UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, Plaintiff, v. NARINDER SINGH, Axxx-xxx-091,[1] Axxx-xxx-800, Defendant.	)	Civil Action No. **COMPLAINT TO REVOKE NATURALIZATION**

I. PRELIMINARY STATEMENT OF THE CASE

The United States of America ("Plaintiff") brings this civil action against Defendant Narinder Singh ("Defendant"), to revoke his naturalized U.S. citizenship under 8 U.S.C. § 1451(a). Plaintiff alleges that Defendant procured his naturalization unlawfully and that he willfully misrepresented and concealed material facts in applying to naturalize.

Before he naturalized as a U.S. citizen on May 1, 2008, an Immigration Judge ("IJ") on August 8, 1995, ordered Defendant removed from the United States to India. Using the name Narinder Singh, Defendant was arrested for attempting to obtain a Permanent Residence Card and Employment Authorization Card from an undercover Immigration and Naturalization Service

[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. *Campeau v. SSA*, 575 Fed. Appx. 35, 39 (3rd Cir. 2014); *see also Rouse v. U.S. Dep't of State*, 567 F.3d 408, 413 (9th Cir. 2009).

("INS") officer.[2] The government charged Defendant with illegally entering the United States without inspection and issued him A# xxx-xxx-800. Defendant, however, failed to appear at his immigration hearing and was ordered deported *in absentia*. U.S. Citizenship and Immigration Services ("USCIS") has no record that Defendant departed from the United States as ordered.

On March 6, 1996, Defendant, using the same name, Narinder Singh, applied for immigration benefits in San Francisco, California. Defendant's admission interview took place on April 16, 1996 and INS issued Defendant A# xxx-xxx-091. In his sworn interview, Defendant failed to disclose his arrest and prior removal order. On May 1, 1996, INS approved Defendant's admission application.

On May 7, 1997, Defendant, using the 091 A number, filed a Form I-485, Application to Register Permanent Residence or Adjust Status ("adjustment application"), asking INS to adjust his immigration status to permanent resident status. On his Form I-485, Defendant attested under penalty of perjury that he had never been in deportation proceedings and had not previously applied to the United States government for immigration benefits. On June 13, 2003, USCIS approved Defendant's Form I-485 and afforded him permanent resident status under the 091 A number.

On March 16, 2007, Defendant, under the 091 A number, filed Form N-400, Application for Naturalization, and, on February 12, 2008, he interviewed with a USCIS agent. At the conclusion of his interview, USCIS approved Defendant's naturalization application, and on May

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[2] 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 appropriate.

1, 2008, Defendant took the Oath of Allegiance and was naturalized as a citizen of the United States. The Department of Homeland Security ("DHS") issued Defendant a Certificate of Naturalization No. [redacted].

In his admission applications, Defendant made numerous misrepresentations or concealments of facts, each of which hid his prior identity and his prior immigration proceedings.

Defendant's actions and conduct to conceal his actions statutorily barred him from becoming a U.S. citizen. On this basis, Defendant illegally procured his naturalization. Additionally, because Defendant failed to disclose his criminal conduct throughout his naturalization application process, he procured his naturalization by concealment of a material fact or by willful misrepresentation, a separate ground on which Plaintiff seeks Defendant's naturalization revocation under 8 U.S.C. § 1451(a).

With the attached affidavit showing good cause, Plaintiff brings this civil action on the grounds that Defendant illegally procured his naturalization and concealed and willfully misrepresented material facts about his criminal activity during the naturalization process.

II. 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 Certificate of Naturalization No. [redacted], issued May 1, 2008.

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 the district pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391, because Defendant resides in New Castle, Delaware, within the jurisdiction and venue of this Court.

III. PARTIES

4. Plaintiff is the United States of America.

5. Defendant is a naturalized U.S. citizen and purports to be a native of India. Narinder Singh (Axxx-xxx-091) and Narinder Singh (Axxx-xxx-800) are one and the same person.

IV. FACTUAL ALLEGATIONS

6. A true and complete affidavit of Elizabeth Huning, Special Agent, U.S. Immigration & Customs Enforcement, an agency within the Department of Homeland Security, showing good cause for this action, is attached as required by 8 U.S.C. § 1451(a).

7. A true and accurate copy of Defendant's Affidavit of Good Cause, except for redactions of immaterial personally identifying information, is attached as Exhibit A.

A. Defendant's Immigration Proceedings under the Identity Narinder Singh (Axxx-xxx-800)

8. On September 21, 1994, INS arrested the Defendant for attempting to purchase a Permanent Resident Card and Employment Authorization Card from an undercover officer.

9. INS issued Defendant Axxx-xxx-800.

10. Defendant provided a date of birth in 1959.

11. Defendant told investigating officers that entered the United States without inspection by crossing the Mexican border into San Ysidro, California.

12. INS placed Defendant into deportation proceedings.

13. On August 8, 1995, Defendant failed to appear at his immigration hearing in Los Angeles, California.

14. As a result, the IJ ordered Defendant removed from the United States to India, *in absentia*.

15. On September 22, 1994, Defendant submitted fingerprint impressions in connection with the Order to Show Cause, attached, except for redactions of immaterial personally identifying information, as Exhibit B.

