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UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EMIGDIO SANCHEZ,

Defendant.

Civil Action No. 2:26-cv-02989-DCN

**COMPLAINT TO REVOKE
NATURALIZATION**

PRELIMINARY STATEMENT

The United States of America ("Plaintiff") brings this civil action against Emigdio Sanchez ("Defendant") to revoke his naturalized U.S. citizenship under 8 U.S.C. § 1451(a). This action arises from Defendant's criminal conduct prior to naturalizing and his misrepresentations of that conduct during his naturalization proceedings. Prior to naturalizing, Defendant severely beat and choked his wife, resulting in her hospitalization. Defendant willfully concealed his criminal conduct during his naturalization process. But after naturalizing, Defendant was convicted of aggravated assault in connection with the domestic violence he inflicted on his wife. He was sentenced to three years in prison and three years of probation. His violent assault rendered him ineligible to naturalize, and had he disclosed his criminal conduct, that bar would have been apparent. Accordingly, as shown below, Defendant illegally procured his naturalization and obtained his naturalization through willful misrepresentation and concealment, and the United States brings this civil action to revoke and set aside the order admitting Defendant to U.S. citizenship and to cancel his Certificate of Naturalization.

I. JURISDICTION AND VENUE

1. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the decision admitting Defendant to U.S. Citizenship and to cancel Defendant's Certificate of Naturalization

No. 

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1345 for this cause of action under 8 U.S.C. § 1451(a).

3. Venue is proper in this District pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because Defendant resides in Georgetown, South Carolina, within the jurisdiction and venue of this Court.

