IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, Plaintiff, v. JOHN NYAMEKE. f.k.a. JEAN NYAMEKE, Axxx-xxx-277, a.k.a. PETER ACKAH, Axxx-xxx-106, Defendant.	Civil Action No.

COMPLAINT TO REVOKE NATURALIZATION

Plaintiff United States of America brings this civil action against Defendant John Nyameke, f.k.a. Jean Nyameke, a.k.a. Peter Ackah ("Nyameke"), to revoke his naturalized U.S. citizenship under 8 U.S.C. § 1451(a). Plaintiff alleges that Nyameke 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 in 2006, Nyameke was previously ordered deported from the United States under the name Peter Ackah. In 1992, Nyameke applied for an immigration benefit under the name Peter Ackah. The application was subsequently denied, and Nyameke was placed into removal proceedings. On April 10, 1996, Nyameke appeared with his attorney at a deportation hearing and conceded deportability. On March 19, 1997, Nyameke failed

to appear for a scheduled immigration hearing and was ordered deported *in absentia* to Ghana.

On January 25, 1996, Nyameke, now using the name Jean Nyameke, applied for adjustment of status to lawful permanent resident. In this application, Nyameke changed, *inter alia*, his name, date of birth, and country of birth and denied that he had ever used another name or had ever been ordered deported or removed. On July 15, 1996, the INS granted Nyameke adjustment of status to the status of lawful permanent resident. On July 7, 2006, Nyameke naturalized under the identity and immigration history of Jean Nyameke. During his adjustment of status and naturalization proceedings, Nyameke continued to conceal his prior immigration history and deportation under the name of Peter Ackah.

Nyameke's actions and conduct statutorily barred him from becoming a U.S. citizen and render his naturalization unlawfully procured. Thus, with the attached affidavit showing good cause, the United States brings this civil action to revoke and set aside the order admitting Nyameke to 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 order admitting Nyameke to U.S. citizenship and to cancel Certificate of Naturalization No. 29842166, issued July 7, 2006.

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

3. Venue is proper in this district pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391, because Nyameke resides in Clayton, Delaware, within the jurisdiction of this Court.

II. PARTIES

4. Plaintiff is the United States of America.

5. Nyameke is a naturalized U.S. citizen and native of Ivory Coast. Peter Ackah and John Nyameke are one and the same person.

III. FACTUAL ALLEGATIONS

6. The affidavit of Catherine Nieves, Officer with U.S. Citizenship and Immigration Services ("USCIS"), an agency within the Department of Homeland Security, showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached as Exhibit A.[1]

A. Defendant's Immigration Proceedings Under the Identity Peter Ackah

7. On or about October 5, 1992, Nyameke applied to the Immigration and Naturalization Service ("INS") for an immigration benefit under the name Peter Ackah. In connection with that application, Nyameke provided signed forms on which he indicated, *inter alia*:

a. His name was Peter Ackah;

b. He was born in 1963 in Ghana; and

[1] Because the Nieves Affidavit contains information covered by Fed. R. Civ. P. 5.2(a), as well as other information protected from disclosure 5 U.S.C. § 552a(b), it is being filed with certain personally identifying information redacted.

c. He last arrived in the United States on July 5, 1992, at Miami and was authorized to remain in the United States until January 4, 1993.

8. On November 10, 1992, Nyameke appeared at the INS Office in Arlington, Virginia for an interview in relation to his application.

9. On February 14, 1995, the INS Office issued Nyameke a Notice of Intent to Deny his application for immigration benefit. On March 16, 1995, Nyameke, through counsel, submitted a Rebuttal to that Notice.

10. On December 21, 1995, the INS Office issued Nyameke a written decision denying his immigration benefit application. It also served him by certified mail with an Order to Show Cause and Notice of Hearing (the "OSC"), placing him into deportation proceedings and charging him as deportable pursuant to 8 U.S.C. § 1231(a)(1)(B), for remaining in the United States longer than permitted. The OSC ordered him to appear before an immigration judge on April 10, 1996, for further proceedings.

11. At the April 10, 1996, hearing, Nyameke appeared with counsel and admitted to the allegations, conceded deportability, and applied for relief from deportation.

12. On December 16, 1996, Nyameke failed to appear for a scheduled deportation proceeding and was ordered deported *in absentia* to Ghana.

