also* 62 Fed. Reg. 10312, 10383

(Mar. 6, 1997) (revising 8 C.F.R. § 245.2(a)(1) to provide, in relevant part, “After an alien, other than an arriving alien, is in deportation or removal proceedings, his or her application for adjustment of status under section 245 of the Act or section 1 of the Act of November 2, 1966 shall be made and considered only in those proceedings.”).

56. At all relevant times, Defendant has been in deportation proceedings.

57. Defendant’s deportation proceedings were not terminated and Defendant was not otherwise exempted. *See* 8 C.F.R. § 1245.1(c)(8)(ii).

58. Accordingly, Immigration Judge John Milo Bryant (or another successor or designee), not USCIS, had exclusive jurisdiction to adjudicate Defendant’s Form I-485, Application to Register Permanent Residence or Adjust Status. *See* AGC, ¶ 10, Ex. O.

59. Defendant was, thus, not lawfully admitted as a permanent resident prior to being naturalized, as required by 8 U.S.C. §§ 1427(a) and 1429. *See Koszelnik v. Sec’y of Dep’t of Homeland Sec.*, 828 F.3d 175, 180 (3d Cir. 2016) (“INS lacked jurisdiction to adjudicate Koszelnik’s adjustment application because once deportation proceedings are initiated against an alien, jurisdiction over an application for adjustment lies only with the Immigration Court, not with INS. Since Koszelnik had a final order of deportation pending against him, INS lacked jurisdiction, and therefore its approval of the application did not conform to

substantive legal requirements.”); *Ali Majed Soudi Alfar v. Gray*, No. 22-cv-10260 (JGK), 2024 U.S. Dist. LEXIS 200629, at *9 (S.D.N.Y. Oct. 31, 2024) (“Because the USCIS was without jurisdiction to grant Alfar permanent resident status at the time of adjudication, the agency’s decision to grant him such status in June 2014 was void ab initio and he never obtained lawful permanent resident status . . . Accordingly, USCIS properly denied Alfar’s application for naturalization.”) (citation modified).

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

61. Because Defendant was ineligible for naturalization, she illegally procured her naturalization.

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

COUNT II

ILLEGAL PROCUREMENT OF NATURALIZATION Not Lawfully Admitted for Permanent Residence (Inadmissible Based on Fraud or Misrepresentation)

63. The United States re-alleges and incorporates by reference paragraphs 1 through and including 62 of this Complaint.

64. Defendant illegally procured her naturalization because she was not “lawfully admitted for permanent residence” for at least 5 years preceding her Form N-400, Application for Naturalization. *See* AGC, ¶¶ 13 and 19–22; AGC, Ex. R; 8 U.S.C. § 1427(a); 8 U.S.C. § 1429.

65. As delineated by statute, certain aliens are “inadmissible” and thus ineligible to receive visas or to be admitted into the United States. *See generally* 8 U.S.C. § 1182; *see also* 8 U.S.C. § 1255(a).

66. One such class of inadmissible aliens is comprised of “any alien who, by fraud or willfully misrepresenting 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 under [the INA.]” 8 U.S.C. § 1182(a)(6)(C)(i).

67. Defendant was ineligible to be admitted as a lawful permanent resident because she sought to procure her admission into the United States by fraud or willful misrepresentation of a material fact in violation of 8 U.S.C. §§ 1255 and 1182(a)(6)(C)(i).

68. Specifically, Defendant willfully omitted or misrepresented her prior use of the alias “Silvia Garcia-Barojas” or any other Silvia alias. Further, Defendant willfully omitted or misrepresented her prior immigration history, including that she: (a) was in deportation proceedings; (b) was subject to the

Deportation Order; (c) refused to voluntarily depart the country by June 30, 1993, despite being ordered to do so; and (d) refused to report for deportation on January 10, 1996, despite being ordered to do so.

69. “Willfulness” does not require an intent to deceive; it requires only a false representation with knowledge of its falsity. *See Alfaro v. United States Att’y Gen.*, 862 F.3d 1261, 1264 (11th Cir. 2017) (“While a willful misrepresentation does not require intent to deceive, it does require a false representation of a material fact made with knowledge of its falsity.”) (citation modified); *Azim v. United States Att’y Gen.*, 314 F. App’x 193, 196 (11th Cir. 2008) (“Because Azim’s statements in his visa application to the contrary were knowingly factually inaccurate and deliberately made, they were willful.”).

70. Defendant knew the falsity of her statements for several reasons. First, Defendant Macaria Garcia, Silvia Garcia-Barojas, and all other Silvia aliases are the same person. *See supra*, ¶¶ 35–38.

71. Second, Defendant personally appeared at the March 30, 1993 hearing before Immigration Judge Bryant and heard and understood the ruling. AGC, ¶ 4. As the Deportation Order recites, it was provided to Defendant in English and in Spanish, and Defendant was given oral notice of the Deportation Order’s contents in her native language, or in a language she understands. *Id.*, ¶ 4, Ex. H.