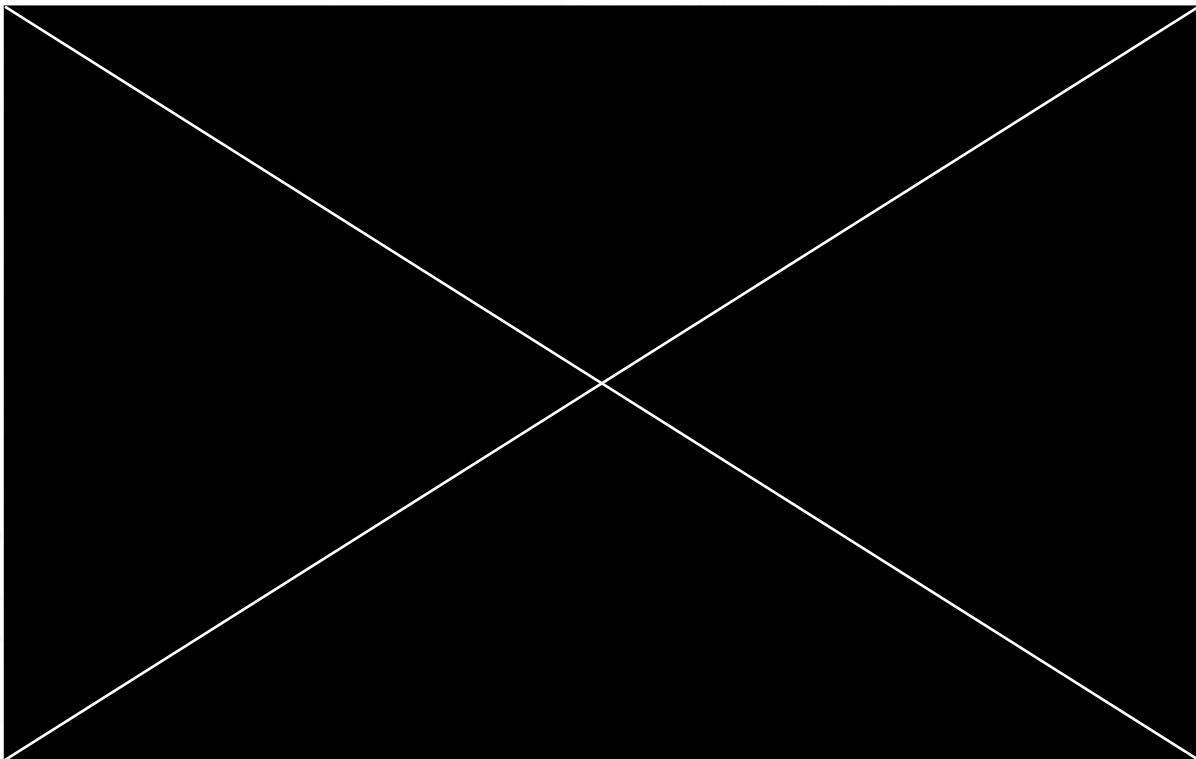
II. PARTIES

4. Plaintiff is the United States of America.
5. Defendant is a naturalized U.S. citizen.
6. Defendant is a native of Mexico.

III. FACTUAL BACKGROUND

7. The affidavit of Ronald Dorman, a Special Agent of the United States Homeland Security Investigations, a component of the United States Department of Homeland Security ("DHS"), showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached hereto as Exhibit A.

Defendant's Conviction for Assault and Battery of a High and Aggravated Nature



13. An arrest warrant was issued for Defendant on August 17, 1998, and he was arrested that same day.

14. Attached hereto as Exhibit C is a true and correct copy, except for redactions of immaterial personally identifying information, of the executed arrest warrant for Defendant.

15. Defendant was charged with criminal domestic violence of a high and aggravated nature, in violation of S.C. Code Ann. § 16-25-65. *See* Charging Instrument, *State v. Sanchez*, No. 99-GS-22-217 (Ct. of Gen. Sessions) (“Charging Instrument”).

16. Attached hereto as Exhibit D is a true and complete copy, except for redactions of immaterial personally identifying information, of the Charging Instrument.

17. On May 24, 1999, Defendant pleaded guilty to assault and battery of a high and aggravated nature, a common law crime. *See* Sentencing Sheet, *State v. Sanchez*, No. 99-GS-22-217 (Ct. of Gen. Sessions May 24, 1999) (“Sentencing Sheet”).

18. Attached hereto as Exhibit E is a true and correct copy, except for redactions of immaterial personally identifying information, of the Sentencing Sheet.

Defendant’s Immigration History and Naturalization Proceedings

19. Defendant first entered the United States in or about September 1981.

20. In August 1990, Defendant adjusted status to permanent resident.

21. On April 28, 1997, Defendant applied for naturalization by filing with the Immigration and Naturalization Service (“INS”) a Form N-400, Application for Naturalization (“N-400”)¹.

22. Attached hereto as Exhibit F is a true and correct copy, except for redactions of immaterial personally identifying information, of Defendant’s N-400.

¹ As of March 1, 2003, the Immigration and Naturalization Service (“INS”) ceased to exist and its functions were transferred to various bureaus within DHS. *See* Homeland Security Act of 2002, §§ 441, 451, 471, Pub. L. No. 107-296, 116 Stat. 2135 (2002) (codified at 6 U.S.C. §§ 251, 271, 291).

23. On April 9, 1998, Defendant was interviewed under oath to determine his eligibility for naturalization.

24. Based on his written responses on the N-400 and evidence provided in support of his application and on his sworn oral testimony at the naturalization interview, INS approved Defendant's naturalization application on April 9, 1998.