13. On March 19, 1997, Nyameke failed to appear for deportation.

B. Nyameke's Immigration Proceedings Under the Identity Jean Nyameke

14. On or about January 25, 1996, Nyameke, now using the name Jean Nyameke, filed a Form I-485, Application to Register Permanent Residence or Adjust Status, with INS, under the Diversity Visa Program. On his Form I-485, Nyameke represented that, *inter alia*:

a. His name was Jean Nyameke;

b. He was born in 1969 in Ivory Coast;

c. He had last entered the United States on August 17, 1995, without inspection

d. He had never been deported from the United States, removed from the United States at government expense, or 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, other documentation, entry into the United States, or any other immigration benefit by fraud or willful misrepresentation.

15. On July 15, 1996, Nyameke's Form I-485 was approved without interview, granting him lawful permanent resident status.

C. Nyameke's Naturalization Proceedings

16. On February 14, 2006, Nyameke filed a Form N-400, Application for Naturalization with USCIS, based on 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:

a. His name was Jean Asua Nyameke;

b. He had never used any other names;

c. He was born in 1969;

d. He was a citizen of Ivory Coast

e. He had never given false or misleading information to any United States government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal;

f. He had never lied to any United States government official to gain entry or admission to the United States;

g. He had never been removed, excluded, or deported from the United States;

h. He had never been ordered to be removed, excluded, or deported from the United States; and

i. He had never applied for any kind of relief from removal, exclusion, or deportation.

17. On May 11, 2006, Nyameke appeared for an interview at the USCIS Field Office in Baltimore, Maryland, to determine his eligibility for naturalization. Nyameke was placed under oath and he testified to the contents of his Form N-400 and, consistent with his written answers, that:

a. His name was Jean Asua Nyameke;

b. He wanted to legally change his name to John Asua Nyameke;

c. He was born in 1969 in Ivory Coast;

d. He had never used any other names;

e. He had never given false or misleading testimony to any United States government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal;

f. He had never lied to a United States government official to gain entry or admission to the United States;

g. He had never been removed, excluded, or deported from the United States;

h. He had never been ordered removed, excluded, or deported from the United States;

i. He had never applied for any kind of relief from removal, exclusion, or deportation; and

j. He had never applied for any kind of relief from removal, exclusion, or deportation.

18. During the naturalization interview, certain changes were made to other written answers initially provided on his Form N-400. At the conclusion of his interview, Nyameke swore under penalty of perjury that the contents of his Form N-400, including the changes, were true and correct and again signed his name on the form.

19. On the basis of his written application and the testimony he provided during his naturalization interview, Nyameke's Form N-400 was approved on May 11, 2006.

20. 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.

D. Fingerprint Analysis Confirms Peter Ackah and John Nyameke Are the Same Individual

21. On or about September 2, 1992, Nyameke, using the name Peter Mediema Ackah, provided fingerprints in connection with his request for an immigration benefit.

22. On or about December 21, 1995, Nyameke, using the name Peter Mediema Ackah, again provided fingerprints in connection with his request for an immigration benefit.

23. On or about May 6, 2006, Nyameke, using the name Jean Nyameke, provided fingerprints in connection with his N-400 application for naturalization.

24. Analysis and comparison of the fingerprint submissions described in paragraphs 21–23 above confirm that the same individual provided all three fingerprint impressions.

IV. GOVERNING LAW

A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

25. No alien has a right to naturalization "unless all statutory requirements are complied with." *United States v. Ginsberg*, 243 U.S. 472, 474-75 (1917). The

Supreme Court has underscored that "[t]here must be strict compliance with all the congressionally imposed prerequisites to the acquisition of citizenship." *Fedorenko v. United States*, 449 U.S. 490, 506 (1981); *see also id.* ("An alien who seeks political rights as a member of this Nation can rightfully obtain them only upon the terms and conditions specified by Congress[.]" (quoting *Ginsberg*, 243 U.S. at 474)).

26. Congress has mandated that an individual may not naturalize unless, *inter alia*, that person "has resided continuously, after being lawfully admitted for permanent residence, within the United States for at least five years" and, during that period, "has been and still is a person of good moral character." 8 U.S.C. § 1427(a)(1), (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.*

27. 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).