16. There is no record that Defendant departed the United States as ordered.

B. Defendant's Immigration Proceedings Under the Identity Narinder Singh (Axxx-xxx-091)

17. Rather than leaving the country as order by the IG, Defendant filed an application for admission to the United States on March 6, 1996, again using the name Narinder Singh.

18. The INS issued Defendant Axxx-xxx-091.

19. On the application for admission filed on March 6, 1996, Defendant advised that he entered the United States on or about May 7, 1994 by using a fraudulent passport that contained a fraudulent United States visitor's visa (B1/B-2).

20. Defendant provided a date of birth in 1961.

21. On April 16, 1996, Defendant interviewed with an immigration officer regarding his admission documents.

22. On May 1, 1996, INS granted Defendant's request for admission to the United States.

23. As part of his application for immigration benefits, Defendant submitted his fingerprint impressions.

24. A true copy of Defendant's fingerprint impressions is attached as Exhibit C.

C. Defendant's Adjustment Application Under the Identity Narinder Singh (Axxx-xxx-091)

25. On May 7, 1997, Defendant, using the 091 A number, filed Form I-485 to Adjust his Status to that of a permanent resident.

26. A true and accurate copy of Defendant's Form I-485, except for redactions of immaterial personally identifying information, is attached as Exhibit D.

27. In the adjustment application dated May 7, 1997, Defendant represented as follows:

a. His name was Narinder Singh;

b. He was born in 1961, in India;

c. He last arrived in the United States in May 1994, without inspection;

d. He had never been ordered deported or removed from the U.S. at government expense, excluded within the past year, nor was he then in exclusion or deportation proceedings; and

e. He had never sought to procure, or procured, a visa, or other documentation, entry into the United States, or any immigration benefit by fraud or willful misrepresentation of a material fact.

28. On April 16, 1997, Defendant signed his adjustment application, thereby certifying under penalty of perjury that its contents were true and correct.

29. Along with his adjustment application, Defendant submitted Biographical Information Form G-325A, attached, except for redactions of immaterial personally identifying information, as Exhibit E.

30. On June 13, 2003, USCIS approved Defendant's Form I-485 under the 091 A number and adjusted his status to that of permanent resident as of June 13, 2003.

D. Defendant's Naturalization Application Under the Identity Narinder Singh (Axxx-xxx-091)

31. On March 16, 2007, Defendant, using the 091 A number, filed Form N-400, Application for Naturalization.

32. A true and accurate copy of the Form N-400 Defendant filed on March 16, 2007, except for redactions of immaterial personally identifying information, is attached as Exhibit E.

33. In his naturalization application, in response to Question A in Part 1, Defendant represented that his name was Narinder Singh.

34. In his naturalization application, in response to Part 1, he listed the A-number (Axxx-xxx-091) that had been assigned to him using the identity Narinder Singh in March 1996.

35. In his naturalization application, in response to Question C in Part 1, Defendant listed the name Narinder Singh when asked about other names used.

36. In his naturalization application, in response to Question B in Part 3, Defendant represented that his date of birth was in 1961.

37. In his naturalization application, Defendant answered "yes" to Question 8 in Part 10, which asked: "Have you **ever** been a member of or associated with any organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place?" (emphasis in original).

38. In response to Question 8 in part 10, Defendant listed the group name Akali Dal India.

39. In his naturalization application, Defendant answered "no" to Question 15 in Part 10, which asked: "Have you **ever** committed a crime or offense for which you were not arrested?" (emphasis in original).

40. In his naturalization application, Defendant answered "no" to Question 16 in Part 10, which asked: "Have you **ever** been arrested, cited, or detained by any law enforcement officer (including INS and military officers) for any reason?" (emphasis in original).

41. In his naturalization application, Defendant answered "no" to Question 23 in Part 10, which 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?" (emphasis in original).

42. In his naturalization application, Defendant answered "no" to Question 24 in Part 10, which asked: "Have you **ever** lied to any U.S. Government official to gain entry or admission into the United States?" (emphasis in original).

43. In his naturalization application, Defendant answered "no" to Question 27 in Part 10, which asked: "Have you **ever** been ordered to be removed, excluded, or deported from the United States?" (emphasis in original).

44. In his naturalization application, Defendant answered "no" to Question 28 in Part 10, which asked: "Have you **ever** applied for any kind of relief from removal, exclusion, or deportation?" (emphasis in original).

45. On March 14, 2007, Defendant signed his naturalization application under penalty of perjury pursuant to the laws of the United States, thereby certifying that the application and the evidence submitted with it were all true and correct.