25. On September 17, 1998, Defendant completed a Form N-445, Notice of Naturalization Oath Ceremony ("N-445").

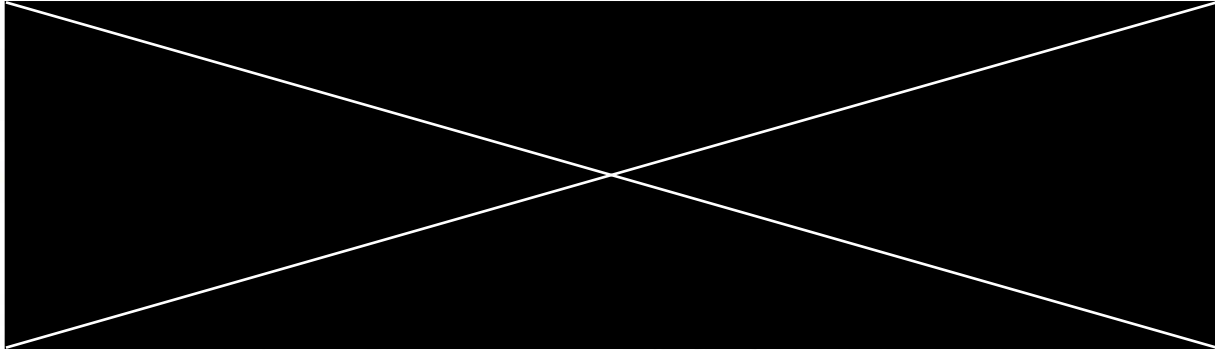
26. Attached hereto as Exhibit G is a true and correct copy, except for redactions of immaterial personally identifying information, of Defendant's N-445.

27. On his N-445, Defendant checked the box marked "No" in response to Question 3, which asked: "AFTER the date you were first interviewed on your Application for Naturalization, Form N-400...[h]ave you knowingly committed any crime or offense for which you have not been arrested; or have you been arrested, cited, charged, convicted, fined or imprisoned for breaking any law or ordinance, including traffic violations?"

28. Defendant signed and submitted N-445 to INS on September 17, 1998, certifying that the answers he provided were made by him and that they were true and correct.

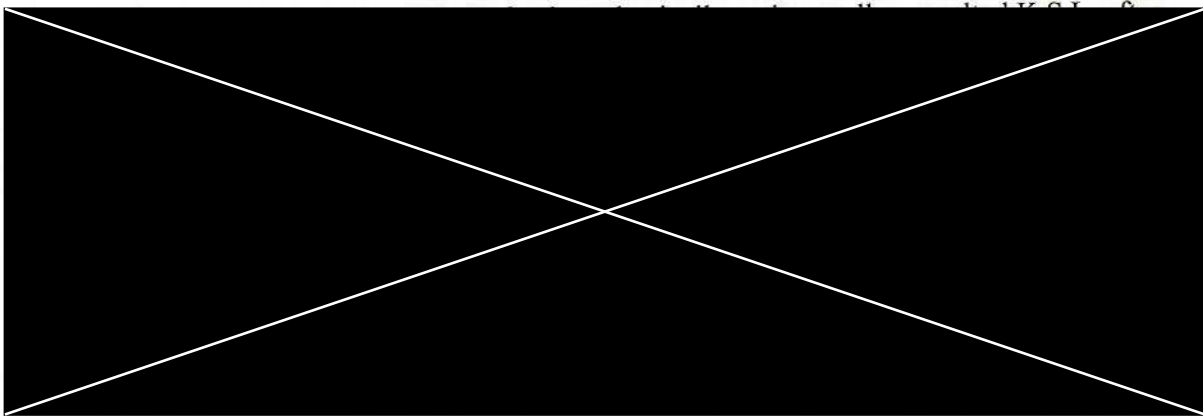
29. Based on the written statements he made on his N-400, evidence provided in support of his application, his testimony under oath during the naturalization interview, and his statements on the N-445, Defendant was permitted to take the oath of allegiance, and he became a naturalized U.S. citizen on September 17, 1998. The same day, INS issued Defendant a Form N-550, Certificate of Naturalization, No. 

30. Attached hereto as Exhibit H is a true and correct copy, except for redactions of immaterial personally identifying information, of Defendant's Certificate of Naturalization.

Defendant's Continuing Unlawful Conduct

33. Defendant was arrested for Criminal Domestic Violence of a High and Aggravated Nature, in violation of South Carolina Law 16-25-20.

