

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCIN STANISLAW GARBACZ,

Defendant.

Civil Action No. 2:26-cv-02345

AFFIDAVIT OF GOOD CAUSE

I, Ronald Dorman, declare under penalty of perjury as follows:

1. I am a Deportation Officer with U.S. Immigration and Customs Enforcement, a component of the U.S. Department of Homeland Security ("DHS"). In this capacity, I have access to the official records of DHS, including the immigration files of Marcin Stanislaw Garbacz ("GARBACZ"), Alien Number 

2. I have examined the records relating to GARBACZ, including, but not limited to, his immigration file and publicly available court dockets. Based upon my review of these records, I state that the information set forth in this Affidavit of Good Cause is true and correct.

3. Based on the facts and law contained herein, I submit good cause exists to institute proceedings pursuant to section 340(a) of the Immigration and Nationality Act ("INA"), 8 U.S.C.

1 § 1451(a), to revoke the U.S. citizenship of GARBACZ and to cancel his Certificate of
2 Naturalization No. 36795117.

3 **FACTUAL BACKGROUND**

4 4. GARBACZ was born in Poland in 1978.

5 5. On or about November 11, 2005, at Denver, Colorado, GARBACZ was admitted
6 to the U.S. as a non-immigrant member of a religious organization (R-1) with authorization to
7 remain in the U.S. for a period not to exceed March 8, 2008.

8 6. On or about January 31, 2007, U.S. Citizenship and Immigration Services
9 (“USCIS”) received a Form I-360, *Petition for a Amerasian, Widow(er) or Special Immigrant*,
10 submitted on GARBACZ’s behalf by the Diocese of Rapid City, which USCIS approved on June
11 25, 2007.

12 7. On or about July 30, 2007, USCIS received a Form I-485, *Application to Register*
13 *Permanent Residence or Adjust Status*, submitted by GARBACZ. It was approved on September
14 10, 2008, and GARBACZ’s status was adjusted to that of an SD-6 (Ministers, adjustment) lawful
15 permanent resident, pursuant to section 245 of the INA, 8 U.S.C. § 1255.

16 8. On or about November 12, 2013, USCIS received a Form N-400, *Application for*
17 *Naturalization* (“Form N-400” or “naturalization application”), submitted by GARBACZ pursuant
18 to section 316(a) of the INA, 8 U.S.C. § 1427(a).

19 9. On his naturalization application, GARBACZ checked the box marked “No” in
20 response to Question 15 in Part 10.D., which asked: “Have you **ever** committed a crime or offense
21 for which you were **not** arrested?” GARBACZ also checked “No” in response to Part 10, Question
22 23, which asked: “Have you **ever** given false or misleading information to any U.S. Government
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1 official while applying for any immigration benefit or to prevent deportation, exclusion, or
2 removal?”

3 10. On or about November 1, 2013, GARBACZ signed his naturalization application
4 under penalty of perjury under the laws of the United States of America, thereby certifying that
5 the application, and the evidence he submitted with it, were all true and correct.

6 5. On or about May 12, 2014, GARBACZ appeared in person before a USCIS
7 Adjudications Officer for an interview to determine his eligibility for naturalization. At the
8 beginning of the interview, the Officer placed GARBACZ under oath. During the interview,
9 GARBACZ verbally confirmed and/or corrected certain of his written statements on his
10 Naturalization Application. Specifically, the Officer asked GARBACZ, consistent with Part 10,
11 Question 23 of GARBACZ’s Naturalization Application, whether he had ever given false or
12 misleading information to any U.S. Government official while applying for any immigration
13 benefit. GARBACZ verbally confirmed his written response to Part 10, Question 23 of his
14 Naturalization Application, testifying under oath that he had never given false or misleading
15 information to any U.S. Government official while applying for any immigration benefit.

16 12. GARBACZ’s testimony during his naturalization interview was false or
17 misleading. GARBACZ’s Naturalization Application to obtain the immigration benefit of
18 naturalization—signed under penalty of perjury on November 12, 2013—falsely stated that he had
19 never committed a crime or offense for which he had not been arrested. In truth and fact, at the
20 time he submitted his Naturalization Application, GARBACZ had committed 11 counts wire fraud
21 in violation of 18 U.S.C. § 1343 in furtherance of a scheme to defraud the Diocese of Rapid City.
22 GARBACZ had also engaged in illicit sexual conduct in a foreign place in violation of 18 U.S.C.
23 § 2423(c). GARBACZ was convicted of those offenses.