72. Third, Defendant was represented by the same competent counsel, Susan H. Colussy, during her deportation proceedings in front of Immigration Judge Bryant and in connection with her application to adjust her status to that of a lawful permanent resident. *Id.*, Exs. G and P; *see also id.*, ¶ 4, Ex. I (contemporaneous attorney notes showing Defendant was “present w/ atty” at the March 30, 1993 hearing).

73. The facts concerning Defendant’s prior aliases and immigration history were material to adjusting her status to that of a lawful permanent resident. AGC, ¶ 26.

74. Had Plaintiff known these facts, it would not have adjusted Defendant’s status to that of a lawful permanent resident.

75. Further, as noted above, had Plaintiff known these facts, it would not have adjusted Defendant’s status because it would not have had jurisdiction to adjust her status. 8 C.F.R. § 1245.2(a)(1)(i); 62 Fed. Reg. at 10383; *see also Koszelnik*, 828 F.3d at 180 (“Koszelnik failed to include his original assigned A-number and failed to disclose the order of deportation that was pending against him. It is undisputed that if the INS had been aware of the deportation order pending against Koszelnik, he would not have been granted lawful permanent resident status.”).

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

77. Because Defendant was ineligible for naturalization, she illegally procured her naturalization.

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

COUNT III
ILLEGAL PROCUREMENT OF NATURALIZATION
Lack of Good Moral Character
(Unlawful Acts)

79. The United States re-alleges and incorporates by reference paragraphs 1 through and including 78 of this Complaint.

80. Defendant illegally procured her naturalization because during the required statutory period, she had not been, and was not at the time of administering her oath of allegiance, a person of good moral character. 8 U.S.C. § 1427(a)(3).

81. The required statutory period for good moral character begins five years before the date the applicant files the application for naturalization, and it continues until the applicant takes the oath of allegiance and becomes a U.S. citizen. *Id.*; see also 8 C.F.R. § 316.10(a)(1).

82. As further set forth above, during the statutory period, Defendant provided false written statements in her Form N-400, Application for Naturalization, which misstated or omitted her prior use of the Silvia aliases and her immigration history. AGC, ¶ 13, Ex. R at 8-9; Complaint, ¶ 30, *supra*.

83. Defendant's false written statements were made with knowledge of their falsity, under oath, and for the purpose of obtaining an immigration benefit.

84. Defendant's false written statements demonstrate her aim to circumvent the nation's immigration laws to obtain residency and, ultimately, citizenship.

85. Had her statements been oral, Defendant would have undoubtedly been the subject of the false testimony bar. *See* 8 U.S.C. § 1101(f)(6); *Kungys*, 485 U.S. at 779-80 ("Literally read, [the statute] denominates a person to be of bad moral character on account of having given false testimony if he has told even the most immaterial of lies with the subjective intent of obtaining immigration or naturalization benefits. We think it means precisely what it says.").

86. Nevertheless, the fact that her false statements were written does not preclude a finding of bad moral character. *See* 8 U.S.C. § 1101(f).

87. Accordingly, Defendant did not possess the requisite good moral character to be naturalized. 8 U.S.C. § 1427(a)(3). Because of this, she was not eligible to naturalize.

88. Because Defendant was ineligible to naturalize, Defendant procured her citizenship illegally.

89. Because Defendant procured her citizenship illegally, the Court must revoke her citizenship, as provided for by 8 U.S.C. § 1451(a).

COUNT IV

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

90. The United States re-alleges and incorporates by reference paragraphs 1 through and including 89 of this Complaint.

91. Naturalization is 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*, 485 U.S. at 767.

92. In her Form N-400, Application for Naturalization, Defendant, with knowledge of the falsity of these facts, misrepresented or concealed her use of the Silvia aliases and her prior immigration history. *See* Complaint, ¶¶ 30, 68–75, *supra*; AGC, Ex. R.

93. These facts were material to determining her eligibility for naturalization. AGC, ¶ 34.

94. Plaintiff would have denied her N-400 application had she been truthful and forthcoming. *Id.*, ¶ 35.

95. Defendant therefore procured her naturalization by concealment of a material fact or willful misrepresentation. Accordingly, the Court must revoke her citizenship under 8 U.S.C. § 1451(a).

PRAYER FOR RELIEF

WHEREFORE, the United States of America respectfully requests:

- A. A declaration that Defendant illegally procured her citizenship;
- B. A declaration that Defendant procured her citizenship by concealment of a material fact or by willful misrepresentation;
- C. Judgment revoking and setting aside the order admitting Defendant to citizenship and canceling her Certificate of Naturalization ending in number 3593, effective as of the original date of the certificate, February 22, 2008;
- D. Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages related to United States citizenship that she obtained or could obtain as a result of her February 22, 2008 naturalization;
- E. Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment against her, the Certificate of Naturalization ending in

number 3593, and any copies thereof in her possession – and to make good faith efforts to recover and immediately surrender any copies thereof that she 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), Enhanced Driver's Licenses (whether valid or expired), and other relevant documents, whether current or expired, and any copies thereof in her possession – and to make good faith efforts to recover and then surrender any copies thereof that she knows are in the possession of others – to the Attorney General, or to his 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 16, 2026.

Respectfully submitted,

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