28. The term "lawfully" requires compliance with substantive legal requirements for admission, and not mere procedural regularity. *See* 8 U.S.C. § 1101(a)(20); *Gallimore v. Att'y Gen. of U.S.*, 619 F.3d 216, 223 (3d Cir. 2010) (quoting *In re Longstaff*, 716 F.2d 1439, 1441 (5th Cir. 1983)).

29. 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

30. 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 his or her naturalization application, Congress enacted 8 U.S.C. § 1451.

31. Under 8 U.S.C. § 1451(a), a 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.

32. 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.

33. 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 as a result of the misrepresentation or concealment. *Kungys v. United States*, 485 U.S. 759, 767 (1988).

34. 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.

COUNT ONE

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

35. The United States realleges and incorporates by reference the allegations in paragraphs 1–34 of this Complaint.

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

37. As set forth herein, throughout the naturalization process, Nyameke willfully misrepresented and concealed, among other things: (i) his use of another identity, including a different date of birth; (ii) his prior order of exclusion and deportation; (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 an immigration benefit or to prevent deportation, exclusion, or removal; (v) that he had been ordered to be removed, excluded, or deported from the United States;

and (vi) that he had previously applied for relief from removal, exclusion, or deportation.

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

39. Nyameke's misrepresentations were material to his naturalization because the disclosure of his multiple identities, multiple claimed dates of birth, prior application for an immigration benefit, 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 Nyameke's application for naturalization. Indeed, had USCIS been aware of this information, it would have denied his naturalization application.

40. Nyameke 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).

COUNT TWO

ILLEGAL PROCUREMENT OF NATURALIZATION NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE (Inadmissible Based on Fraud or Misrepresentation)

41. The United States realleges and incorporates by reference the allegations in paragraphs 1–34 of this Complaint.

42. 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.

43. As noted above, the term "lawfully" includes compliance with substantive legal requirements, not mere procedural regularity. *See* 8 U.S.C. § 1101(a)(20); *Gallimore*, 619 F.3d at 223 (quoting *Longstaff*, 716 F.2d at 1441).

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

45. Under the law then in effect, as today, an individual who 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 by fraud or willfully misrepresenting a material fact was inadmissible. 8 U.S.C. § 1182(a)(6)(C)(i).

46. Nyameke 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.

47. Nyameke sought to procure admission into the United States and other benefits provided for in the INA by fraud or willfully misrepresenting a material fact. Specifically, at the time Nyameke adjusted his status to permanent resident using the name Jean Nyameke, he had previously sought to procure and had been denied an immigration benefit using the name Peter Ackah. In the course of his adjustment to permanent resident status, Nyameke willfully misrepresented material facts, including his alternate identity and immigration history.

48. Nyameke 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, and this Court must revoke his citizenship pursuant to 8 U.S.C. § 1451(a).

COUNT THREE

ILLEGAL PROCUREMENT OF NATURALIZATION
LACK OF GOOD MORAL CHARACTER
(False Testimony)

49. The United States realleges and incorporates by reference the allegations in paragraphs 1–34 of this Complaint.

50. Nyameke illegally procured his naturalization, because he was statutorily precluded from establishing the good moral character necessary to naturalize on account of his providing false testimony for the purpose of obtaining an immigration benefit.

51. As discussed above, an applicant for naturalization must satisfy the statutory requirement of demonstrating that he is a person of good moral character for the five-year statutory period before he filed his naturalization application, and until the time he becomes a naturalized United States citizen. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

52. Nyameke was thus required to establish that he was a person of good moral character from February 14, 2001, until he became a U.S. citizen on July 7, 2006.

53. Nyameke was statutorily barred from establishing the good moral character necessary to naturalize because, during the statutory period, he provided

false testimony, orally and under oath, for the purpose of obtaining an immigration benefit, including naturalization. *See* 8 U.S.C. § 1101(f)(6).

54. Specifically, as set forth above, Nyameke provided false testimony for the purpose of obtaining an immigration benefit when he testified, orally and under oath, during his May 11, 2006, naturalization interview, that:

a. He had never used any other names;

b. He had never given false or misleading information to a United States government official while applying for an immigration benefit or to prevent deportation, exclusion, or removal;

c. He had never lied to any United States government official to gain entry or admission into the United States;

d. He had never been ordered removed, excluded, or deported from the United States; and

e. He had never applied for any kind of relief from removal, exclusion, or deportation.