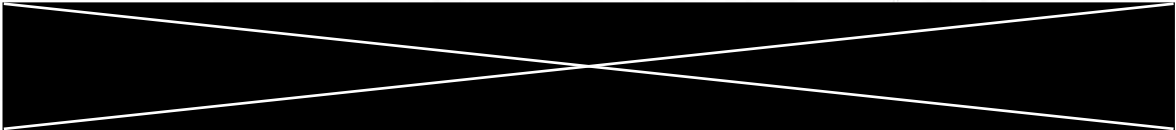
34. Attached hereto as Exhibit I is a true and correct copy, except for redactions of immaterial personally identifying information, of the September 19, 1998, incident report.



38. As a result of those actions, Defendant was arrested on January 24, 2021, for Assault with Intent to Commit Criminal Sexual Conduct in violation of South Carolina Law 16-3-656.

39. Attached hereto as Exhibit J is a true and correct copy, except for redactions of immaterial personally identifying information, of the January 24, 2001, incident report.

40. On September 15, 2006, K.S.L. obtained a Protection Order against Defendant.



42. As a result of those actions, Defendant was arrested on March 17, 2007, for Criminal Domestic Violence of a High and Aggravated Nature in violation of South Carolina Law 16-25-65, and Violation of a Protective Order in violation of South Carolina Law 16-25-20.

43. Attached hereto as Exhibit K is a true and correct copy, except for redactions of immaterial personally identifying information, of Defendant's March 17, 2007, incident report.

44. On June 22, 2007, Defendant was convicted again of Assault and Battery of a High and Aggravated Nature and violation of an Order of Protection stemming from his March 17, 2007 assault of K.S.L. See 

IV. GOVERNING LAW

Congressionally imposed prerequisites to the acquisition of citizenship

45. No noncitizen 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 consistently held 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).

46. Congress has mandated that an individual may not naturalize unless that person "during all periods referred to in this subsection has been and still is a person of good moral character" See 8 U.S.C. § 1427(a)(3). For applicants seeking to naturalize based on their status as a permanent resident, 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. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

47. Although Congress has not specifically defined what constitutes good moral character for naturalization purposes, the Immigration and Nationality Act lists certain classes of applicants who cannot be found to have the requisite good moral character. *See generally* 8 U.S.C. § 1101(f). This includes individuals who give false testimony for the purpose of obtaining immigration benefits. 8 U.S.C. § 1101(f)(6).

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

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

50. With regard to the commission of unlawful acts, “requiring consideration of an applicant’s unlawful acts during the . . . moral character period—whether or not the applicant is convicted for the acts during that period” is a permissible interpretation of section 1101(f). *United States v. Dang*, 488 F.3d 1135 (9th Cir. 2007); *see also Ibarra v. Bondi*, 136 F.4th 63, 68 n.6 (4th Cir. 2025) (“we find persuasive the Department of Homeland Security’s view that acts for which a person has not been convicted can provide a valid basis for finding a lack of good moral character.... We also note agreement with our sister circuits as to these points...”).

The Denaturalization Statute

51. Recognizing that there are situations in which an individual has naturalized despite failing to comply with all congressionally imposed prerequisites to the acquisition of citizenship, including demonstration of good moral character, or by concealing or misrepresenting facts that are material to the decision on whether to grant naturalization, Congress enacted 8 U.S.C. § 1451.

52. Under 8 U.S.C. § 1451(a), this Court must revoke an order of naturalization and cancel the individual's Certificate of Naturalization if his or her naturalization was *either*:

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

53. 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.

54. Naturalization has been 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).

55. Where the government establishes that the defendant's citizenship was procured illegally or by concealment or willful misrepresentation of material facts, "district courts lack equitable discretion to refrain from entering a judgment of denaturalization." *Fedorenko*, 449 U.S. at 517. And the district court must order "such revocation and setting aside of the order

admitting such person to citizenship and such canceling of certificate of naturalization . . . effective as of the original date of the order.” 8 U.S.C. § 1451(a).