E. Defendant's Naturalization Interview Under the Identity Narinder Singh (A# xxx-xxx-091)

46. On February 12, 2008, Immigration Officer Richard J. Ray interviewed Defendant on his Form N-400.

47. At the start of the interview, the immigration officer placed Defendant under oath.

48. During the interview, Defendant testified orally and under oath to the contents of his Form N-400, consistent with his written answers that:

a. His legal name was Narinder Singh;

b. His date of birth was in 1961;

c. He was born in India;

d. He had never used any other names;

e. He had never applied for immigration benefits;

f. He had never been ordered removed from the United States; and

g. He had never committed a crime or offense for which he was not arrested.

49. At the conclusion of the interview, Defendant signed his naturalization application in the presence of the immigration officer, thereby attesting that the information it contained was true and correct.

50. On February 12, 2008, based upon the information Defendant supplied in his naturalization application and on the sworn testimony he gave during his naturalization interview, USCIS granted the application.

51. On May 1, 2008, Defendant took the Oath of Allegiance, was admitted as a citizen of the United States, and was issued Certificate of Naturalization No. [redacted].

52. A true and accurate copy of the Certificate of Naturalization, except for redactions of immaterial personally identifying information, is attached as Exhibit F.

E. Fingerprint Analysis Confirms Narinder Singh (Axxx-xxx-091) and Narinder Singh (Axxx-xxx-800) are the Same Person

53. On May 11, 2018, USCIS Fingerprint Specialist Dawn Strohmeyer examined the fingerprint impression card for Narinder Singh (Axxx-xxx-091) made on December 7, 1995, and the fingerprint impression card for Narinder Singh (Axxx-xxx-800) made on September 22, 1994.

54. The Fingerprint Specialist concluded that the impressions examined were made by the same individual.

55. A true and accurate copy of Fingerprint Specialist Dawn Strohmeyer's analysis report, except for redactions of immaterial personally identifying information, is attached as Exhibit G.

V. GOVERNING LAW

A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

56. 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). Indeed, the Supreme Court has underscored that "there 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.* (holding that "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)).

57. Congress has mandated that an individual may not naturalize unless that person "during all periods referred to in their subsection has been and still is a person of good moral character . . . ." 8 U.S.C. § 1427(a)(3). 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.*

58. Congress has defined the term "lawfully admitted for permanent residence" to mean "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." *See* 8 U.S.C. § 1101(a)(20).

59. The term "lawfully" requires compliance with substantive legal requirements for admission, and not mere procedural regularity. 8 U.S.C. § 1101(a)(20). *Zhao v. AG United States*, 646 Fed. Appx. 175, 177 (3rd Cir. 2016); *see also Arellano-Garcia v. Gonzales*, 429 F.3d 1183,

1186-1187 (8th Cir. 2005)(citing *Monet v. INS*, 791 F.2d 752, 753 (9th Cir. 1978)).

60. An individual who, by fraud or by 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 for in the Immigration and Nationality Act ("INA") is inadmissible. *See* 8 U.S.C. § 1182(a)(6)(C)(i).

B. The Denaturalization Statute

61. 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 a naturalization application, Congress enacted 8 U.S.C. § 1451.

62. Under 8 U.S.C. § 1451(a), this Court must revoke a U.S. citizen's naturalization and cancel his Certificate of Naturalization if naturalization was either:

a) illegally procured, or

b) procured by concealment of a material fact or by willful misrepresentation.

63. 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.

64. Naturalization was procured by concealment of a material fact or by willful misrepresentation, where: (i) the naturalized citizen misrepresented or concealed some fact during the naturalization process; (ii) the misrepresentation or concealment was willful; (iii) the fact was material; and (iv) the naturalized citizen procured citizenship because of the misrepresentation or concealment. *Kungys v. United States*, 485 U.S. 759, 767 (1988).

65. Where the government establishes that a Defendant's citizenship was procured illegally or by concealment of a material fact or by willful misrepresentation, "district courts lack

equitable discretion to refrain from entering a judgment of denaturalization." *Fedorenko*, 449 U.S. at 517.

VI. CAUSES OF ACTION

COUNT ONE
ILLEGAL PROCUREMENT OF NATURALIZATION
ALIEN SUBJECT TO REMOVAL ORDER

66. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this complaint.

67. No person shall be naturalized against whom there is outstanding a final finding of deportability pursuant to a warrant of arrest issued under the INA. 8 U.S.C. § 1429.

68. No application for naturalization shall be considered if there is pending against the applicant a removal proceeding pursuant to a warrant of arrest issued under the INA. 8 U.S.C. § 1429.

69. Defendant is the subject of a final removal order because an IJ ordered him removed on August 8, 1995.

70. Because Defendant failed to appear for his deportation as scheduled, there is a pending removal proceeding against him.

71. Because Defendant is the subject of a final removal order and faces a pending removal proceeding, he was and remains ineligible for naturalization under 8 U.S.C. § 1429.

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

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

COUNT TWO
ILLEGAL PROCUREMENT OF NATURALIZATION NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE
(Illegal Entrants and Immigration Violators–Misrepresentation - 8 U.S.C. § 1182(a)(6)(C)(i))

74. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this complaint.

75. To qualify for naturalization, an applicant must have been "lawfully admitted" to the United States for permanent residence. *See* 8 U.S.C. §§ 1427(a)(1), 1429.