55. Nyameke's testimony on each of the questions discussed above was oral, under oath, knowingly false, and for the purpose of obtaining an immigration benefit, namely naturalization.

56. Because he provided false testimony orally and under oath for the purpose of obtaining his naturalization, Nyameke was barred under 8 U.S.C. § 1101(f)(6) from showing that he had the good moral character necessary to become a naturalized United States citizen.

57. Because Nyameke was not a person of good moral character, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

58. Because he was ineligible to naturalize, Nyameke procured his citizenship illegally and the 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 Nyameke illegally procured his citizenship;

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

(3) Judgment revoking and setting aside the order admitting Nyameke to citizenship and canceling Certificate of Naturalization No. [redacted] effective as of the original date of the certificate, July 7, 2006;

(4) Judgment forever restraining and enjoining Nyameke from claiming any rights, privileges, benefits, or advantages under any document which evidences United States citizenship obtained as a result of his July 7, 2006 naturalization;

(5) Judgment requiring Nyameke, within ten days of the entry of judgment against him, 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 his designated representative, including undersigned counsel;

(6) Judgment requiring Nyameke, within ten 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 Drivers 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 his representative, including undersigned counsel; and

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

Respectfully submitted,

Benjamin L. Wallace
United States Attorney

/s/ Dylan J. Steinberg
Dylan J. Steinberg
Assistant United States Attorney
1313 N. Market Street
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Wilmington, DE 19899-2046
(302) 573-6277

Exhibit A

UNITED STATES OF AMERICA	)	
	)	
PHILADELPHIA, PENNSYLVANIA	)	
	)	
In the Matter of the Revocation of the Naturalization of:	)	AFFIDAVIT OF GOOD CAUSE
	)	
	)	
Narinder SINGH A[redacted]-091 and A[redacted]-800	)	

Pursuant to 28 United States Code § 1746, I, Special Agent Elizabeth Huning, declare under penalty of perjury that the following is true and correct:

1. I am a Special Agent with Homeland Security Investigations (HIS), U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE). In this capacity, I have access to the official records of DHS, including the immigration files of Narinder SINGH, alien numbers A[redacted]-091 and A[redacted]-800.

2. I have examined the records relating to Narinder SINGH. Based on my review of the records, I state, on information and belief, that the information set forth in this Affidavit of Good Cause is true and correct.

3. SINGH was born on [redacted]1961, in Punjab, India. (Ex. 1). He came to the attention of U.S. immigration officials as a result of an undercover operation targeting an alien smuggling and money laundering organization. On September 21, 1994, Singh was arrested while attempting to purchase a Permanent Resident Card (Form I-551) and an Employment Authorization Card (Form I-688B) from an undercover officer employed by the former Immigration and Naturalization Service (INS)[1]. (Ex. 2).

[1] In the Homeland Security Act of 2002, Congress abolished the INS and transferred jurisdiction to implement the Immigration and Nationality Act to the Secretary of Homeland Security. *See* 6 U.S.C. §§ 202, 291, 557. Accordingly, INA directives to the Attorney General now generally pertain to the Secretary of Homeland Security.

4. When encountered, SINGH provided a date of birth of [redacted] 1959, and told the investigating officers that he had entered the United States on or about July 1, 1987, by illegally crossing the Mexican border into San Ysidro, California, without inspection, by U.S. immigration authorities. (Ex. 3).

5. On September 22, 1994, INS placed SINGH in deportation proceedings, via the issuance of an Order to Show Cause (OSC), assigning him alien number A[redacted] (Ex. 4). He was personally served the OSC on the same day. He was charged as an alien who had entered the United States without inspection, in violation of section 241(a)(1)(B) of the Immigration and Nationality Act (INA).

6. On or about August 8, 1995, SINGH failed to appear for an immigration hearing at the immigration court in Los Angeles, California, and was ordered deported *in absentia* by the Immigration Judge. (Ex. 5).