V. CAUSES OF ACTION

COUNT I

ILLEGAL PROCUREMENT OF NATURALIZATION : LACK OF GOOD MORAL CHARACTER (UNLAWFUL ACTS DURING THE STATUTORY PERIOD)

56. The United States re-alleges and incorporates by reference the factual and legal allegations contained in Sections I through IV of this Complaint.

57. To be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during the statutory period, from April 28, 1992, five years before he filed for naturalization, to September 17, 1998, the date on which he naturalized. 8 U.S.C. § 1427(a)(3); 8 C.F.R. §§ 316.10(a)(1).

58. Defendant could not establish the requisite good moral character for naturalization because during his statutory period, he committed the unlawful act of assault and battery a high and aggravated nature, in violation of the common law of South Carolina, against his wife.

59. Defendant’s unlawful act of domestic violence adversely reflects on Defendant’s moral character as contemplated by 8 U.S.C. § 1101(f) and 8 C.F.R. § 316.10(b)(3)(iii). *See Morelli v. Ashcroft*, 100 F. App’x 620, 621 (9th Cir. 2004) (holding that a crime of domestic violence constitutes a crime of moral turpitude); *Szpak v. U.S. Dep’t of Homeland Sec.*, No. MC-06-137(CPS), 2007 WL 2128366, at *3 (E.D.N.Y. July 25, 2007) (“Domestic abuse is not morally accepted in this country as evidenced by the numerous statutes declaring domestic abuse illegal.”).

60. Defendant cannot establish extenuating circumstances with regard to his assault and battery a high and aggravated nature on his wife.

61. Defendant's assault and battery a high and aggravated nature on his wife within the statutory period so adversely reflect on Defendant's moral character that no evidence of good moral character would permit Defendant to satisfy his burden of establishing good moral character as required for naturalization.

62. Defendant's unlawful conduct immediately after naturalization and continuing thereafter against his wife and girlfriend further negate that Defendant was a person of good moral character at the time of his naturalization as required by 8 U.S.C. § 1427(a)(3); 8 C.F.R. §§ 316.10(a)(1).

63. Because Defendant could not establish that he was a person of good moral character during the statutory period, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

64. Because Defendant was ineligible to naturalize, he illegally procured his naturalization, and this Court must revoke his citizenship under 8 U.S.C. § 1451(a).

COUNT II

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (ADDITIONAL UNLAWFUL ACTS DURING THE STATUTORY PERIOD)

65. The United States re-alleges and incorporates by reference the factual and legal allegations contained in Sections I through IV of this Complaint.

66. To be eligible for naturalization, Defendant was required to establish that he was a person of good moral character during the statutory period, from April 28, 1992, five years

before he filed for naturalization, to September 17, 1998, the date on which he naturalized.

8 U.S.C. § 1427(a)(3); 8 C.F.R. §§ 316.10(a)(1).

67. Defendant could not establish the requisite good moral character for naturalization because he committed an unlawful act during the statutory period—in addition to assault and battery a high and aggravated nature on his wife—that reflected adversely on his moral character for which there were no extenuating circumstances. *See* 8 U.S.C. § 1101(f) (flush language); 8 C.F.R. § 316.10(b)(3)(iii); *see also, e.g., United States v. Zhou*, 815 F.3d 639, 644 (9th Cir. 2016).

68. Defendant made a materially false statement, in violation of 18 U.S.C. § 1001(a)(2).

69. Making a materially false statement, in violation of 18 U.S.C. § 1001(a)(2) occurs when an individual knowingly or willfully makes a false oral or written statement in a matter involving a governmental agency that is material to a matter within the jurisdiction of the agency. *See United States v. Hamilton*, 699 F.3d 356, 362 (4th Cir. 2012).

70. Defendant made a materially false statement, in violation of 8 U.S.C. § 1001(a)(2), when, on September 17, 1998, Defendant filed his N-445 with INS in which he knowingly and willfully denied, having been arrested, cited, charged, convicted, fined or imprisoned for breaking any law or ordinance since his naturalization interview on April 9, 1998.