1 13. At the conclusion of the interview, GARBACZ again signed his naturalization
2 application, in the presence of the Officer, thereby swearing and certifying under penalty of perjury
3 under the laws of the United States of America that he knew that the contents of his application,
4 subscribed by him, including the five numbered changes.¹ made at his request, and that his
5 amended application was true to the best of his knowledge and belief.

6 14. Based on his written responses on the Form N-400, documentation provided in
7 support of the application, and his testimony at the naturalization interview, USCIS approved
8 GARBACZ's application for naturalization on May 12, 2014.

9 15. On or about July 2, 2014, GARBACZ completed a Form N-445, *Notice of*
10 *Naturalization Oath Ceremony* ("Form N-445"). On his Form N-445, GARBACZ checked the
11 box marked "No" in response to Question 3, which asked: "AFTER the date you were first
12 interviewed on your Application for Naturalization, Form N-400: . . . Have you knowingly
13 committed any crime or offense, for which you have not been arrested?" GARBACZ then signed
14 the Form N-445, certifying that the answers he provided were made by him and that they were true
15 and correct.

16 16. However, GARBACZ's response on Form N-445 was false or misleading because
17 he had committed two additional counts of wire fraud between May 14, 2012, and July 2, 2014 in
18 furtherance of a scheme to defraud the Diocese of Rapid City.

19 17. Based on the written statements he made on his Form N-400, documentation
20 provided in support of the Form N-400, his testimony under oath during the naturalization
21 interview, and his statements on the Form N-445, GARBACZ was permitted to take the oath of
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23 ¹ The five numbered changes to the Form N-400 that GARBACZ made during the naturalization
24 interview related to his parents' place of residence, his trips outside the U.S., and education abroad
25 – none of which is relevant to the instant matter.

1 allegiance and he became a naturalized U.S. citizen on July 2, 2014. The naturalization ceremony
2 was conducted by the U.S. District Court for the District of South Dakota. The same day, USCIS
3 issued GARBACZ Certificate of Naturalization No. .

4 18. As set forth below, GARBACZ illegally procured his naturalization because he
5 could not have established that he was a person of good moral character and because he procured
6 his naturalization by concealment of material facts and willful misrepresentation.

7 **ILLEGAL PROCUREMENT OF NATURALIZATION**

8 19. As an applicant for naturalization pursuant to section 316(a) of the INA, 8 U.S.C.
9 § 1427(a), GARBACZ was required to prove that he was a person of good moral character from
10 November 11, 2008, five years before he filed his application for naturalization, until July 2, 2014,
11 the date on which he was admitted to U.S. citizenship (the “statutory period”).

12 **I. GARBACZ illegally procured his naturalization because committed crimes during**
13 **his statutory period for which he received multiple criminal convictions and for which**
14 **the aggregate sentences of confinement were 5 years or more.**

15 20. I submit GARBACZ was statutorily precluded from establishing the good moral
16 character necessary to naturalize because he committed crimes during his statutory period for
17 which he received multiple criminal convictions and for which the aggregate sentences of
18 confinement were 5 years or more.

19 21. An applicant for naturalization who committed crimes during his statutory period
20 for which he received multiple criminal convictions and for which the aggregate sentences of
21 confinement were 5 years or more cannot be found to be a person of good moral character. 8 U.S.C.
22 § 1101(f)(3) (cross-referencing 8 U.S.C. § 1182(a)(2)(B)).

23 22. Starting in July 2004, GARBACZ was employed as a priest at the Catholic Diocese
24 of Rapid City, South Dakota. Beginning in 2012, and continuing through approximately 2018,
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1 GARBACZ stole at least \$259,696.19 in church collections from three parishes within the Catholic
2 Diocese of Rapid City.