7. On or about March 6, 1996, SINGH filed An Application for Asylum and for Withholding of Deportation (Form I-589) with the INS Asylum Office in San Francisco, California (AO), which covered the geographic area in which SINGH then resided. He was assigned alien number A[redacted]091. (Ex. 6). His asylum interview took place on or about April 16, 1996, during which SINGH told the interviewing officer that he was admitted to the United States on or about May 7, 1994, using a fraudulent passport that contained a fraudulent United States non-immigrant visitor's visa (B-1/B-2). SINGH further claimed to have destroyed the document once his admission was completed.

8. SINGH failed to disclose in both his asylum application (Ex. 6), which includes his six-page affidavit, and to the asylum officer about his September 21, 1994 arrest in California involving his attempted purchase of fraudulent immigration documents and (2) his

placement in deportation proceedings on September 22, 1994, in Los Angeles, California, under alien number A[redacted]-800. He further failed to advise the asylum officer that he had been ordered deported *in absentia* under alien number A[redacted]800 on August 8, 1995.

9. On or about May 1, 1996, the AO granted SINGH's asylum application under alien number A[redacted] (Ex. 7).

10. On or about May 7, 1997, SINGH filed with INS an Application to Register Permanent Residence or Adjustment of Status (Form I-485) under alien number A[redacted] seeking adjustment of status from asylee to permanent resident of the United States pursuant to INA § 209(b). SINGH signed his Form I-485 on April 16, 1997. (Ex. 8).

11. Question 1(b) of the I-485 states:

> Have you, in or outside the United States, been arrested, cited, charged, indicted, fined, or imprisoned for breaking or violating any law or ordinance, excluding traffic violations? . . .
>
> SINGH checked the 'Yes' box and then typed in:
>
> *I was arrested due to political reasons as police believed that I am a member of groups supporting Khalistan through armed struggle.*

SINGH made no reference to the fact that he had been arrested in California on September 21, 1994, based on his attempt to purchase a fraudulent Permanent Resident Card (Form I-551) and Employment Authorization Card (Form I-688B).

12. Question 9 of the I-485 states:

> Have you ever been deported from the United States, or removed from the U.S. at government expense, excluded within the last year, or are you now in exclusion or deportation proceedings? . . .

SINGH checked the 'No' box in response to that question. He made no reference to the fact that he had been placed in deportation proceedings on September 22, 1994, through the issuance of an OSC under alien number A[redacted].

13. Question 10 of the I-485 states:

> Are you under a final order of civil penalty for violating section 274C of the Immigration Act for use of fraudulent document, or have you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured a visa, other documentation, entry into the United States, or any other immigration benefit.
>
> SINGH checked the 'No' box in response to that question, when in fact the very application he was submitting, Form I-485, contained omissions of facts deemed material to his eligibility for the immigration benefit he was seeking, i.e., his adjustment of status to that of a lawful permanent resident.

14. Part 4 of the adjustment application contains the following statement:

> I certify under penalty of perjury under the laws of the United States of America that this application, and the evidence submitted with it, is all true and correct. I authorize the release of any information from my records which the INS needs to determine eligibility for the benefit I am seeking.

Beneath that statement, SINGH appended his signature on April 16, 1997.

15. On or about May 8, 1997, under alien number A[redacted], INS issued and mailed to SINGH, a Notice to Deportable Alien to Surrender (Form I-166), ordering him to report to an immigration officer in Los Angeles, California, for deportation on June 2, 1997. SINGH failed to appear. (Ex. 9).

16. On or about June 13, 2003, SINGH was granted lawful permanent resident status under alien number A[redacted]. (Ex. 10).

17. On or about March 16, 2007, SINGH filed an Application for Naturalization (Form N-400) under A[redacted] with U.S. Citizenship and Immigration Services (USCIS)[2]. (Ex. 11).

18. Question 16 of the N-400 states:

> Have you ever been arrested, cited or detained by any law enforcement officer (including USCIS or former INS and military officers) for any reason?

SINGH checked the 'No' box next in response to that question, despite having been arrested by law enforcement officers on September 21, 1994, in California for attempting to purchase fraudulent immigration documents.

19. Question 23 of the N-400 asks:

> 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?

SINGH checked the 'No' box in response to that question.

20. Question 24 of the N-400 states:

> Have you ever lied to any U.S. government official to gain entry or admission into the United States?