76. The term "lawfully" denotes compliance with substantive legal requirements, not mere procedural regularity. 8 U.S.C. § 1101(a)(20); *Zhao* at 177; *see also Arellano-Garcia* at 1186-1187 (citing *Monet* at 753).

77. Among the applicable provisions in the INA 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. §§ 1159(b)(5), 1255(a).

78. Under the law in effect at the time that Defendant adjusted his status, an individual who by fraud or by willfully misrepresenting a material fact was seeking to procure (or had sought to procure or had procured) a visa, other documentation, admission into the United States, or other benefit provided under the INA, was inadmissible. *See* 8 U.S.C. § 1182(a)(6)(C)(i).

79. Defendant was never lawfully admitted to the United States as a permanent resident and cannot satisfy the requirements of 8 U.S.C. §§ 1427(a)(1) and 1429, because he was inadmissible at the time of his adjustment to permanent resident status.

80. Defendant sought to procure admission into the United States and other benefits provided for in the INA by fraud or willfully misrepresenting a material fact.

81. Specifically, at the time Defendant adjusted his status to permanent resident using the 091 A number, he failed to disclose that he had previously been arrested for attempting to obtain a Permanent Residence Card and Employment Authorization Card under the 800 A number.

82. Defendant's false statements regarding his identity and immigration history are material to determining his eligibility for the immigration benefits for which he applied.

83. Defendant's false statements had the natural tendency to influence a decision by the immigration officer(s) to approve his application(s). Defendant thus sought to procure an immigration benefit by fraud or willfully misrepresenting a material fact. 8 U.S.C. § 1182(a)(6)(C)(i).

84. Because Defendant was inadmissible at the time he adjusted to permanent resident status, he was never lawfully admitted for permanent residence in accordance with the substantive legal requirements to obtain that status.

85. Because Defendant was never lawfully admitted for permanent residence, he was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

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

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

COUNT THREE
ILLEGAL PROCUREMENT OF NATURALIZATION
LACK OF GOOD MORAL CHARACTER
(Unlawful Acts Adversely Reflecting Moral Character With No Extenuating Circumstances)

88. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this Complaint.

89. As outlined above, to be eligible for naturalization, Congress has mandated that an applicant must show that he or she has been a person of good moral character for the five-year statutory period before filing a naturalization application until the time the applicant becomes a naturalized U.S. citizen. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(i).

90. On March 16, 2007, Defendant filed his Form N-400, Application for Naturalization; and he naturalized on May 1, 2008. Thus, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during his "statutory period" of March 16, 2002 (five years prior to March 16, 2007), and May 1, 2008.

91. Defendant failed to show he was a person of good moral character during the statutory period, because he committed unlawful acts during that period that adversely reflected on his good moral character with no extenuating circumstances that would ameliorate or palliate his guilt.

92. During the statutory period, Defendant violated 18 U.S.C. § 1001(a)(1)-(3) by knowingly and willfully concealing in his naturalization application—a matter within the jurisdiction of the executive branch of the Government of the United States—that he had previously used a different identity to gain admission to the United States.

93. Specifically, Defendant violated 18 U.S.C. § 1001(a)(1)-(3) during the statutory period when he completed and filed his naturalization application by stating that he had never used any other names to be admitted to the United States and that he had never been involved in removal proceedings.

94. Defendant also violated 18 U.S.C. § 1546(a) and (b)(3) by knowingly and willfully presenting a fraudulent application and attesting to misrepresentations made under oath.

95. Specifically, Defendant violated 18 U.S.C. § 1546(a) and (b)(3) during the statutory period when he completed and filed his naturalization application by stating that he had never used any other names to be admitted to the United States and that he had never been involved in removal proceedings nor ordered removed.

96. No extenuating circumstances exist that would palliate Defendant's guilt for violating 18 U.S.C. § 1001(a)(1)-(3). *United States v. Hannoune,* 2014 U.S. Dist. LEXIS 145984, 8 (W.D. Pa. 2014).

97. Because Defendant committed unlawful acts during the statutory period during which he was required to maintain good moral character, and no extenuating circumstances exist to palliate his guilt, he was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

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

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

COUNT FOUR
ILLEGAL PROCUREMENT OF NATURALIZATION
LACK OF GOOD MORAL CHARACTER
(Procured by False Testimony - 8 U.S.C. § 1101(f)(6))

100. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this complaint.

101. As outlined above, to be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during his "statutory period" of March 16, 2002 (five years prior to March 16, 2007), and May 1, 2008.

102. At his naturalization interview, in response to Part 1, he stated orally and under oath that A-number (Axxx-xxx-091) had been assigned to him.

103. At his naturalization interview, in response to Question B in Part 3, Defendant stated orally and under oath that his date of birth was in 1961, when, in fact, he had previously submitted an application indicating a date of birth in 1959.

104. At his naturalization interview, Defendant orally and under oath answered "no" to Question 23 in Part 10, which 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?" (emphasis in original), when, in fact, he had given false or misleading information to a U.S. Government official while applying for any immigration benefit.