3 23. On February 19, 2020, a grand jury sitting in the District of South Dakota indicted
4 GARBACZ in a 65-count Second Superseding Indictment relating to the theft of parish funds. The
5 Second Superseding Indictment charged GARBACZ with 50 counts of wire fraud in violation of
6 18 U.S.C. § 1343, nine counts of money laundering in violation of 18 U.S.C. § 1956, one count of
7 interstate transportation of stolen currency 18 U.S.C. § 2314, and five counts of making and
8 subscribing a false tax return in violation of 26 U.S.C. § 7206(1). Of the allegations alleged in the
9 indictment, 18 counts of wire fraud occurred between July 3, 2012, and July 2, 2014, which was
10 during the statutory period. Additionally, one count of making and subscribing a false tax return
11 occurred in April 2014 which was also during the statutory period. At trial, GARBACZ was
12 convicted on each of the 65 counts alleged in the second superseding indictment. The Court
13 sentenced GARBACZ to 57 months in prison followed by three years supervised release.

14 24. On appeal, the U.S. Court of Appeals for the Eighth Circuit affirmed the verdict
15 except for the three counts of wire fraud. However, those three counts of wire fraud were different
16 from the 18 counts of wire fraud that occurred between July 3, 2012, and July 2, 2014 (the statutory
17 period), for which GARBACZ was convicted.

18 25. On March 18, 2021, a grand jury sitting in the District of South Dakota indicted
19 GARBACZ in a separate Superseding Indictment that contained three counts. Count One charged
20 GARBACZ with engaging in illicit sexual conduct in a foreign place in violation of 18 U.S.C. §
21 2423(c). This offense occurred in or around June to July 2011, which was during the statutory
22 period and involved a person under the age of 18. Count Two charged GARBACZ with possession
23 of child pornography in violation of 18 U.S.C. § 2252A. Count Three charged GARBACZ with
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1 witness tampering in violation of 18 U.S.C. § 1512. On November 18, 2021, GARBACZ pleaded
2 guilty to engaging in illicit sexual conduct in a foreign place (Count One). GARBACZ was
3 subsequently sentenced to an additional prison term of 60 months – followed by five years'
4 supervised release.

5 **II. GARBACZ illegally procured his naturalization because he committed unlawful acts**
6 **that adversely reflected on his moral character, which precluded him from**
7 **establishing the requisite good moral character to naturalize.**

8 26. I submit GARBACZ was statutorily precluded from establishing the good moral
9 character necessary to naturalize because he committed unlawful acts during the statutory period
10 that adversely reflected his moral character.

11 27. Absent extenuating circumstances, an applicant for naturalization is precluded from
12 establishing good moral character if, during the statutory period, he or she commits unlawful acts
13 that adversely reflect on his or her moral character. *See* 8 U.S.C. § 1101(f); 8 C.F.R. §
14 316.10(b)(3)(iii); *see also United States v. Jean-Baptiste*, 395 F.3d 1190, 1194 (11th Cir. 2005)
15 (holding that a naturalized citizen, who committed an offense during the statutory period prior to
16 taking the oath of allegiance but who was not indicted, arrested, and convicted until after
17 naturalization, was subject to denaturalization for lack of good moral character).

18 28. Whether unlawful acts affect the applicant's moral character is a case-by-case
19 determination, considering the standards of the average citizen in the applicant's community of
20 residence.

21 29. As recounted above, a jury found GARBACZ guilty of 18 counts of wire fraud and
22 one count of making and subscribing a false tax return as violation of 18 U.S.C. § 1343 and 26
23 U.S.C. § 7206(1). Each of those offenses were committed by GARBACZ between July 3, 2012,
24 and July 2, 2014, during the statutory period. The United States District Court for the District of
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1 South Dakota entered judgement against GARBACZ and sentenced him to a term of imprisonment
2 of 93 months followed by three years supervised release.

3 30. Committing wire fraud, *i.e.*, transmitting or causing to be transmitted by means of
4 wire, radio, or television communication in interstate or foreign commerce, any writings, signs,
5 signals, pictures, or sounds for the purpose of executing a scheme or artifice to defraud, or for
6 obtaining money or property by means of false or fraudulent pretenses, representations, or
7 promises, is an unlawful act that adversely reflects on an individual's moral character, as measured
8 against the standards of the average citizen in the community of residence.