71. When Defendant made that denial, he knew it was false because he knew that on August 16, 1998, he had committed the unlawful act of assault and battery of a high and aggravated nature on his wife, and that on August 17, 1998, he had been arrested for that crime, to which he would later plead guilty.

72. That denial was material because if Defendant had disclosed his arrest for the assault and battery of a high and aggravated nature against his wife, an unlawful act that reflects adversely on his moral character and for which there are no extenuating circumstances, it would have had a natural tendency to influence the INS's decision whether to approve Defendant's naturalization application.

73. Defendant cannot establish extenuating circumstances with regard to making false statements.

74. Defendant cannot avoid the regulatory bar on establishing good moral character found under 8 C.F.R. § 316.10(b)(2)(vi).

75. Defendant's deceptive conduct within the statutory period, which sought to conceal the fact that he beat and choked his wife, so adversely reflect on Defendant's moral character that no evidence of good moral character would permit Defendant to satisfy his burden of establishing good moral character as required for naturalization.

76. Because Defendant could not establish that he was a person of good moral character during the statutory period, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

77. Because Defendant was ineligible to naturalize, he illegally procured his naturalization, and this Court must revoke his citizenship under 8 U.S.C. § 1451(a).

COUNT III

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

78. The United States re-alleges and incorporates by reference the factual and legal allegations in Sections I through IV of this Complaint.

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

80. During the naturalization process, Defendant willfully concealed in his N-445 that after his April 9, 1998, naturalization interview and prior to his filing of his N-445, he had committed assault and battery of a high and aggravated nature against his wife, a criminal act for which he was arrested and later convicted after pleading guilty.

81. Specifically, on the day of his oath ceremony, Defendant responded "no" to the question on the N-445, "AFTER the date you were first interviewed on your Application for Naturalization, Form N-400...[h]ave you knowingly committed any crime or offense for which you have not been arrested; or have you been arrested, cited, charged, convicted, fined or imprisoned for breaking any law or ordinance, including traffic violations?"

82. Defendant's misrepresentation on his N-445 regarding his crimes and arrest is willful, because he signed his N-445 after certifying that its contents were correct, thereby "demonstrate[ing] that the misrepresentation was willful." *United States v. Hirani*, 824 F.3d 741, 749 (8th Cir. 2016); see *United States v. Ahmed*, 735 F. App'x 863, 870 (6th Cir. 2018).

83. Defendant knew his representation was false, because Defendant knew that on August 16, 1998, he had committed the unlawful act of assault and battery of a high and aggravated nature on his wife, and that on August 17, 1998, he had been arrested for that crime, to which he would later plead guilty.

84. Defendant's misrepresentation was material to his naturalization, because if Defendant had disclosed his arrest for the assault and battery of a high and aggravated nature against his wife, an unlawful act that reflects adversely on his moral character and for which

there are no extenuating circumstances, it would have had a natural tendency to influence the INS's decision whether to approve Defendant's naturalization application.

85. Indeed, Defendant's criminal conduct precluded him from establishing the requisite good moral character to naturalize. Had Defendant disclosed the truth about his criminal conduct, his ineligibility for naturalization would have been revealed, and the INS would not have approved his application nor administered the oath of allegiance.

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

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the United States of America, prays for relief as follows:

- (1) A declaration that Defendant illegally procured his naturalization;
- (2) A declaration that Defendant procured his naturalization by concealment of material facts and by willful misrepresentation;
- (3) Judgment revoking and setting aside the order admitting Defendant to citizenship and canceling Certificate of Naturalization No.  effective as of the original date of the order and certificate, September 17, 1998;
- (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 September 17, 1998, naturalization;
- (5) Judgment requiring Defendant, within ten (10) days of judgment, to surrender and deliver his Certificate of Naturalization, any U.S. passport, Enhanced Drivers License, or any other indicia of U.S. citizenship issued to him, whether valid or expired, as well as 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 Attorney General through his representative, undersigned counsel; and

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

Dated: July 22, 2026

Respectfully submitted,

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