105. At his naturalization interview, Defendant orally and under oath answered "no" to Question 24 in Part 10, which asked: "Have you **ever** lied to any U.S. Government official to gain entry or admission into the United States?" (emphasis in original), when, in fact, he had lied U.S. Government official to gain entry or admission into the United States.

106. At his naturalization interview, Defendant orally and under oath answered "no" to Question 27 in Part 10, which asked: "Have you **ever** been ordered to be removed, excluded, or

deported from the United States?" (emphasis in original), when, in fact, he had been ordered removed, excluded, or deported from the United States.

107. At his naturalization interview, Defendant orally and under oath answered "no" to Question 28 in Part 10, which asked: "Have you **ever** applied for any kind of relief from removal, exclusion, or deportation?" (emphasis in original), when, in fact, he had applied for relief from removal, exclusion, or deportation.

108. At his naturalization interview, Defendant orally and under oath answered "no" to Question 15 in Part 10, which asked: "Have you **ever** committed a crime or offense for which you were **not** arrested?" (emphasis in original), when, in fact, he had committed a crime or offense for which he was not arrested.

109. Defendant provided false testimony during his naturalization interview.

110. Providing false testimony to gain immigration benefits is an enumerated act for failing to show good moral character. 8 U.S.C. § 1101(f)(6).

111. Accordingly, Defendant was ineligible to naturalize.

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

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

COUNT FIVE
ILLEGAL PROCUREMENT OF NATURALIZATION/NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE
(Not Statutorily Eligible to Adjust Status - 8 U.S.C. § 1255(a))

114. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this complaint.

115. To qualify for naturalization, an applicant must have been "lawfully admitted" to the United States for permanent residence. *See* 8 U.S.C. §§ 1427(a)(1), 1429.

116. As noted above, the term "lawfully" denotes compliance with substantive legal requirements, not mere procedural regularity. 8 U.S.C. § 1101(a)(20). *Zhao* at 177; *see also Al-Saadoon* at 1015; *Monet* at 753.

117. USCIS may adjust the status of an alien who was inspected and admitted or paroled into the United States in its discretion if (i) the alien makes an application for such adjustment; (ii) the alien is eligible to receive an immigrant visa and is admissible to the United States; and (iii) an immigrant visa is immediately available for the alien. 8 U.S.C. § 1255(a).

118. Even though adjustment is discretionary and vested in USCIS, the applicant must first satisfy the statutory criteria to be eligible to naturalize. *See Elkins v. Moreno,* 435 U.S. 647, 664-65 (1978).

119. Because Defendant falsified his applications and concealed a second identity, he was not lawfully admitted to the U.S., when, on May 1, 1996, INS granted Defendant's request for admission to the United States.

120. Because Defendant was not lawfully admitted to the U.S, he failed to meet the statutory eligibility requirements to adjust his status to that of permanent resident. 8 U.S.C. § 1255(a)

121. Because Defendant did not lawfully adjust his status to that of permanent resident, he was and is ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

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

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

COUNT SIX
ILLEGAL PROCUREMENT OF NATURALIZATION/NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE
(USCIS Lacked Jurisdiction to Adjust Status - 8 U.S.C. § 1229a(a)(1))

124. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this complaint.

125. Congress has afforded authority to IJs to conduct removal proceedings under 8 U.S.C. § 1229a(a)(1). *See Hasanov v. Gonzales*, 165 Fed. Appx. 226, 229 (3rd Cir. 2006); *see also Onyinkwa v. Ashcroft,* 376 F.3d 797, 799 (8th Cir. 2004).

126. Importantly, the power conferred upon an IJ is statutory, not delegated. *Onyinkwa* at 799.

127. Here, Defendant was still in removal proceedings under the Narinder Singh (Axxx-xxx-800) identity when he applied for immigration benefits under the identity of Narinder Singh (Axxx-xxx-091).

128. Moreover, the IJ ordered him removed under the identity of Narinder Singh (Axxx-xxx-800), prior to his application under the identity of Narinder Singh (Axxx-xxx-091). 8 U.S.C. § 1231(a)(2).

129. Because Defendant was in removal proceedings when he applied to adjust status to that of permanent resident, USCIS lacked jurisdiction to adjust his status. 8 U.S.C. § 1229a(a)(1).

130. Because USCIS lacked jurisdiction to adjust his status, Defendant did not lawfully adjust his status to that of permanent resident.

131. Because Defendant did not lawfully adjust his status to that of permanent resident, he was and is ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

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

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

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

134. The United States realleges and incorporates by reference the allegations set forth in Sections I through V of this Complaint.

135. Naturalization was procured by concealment of a material fact or by willful misrepresentation, where: (i) the naturalized citizen misrepresented or concealed some fact during the naturalization process; (ii) the misrepresentation or concealment was willful; (iii) the fact was material; and (iv) the naturalized citizen procured citizenship because of the misrepresentation or concealment. *Kungys*, 485 U.S. at 767.