9 31. The crime of wire fraud in violation of 18 U.S.C. § 1343 is a felony, punishable by
10 up to 20 years of imprisonment per violation and is an unlawful act that adversely reflected on
11 GARBACZ's moral character as contemplated by 8 U.S.C. § 1101(f) and 8 C.F.R. §
12 316.10(b)(3)(iii).

13 32. Committing making and subscribing a false tax return, *i.e.*, any person who
14 willfully makes and subscribes any return, statement, or other document, which contains or is
15 verified by a written declaration that is made under the penalties of perjury, and which he does not
16 believe to be true and correct as to every material matter, is an unlawful act that adversely reflects
17 on an individual's moral character, as measured against the standards of the average citizen in the
18 community of residence.

19 33. The crime of making and subscribing a false tax return in violation of 26 U.S.C. §
20 7206(1) is a felony, punishable by up to three years of imprisonment per violation and is an
21 unlawful act that adversely reflected on GARBACZ's moral character as contemplated by 8 U.S.C.
22 § 1101(f) and 8 C.F.R. § 316.10(b)(3)(iii).

1 34. As described above, in the United States District Court for the District of South
2 Dakota, GARBACZ pleaded guilty to engaging in illicit sexual conduct in a foreign place with a
3 person under the age of 18 (which occurred in or around June and July 2011) in violation of 18
4 U.S.C. § 2423. On March 11, 2022, the United States District Court for the District of South
5 Dakota entered judgement against GARBACZ and sentenced him to a term of imprisonment of 60
6 months followed by five years' supervised release.

7 35. The crime of engaging in illicit sexual conduct in a foreign place to which
8 GARBACZ pleaded guilty, and for which the Court entered judgment against him, was committed
9 during the statutory period

10 36. Committing the crime of engaging in illicit sexual conduct in a foreign place with
11 a person under the age of 18, *i.e.*, knowingly engaging in an illicit sexual act with a person under
12 the age of 18 while travelling in foreign commerce, is an unlawful act that adversely reflects on an
13 individual's moral character, as measured against the standards of the average citizen in the
14 community of residence.

15 37. The crime of engaging in illicit sexual conduct in a foreign place in violation of 18
16 U.S.C. § 2423 is a felony, punishable by up to 30 years of imprisonment per violation and is an
17 unlawful act that adversely reflected on GARBACZ's moral character as contemplated by 8 U.S.C.
18 § 1101(f) and 8 C.F.R. § 316.10(b)(3)(iii).

19 38. I am unaware of any extenuating circumstances that could have mitigated the effect
20 of GARBACZ's actions on his ability to establish good moral character.

21 39. Because GARBACZ committed unlawful acts adversely affecting his moral
22 character during the statutory period, he was precluded from establishing the requisite good moral
23 character to naturalize. Consequently, he illegally procured his naturalization.

1 **III. GARBACZ illegally procured his naturalization because he committed unlawful acts**
2 **that adversely reflected on his moral character because he gave false testimony to a**
3 **USCIS Adjudications Officer.**

4 40. I submit that GARBACZ was statutorily precluded from showing that he was a
5 person of good moral character because he gave false testimony, under oath, during the statutory
6 period, for the purpose of obtaining an immigration benefit, specifically naturalization.

7 41. During the statutory period, GARBACZ provided false testimony for the purpose
8 of obtaining an immigration benefit when he swore, under oath, during his May 12, 2014,
9 naturalization interview, that he had never given false or misleading information to any U.S.
10 Government official while applying for any immigration benefit.

11 42. GARBACZ's testimony was knowingly false and for the purpose of obtaining an
12 immigration benefit, namely naturalization. GARBACZ's testimony was false because the
13 Naturalization Application GARBACZ submitted to the U.S. Government on November 1, 2013
14 – and certified under penalty of perjury – affirmed that he never committed a crime or offense for
15 which he had not been arrested. However, by November 13, 2013, GARBACZ had committed 11
16 counts wire fraud in furtherance of his scheme to defraud the Diocese of Rapid City in violation
17 of 18 U.S.C. § 1343. GARBACZ had also knowingly engaged in illicit sexual conduct in a foreign
18 place in violation of 18 U.S.C. § 2423. GARBACZ was convicted of those offenses.