136. As set forth herein, throughout the naturalization process, Defendant willfully misrepresented and concealed, among other things: (i) his use of another identity, (ii) his prior order of removal; (iii) his prior application for an immigration benefit; (iv) that he had given false or misleading information to a U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal; (v) that he had lied to a U.S. Government official to gain entry or admission into the United States; (vii) that he had been ordered to be

removed, excluded, or deported from the United States; (viii) and that he had previously applied for relief from removal, exclusion, or deportation.

137. Defendant knew each of these statements to be false.

138. Defendant made such misrepresentations voluntarily and deliberately, despite knowing that such representations were false and misleading. Accordingly, Defendant made these misrepresentations willfully.

139. Defendant's misrepresentations and omissions were material to his naturalization because the disclosure of his multiple identities, prior application for immigration benefits, prior order of exclusion and deportation, and prior representations to U.S. Government officials while applying for an immigration benefit would have had a natural tendency to influence USCIS's decision whether to approve Defendant's application for naturalization. Indeed, had USCIS been aware of this misinformation, USCIS would have likely denied his naturalization application.

140. Defendant thus procured his naturalization by willful misrepresentation and concealment of material facts, and this Court must revoke his citizenship pursuant to 8 U.S.C. § 1451(a).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the United States of America, respectfully requests:

(1) A declaration that Defendant illegally procured his citizenship;

(2) A declaration that Defendant procured his citizenship by concealment of material fact and by willful misrepresentation;

(3) 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 certificate, May 1, 2008;

(4) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages under any document which evidences United States citizenship obtained as a result of his May 1, 2008 naturalization;

(5) Judgment requiring the Defendant, within ten (10) days of the entry of judgment against his, to surrender and deliver his Certificate of Naturalization No. [redacted] and any copies thereof in his possession or control (and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession or control of others), to the Acting Attorney General, or to his designated representative, including undersigned counsel;

(6) Judgment requiring the Defendant, within ten (10) days of the entry of judgment, to surrender and deliver any other indicia of U.S. citizenship (including, but not limited to, United States passports and passport cards, Enhanced Driver's License, and other relevant documents), whether current or expired, and any copies thereof in his possession or control—and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession or control of others—to the Acting Attorney General, or to his representative, including undersigned counsel; and

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

Dated: 20 July 2026.

Respectfully submitted,

BENJAMIN L. WALLACE
United States Attorney

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Assistant Attorney General
Civil Division

JENNIFER J. KEENEY
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Counsel for Plaintiff

EXHIBIT A

UNITED STATES OF AMERICA	)	
	)	
In the Matter of the Revocation	)	AFFIDAVIT OF GOOD CAUSE
of the Naturalization of	)	
	)	
John Nyameke, formerly	)	
Jean Nyameke A[redacted] 277,	)	
a/k/a Peter Ackah, A[redacted] 106	)	

I, Catherine Nieves, declare under penalty of perjury as follows:

I am an Officer with U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).[1] In this capacity, I have access to the official records of DHS, including the immigration files of John Nyameke formerly Jean Nyameke, A[redacted] 277, a.k.a. Peter Ackah, A[redacted] 106 (hereafter Nyameke).

I have examined records relating to Nyameke, including but not limited to, his immigration files. Based upon my review of records relating to Nyameke, I state that the information set forth in this Affidavit of Good Cause is true and correct to the best of my knowledge after reasonable investigation.

Based on the facts and law contained herein, good cause exists to institute proceedings pursuant to section 340(a) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1451(a)[2], to revoke the citizenship of Nyameke and to cancel his Certificate of Naturalization.

The last known place of residence for Nyameke is [redacted], Clayton, Delaware 19938.

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[1]Pursuant to the Department of Homeland Security Reorganization Plan, Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135 (2002), 6 U.S.C. §§ 101-557, as of March 1, 2003, the Immigration and Naturalization Service (INS) was abolished and its functions were transferred to USCIS within the DHS. This Affidavit will refer to INS or USCIS as appropriate.

[2] While some provisions of the Immigration and Nationality Act, as contained in the United States Code, have been renumbered throughout the years, not all provisions have undergone such renumbering. Where necessary, this Affidavit of Good Cause lists the applicable year for a United States Code reference. If no year is included within the citation, it means that the United States Code citation is the same today as it was during the time in question.

BACKGROUND

DHS records, including fingerprint comparison, establish that the person who naturalized as John Nyameke is the same person who was previously in deportation proceedings under the name Peter Ackah. On February 3, 2020, Angela Pratt, Senior Fingerprint Specialist at the U.S. Immigration and Customs Enforcement Homeland Security Investigations Forensic Laboratory compared the friction ridge detail for the fingerprint impressions provided by John Nyameke and Peter Ackah and established that they were made by the same individual.