19 43. Because GARBACZ provided false testimony under oath for the purpose of
20 obtaining naturalization, he was precluded from showing that he had the good moral character
21 necessary to become a naturalized U.S. citizen. Consequently, GARBACZ illegally procured his
22 naturalization.
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**PROCUREMENT OF NATURALIZATION BY CONCEALMENT OF A MATERIAL
FACT OR WILLFUL MISREPRESENTATION**

44. I respectfully submit that GARBACZ's U.S. citizenship must be revoked and his Certificate of Naturalization be canceled because he procured his naturalization by willful misrepresentation and concealment of material facts.

45. An individual who procures naturalization through willful misrepresentation or concealment of material facts is subject to revocation of naturalization. 8 U.S.C. § 1451(a).

46. As set forth above, throughout the naturalization process, GARBACZ concealed and willfully misrepresented his involvement in: (a) a wire fraud scheme beginning in approximately 2012, for which he was later convicted in the United States District Court for the District of South Dakota; and (b) illicit sexual conduct in a foreign place occurring in approximately July 2011, for which he later pleaded guilty and was convicted in the same court.

47. On his November 1, 2013, N-440 Naturalization Application, GARBACZ falsely represented that he had never knowingly committed a crime or offense for which he had not been arrested, despite having knowingly engaged in a scheme to defraud the Diocese of Rapid City that resulted in the commission of 11 counts of wire fraud in violation of 18 U.S.C. § 1343. Additionally, GARBACZ had also engaged in one count of illicit sexual conduct in a foreign place in violation of 18 U.S.C. § 2423(c).

48. During his May 12, 2014, naturalization interview, GARBACZ falsely testified under oath that he had never provided false or misleading information to any U.S. government official while applying for an immigration benefit, despite knowing that his Naturalization Application contained false and misleading statements concerning criminal conduct for which he had not yet been arrested.

1 49. GARBACZ knew those representations were false and misleading because prior to
2 submitting his Naturalization Application, GARBACZ knowingly engaged a scheme to defraud
3 that resulted in the commission of 11 wire fraud counts. GARBACZ also committed illicit sexual
4 conduct in a foreign place. GARBACZ was later convicted of those offenses.

5 50. After GARBACZ completed his naturalization interview, he completed a Form
6 N-445, *Notice of Naturalization Oath Ceremony*, before his July 2, 2014, naturalization ceremony.
7 GARBACZ affirmed that following his naturalization interview, he had not knowingly committed
8 any crime or offense, for which he had not been arrested. However, GARBACZ knew he was
9 continuously engaged in a scheme to defraud the Diocese of Rapid City. After GARBACZ's
10 naturalization interview, but before his naturalization, GARBACZ committed two additional wire
11 fraud counts, for which he was later convicted, in furtherance of the scheme.

12 51. I submit that each of GARBACZ's misrepresentations were material to his
13 naturalization because the disclosure of his criminal conduct would have had a natural tendency
14 to influence USCIS's decision whether to approve GARBACZ's naturalization as they related to
15 statutory eligibility criteria for such benefit. Had GARBACZ disclosed the truth about his criminal
16 conduct, I submit USCIS would have discovered his statutory ineligibility for naturalization and
17 could not have approved his application or facilitated administration of the oath of allegiance.
18 GARBACZ thus procured his naturalization by willfully misrepresenting and concealing material
19 facts. Thus, I submit good cause exists to institute proceedings to revoke GARBACZ's
20 naturalization under 8 U.S.C. § 1451(a).

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CONCLUSION

52. Based on the facts outlined in the foregoing paragraphs, I respectfully submit that good cause exists to institute proceedings pursuant to section 340(a) of the INA, 8 U.S.C. § 1451(a), to revoke GARBACZ's citizenship, and to cancel his Certificate of Naturalization.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this Sixth day of July, 2026.



Ronald Dorman
Deportation Officer
U.S. Immigration and Customs Enforcement
Cary, North Carolina