Immigration History as Peter Ackah
D.O.B. [redacted], 1963, A [redacted] 106

1. On or about October 5, 1992, Nyameke, using the name Peter Ackah filed an application for immigration benefit with the Immigration and Naturalization Service (INS). Under this identity, INS issued him Alien Registration Number (A-Number) A [redacted]-106.
2. On the application signed under penalty of perjury on August 21, 1992, he represented that:
    - His name was Peter Mediema Ackah;
    - He was born on [redacted], 1963;
    - He was a citizen of Ghana;
    - He last entered the United States on July 5, 1992, at Miami, Florida with a visitor's visa and was authorized to remain in the United States until January 4, 1993;
3. On November 10, 1992, he appeared for an interview at the INS Office in Arlington, Virginia for an interview related to his benefit request.
4. On February 14, 1995, the INS Office issued him a Notice of Intent to Deny his application for immigration benefit.
5. On March 16, 1995, Nyameke, through counsel, submitted a Rebuttal to Intent to Deny.
6. On December 21, 1995, the INS Office issued him a written decision denying his immigration benefit application. Additionally, he was served Form I-221, Order to Show Cause and Notice of Hearing (OSC) by certified mail placing him into deportation proceedings. The OSC charged him as deportable pursuant to INA § 241(a)(1)(B) for

remaining in the United States for a time longer than permitted. The notice informed Nyameke that his initial hearing before the Immigration Court was scheduled on April 10, 1996, in Baltimore, Maryland.

7. On April 10, 1996, Nyameke with counsel presented himself for the initial hearing before an Immigration Judge. Nyameke admitted to the allegations, conceded deportability and applied for relief from deportation.
8. On December 16, 1996, Nyameke failed to appear for his deportation proceeding. The Immigration Judge ordered him deported in absentia.
9. On March 5, 1997, INS issued Form I-166 to Nyameke through certified mail at his last known address of record informing him to present himself for deportation on March 19, 1997.
10. On March 19, 1997, he failed to appear for deportation.
11. There is no record that he departed the United States.

Immigration History as John Nyameke formerly Jean Nyameke
D.O.B. [redacted] 1969, A [redacted] 277

12. On January 25, 1996, the same individual, using the name Jean Nyameke, filed Form I-485, Application to Register Permanent Residence or Adjust Status with INS under the Diversity Visa Program. Under this identity, INS issued him Alien Registration Number (A-Number) A [redacted] -277. On Form I-485, signed under penalty of perjury, he represented that:
    - He did not have an alien registration number
    - His name was Jean A. Nyameke;
    - His date of birth was [redacted] 1969;
    - He was a citizen of Ivory Coast;
    - His last entry into the United States was on August 17, 1995, without inspection;
    - He had never been deported from the U.S., or removed from the U.S. at government expense, excluded within the past year, and was not now in exclusion or deportation proceedings; and
    - He had never sought to procure, or procured, a visa, other documentation, entry into the U.S. or any other immigration benefit by fraud or willful misrepresentation.

13. On July 15, 1996, Form I-485 was approved without interview, thereby granting him the status of lawful permanent resident.
14. On February 14, 2006, Nyameke filed Form N-400, Application for Naturalization with USCIS under INA § 316, 8 U.S.C § 1427, based upon having been a lawful permanent resident of the United States for at least five years. On his Form N-400, signed under penalty of perjury, he represented that:
    - His name was Jean Asua Nyameke;
    - He had never used any other names;
    - He wanted to legally change his name to John Asua Nyameke;
    - His date of birth was [redacted] 1969;
    - He was a citizen of Ivory Coast;
    - He had never given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal;
    - He had never lied to any U.S. government official to gain entry or admission into the United States;
    - He had never been removed, excluded, or deported from 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.
15. On May 11, 2006, Nyameke was interviewed at the Baltimore, Maryland USCIS Office to determine his eligibility for naturalization. During the course of his interview, Angela Kasel placed Nyameke under oath and asked him the following:
    - What is your current legal name?
    - Would you like to legally change your name?
    - What is your date of birth?
    - Have you ever used any other names?
    - What is your country of birth?

- 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?
- Have you ever lied to any U.S. government official to gain entry or admission into the United States?
- Have you ever been removed, excluded, or deported from the United States?
- Have you ever been ordered to be removed, excluded or deported from the United States?
- Have you ever applied for any kind of relief from removal, exclusion, or deportation?

16. In response, he testified that his name was Jean Asua Nyameke. He further testified that he wanted to legally change his name to John Asua Nyameke, his date of birth was [redacted], 1969, and his country of birth was Ivory Coast. He orally answered "no" to the remaining questions above.
17. During the course of the naturalization interview, seven changes were made to the written answers initially provided on his Form N-400. At the conclusion of his interview, Nyameke swore that the contents of his Form N-400, including the seven corrections, were true and correct.
18. On the basis of his written application and the testimony that he provided during his naturalization interview, USCIS approved Nyameke's Form N-400 on May 11, 2006.
19. On July 7, 2006, Nyameke took the Oath of Allegiance and was admitted as a citizen of the United States. He was issued Certificate of Naturalization No. [redacted] with the name John Asua Nyameke.

ILLEGAL PROCUREMENT OF NATURALIZATION

Illegal Procurement of Naturalization
Not Lawfully Admitted for Permanent Residence
Inadmissible Based on Fraud or Misrepresentation

20. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1429.

21. Among the INA provisions applicable at the time of Nyameke's adjustment of status to permanent resident was the requirement that he be admissible to the United States. INA § 245(a), 8 U.S.C. § 1255(a).
22. Under the law then in effect, an individual who by fraud or willfully misrepresenting a material fact was seeking to procure (or had sought to procure or had procured) a visa, other documentation, admission into the United States, or other benefit provided under the INA was inadmissible. INA § 212(a)(6)(C)(i), 8 U.S.C. § 1182(a)(6)(C)(i).
23. Based on the information contained above, Nyameke willfully misrepresented material facts, specifically, his identity and immigration history.
24. Because Nyameke 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. Accordingly, he illegally procured his naturalization.

Illegal Procurement of Naturalization
Not Lawfully Admitted for Permanent Residence
In Immigration Court Proceedings at Time of Adjustment

25. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1429.
26. Under the law in effect at the time of Nyameke's adjustment of status to permanent resident, as today, the immigration court generally had exclusive jurisdiction over applications for adjustment of status filed by applicants (other than certain arriving aliens) in deportation or removal proceedings. 8 C.F.R. 1245.2(a)(1).
27. Nyameke was subject to deportation proceedings under the name of Peter Ackah, as of December 21, 1995, and he filed his application for adjustment of status on January 25, 1996. INS lacked jurisdiction over Nyameke's adjustment application as his deportation proceedings remained pending when the INS approved his application for adjustment of status on July 15, 1996.
28. Because the immigration court had exclusive jurisdiction over Nyameke's application for adjustment of status at the time it was approved by INS, he was not lawfully admitted for permanent residence. Accordingly, he illegally procured his naturalization.

Illegal Procurement of Naturalization
Lack of Good Moral Character
Unlawful Acts

29. As an applicant for naturalization under section 316(a) of the INA, Nyameke was required to establish that he was a person of good moral character during the period beginning five years prior to the filing of his application for naturalization and continuing until the time of admission to citizenship. This period is generally referred to as the "statutory period."
30. Nyameke filed his application for naturalization on February 14, 2006; accordingly, he was required to establish that he was a person of good moral character from February 14, 2001, until the time he was administered the oath of allegiance as a US citizen on July 7, 2006.
31. 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. INA § 101(f); 8 U.S.C. §1101(f); 8 C.F.R. § 316.10(b)(3)(iii).
32. Based on the facts contained above, during the statutory period Nyameke committed unlawful acts that adversely reflected on his moral character. Specifically, Nyameke violated criminal code section 18 U.S.C. 1001(a)(2) as he made false statements in connection with his naturalization application. Specifically, Nyameke provided false information regarding his name, date of birth, country of birth, whether he had been in deportation proceedings, and whether he ever gave false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation. Nyameke cannot establish extenuating circumstances for this violation considering the deliberate and ongoing nature of his violations. Accordingly, he was not eligible for naturalization and illegally procured his naturalization.

Illegal Procurement of Naturalization
Lack of Good Moral Character
False Testimony

33. As an applicant for naturalization under section 316(a) of the INA, Nyameke was required to establish that he was a person of good moral character during the period

beginning five years prior to the filing of his application for naturalization and continuing until the time of admission to citizenship. This period is generally referred to as the "statutory period."

34. Nyameke filed his application for naturalization on February 14, 2006; accordingly, he was required to establish that he was a person of good moral character from February 14, 2001, until the time he is administered the oath of allegiance as a US citizen on July 7, 2006.
35. 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).
36. Based on the facts contained above, Nyameke provided false testimony while under oath during his naturalization interview on May 11, 2006. Specifically, Nyameke provided false testimony regarding:
    - Whether he had ever used any other names
    - 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.
    - Whether he had ever applied for any kind of relief from removal, exclusion or deportation
37. Because Nyameke provided false testimony to obtain an immigration benefit during the statutory period, he was not eligible for naturalization. Accordingly, he illegally procured his naturalization.

PROCUREMENT OF NATURALIZATION BY WILLFUL MISREPRESENTATION OR CONCEALMENT OF MATERIAL FACTS

38. A naturalized citizen is subject to revocation of naturalization if he procured naturalization by willfully misrepresenting or concealing material facts.
39. Based on the facts contained above, Nyameke willfully misrepresented his identity and immigration history throughout the naturalization process.
40. The misrepresentations made by Nyameke during the naturalization process were material to determining his eligibility for naturalization because they would have had the natural tendency to influence the decision whether to approve his naturalization application. In fact, Nyameke misrepresented and concealed facts that would have shown that he was not lawfully admitted for permanent residence in accordance with all applicable provisions of the INA, and thus was ineligible for naturalization under INA § 318, 8 U.S.C. § 1429.
41. Nyameke was able to procure his naturalization because he concealed or misrepresented material facts regarding his identity and immigration history.

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

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 28, 2026, at Holtsville, New York.

Catherine Nieves

Catherine Nieves
Immigration Services Officer
United States Citizenship and Immigration Services
Department of Homeland Security