SINGH checked the 'No' box in response to that question.

21. Question 25 of the N-400 states:

> Are removal, exclusion, rescission or deportation proceedings pending against you?

Singh checked the 'No' box in response to that question, in spite of the fact that deportation proceedings had been initiated against him on September 22, 1994 under alien number A[redacted]

22. Question 27 of the N-400 states:

[2] USCIS is one of three components within DHS that took over the functions of the former INS.

> Have you ever been ordered to be removed, excluded or deported from the United States?

SINGH checked the 'No' box in response to that question, when in fact SINGH had been ordered removed *in absentia* by an Immigration Judge on August 8, 1995 under alien number A[redacted].

23. Question 28 of the N-400 states:

> Have you ever applied for any kind of relief from removal, exclusion or deportation?

SINGH checked the 'No' box in response to that question, when in fact SINGH had filed for asylum on March 3, 1996. His filing of the asylum application and failure to disclose his previously issued alien number and placement in deportation proceedings at the time of his filing is what triggered the issuance of a second alien number, A[redacted].

24. Part 11 of the N-400 application contains the following statement:

> I certify under penalty of perjury under the laws of the United States of America, that this application, and the evidence submitted with it, are all true and correct. I authorize the release of any information that the USCIS needs to determine my eligibility for naturalization.

SINGH appended his signature in the box below that statement on March 14, 2007.

25. Part 13 of the N-400, entitled Signature at Interview, contains the following statement:

> I swear (affirm) and certify under penalty of perjury under the laws of the United States of America that I know that the contents of this application for naturalization subscribed by me, including corrections 1 through 12 and the evidence submitted by me numbered pages 1 through zero, are true and correct to the best of my knowledge and belief.

SINGH appended his signature in a box under that statement and under the signature of the USCIS interviewing officer, on February 12, 2008.

26. SINGH's Application for Naturalization (N-400) was approved on February 12, 2008. He was sworn in as a naturalized citizen of the United States on May 1, 2008, before the U.S. District Court of Delaware, in Wilmington, Delaware. His naturalization certificate number is [redacted]. (Ex. 12).

27. A fingerprint analysis from the Homeland Security Investigations Forensic Laboratory, dated May 11, 2018, confirmed that the fingerprints for Narinder SINGH under alien number A[redacted] and the fingerprints for Narinder SINGH under alien number A[redacted], belong to one and the same person. (Ex. 13).

28. SINGH illegally procured his naturalization by willful misrepresentation and concealment of material facts – Part I.

a. SINGH failed to inform the asylum officer who conducted his asylum interview that he had been arrested in California in 1994, regarding his attempted purchase of fraudulent Permanent Resident Card and Employment Authorization Card (Form I-688B).

b. SINGH failed to inform the asylum officer that he had been placed in deportation proceedings in September of 1994, under alien number A[redacted]

c. SINGH further failed to inform the asylum officer that he had an outstanding order of deportation that had been issued *in absentia* under alien number A[redacted], on August 8, 1995.

SINGH's concealment of these material facts had the direct effect of cutting off a line of inquiry, which was relevant to his eligibility for relief. It was the grant of asylum that enabled SINGH to later obtain lawful permanent resident status under INA § 209(b), which gave him a basis to seek naturalization in May of 1997.

29. SINGH illegally procured his naturalization by willful misrepresentation and concealment of material facts – Part II.

d. SINGH provided false responses on this application for adjustment of status (Form I-485) under alien number A[redacted], when asked about his prior immigration history and arrests. As noted above, SINGH's concealment of the fact that he had been: (1) arrested in California in 1994, (2) placed in deportation proceedings in September of that year, and (3) the subject of an outstanding order of deportation issued against him in August of 1995, cut off a line of inquiry that was central to determining his eligibility to adjust status to that of lawful permanent resident.

30. SINGH illegally procured his naturalization based on the fact that he was not an alien lawfully admitted for permanent residence.

e. To be eligible for naturalization, one of the statutory requirements is that the person must have been lawfully admitted as a permanent resident of the United States. *See* 8 C.F.R. § 316.2(a)(2). SINGH procured his permanent resident status by concealing material facts, i.e., he failed to reveal his arrest by law enforcement officers for the illegal procurement of fraudulent immigration document, being placed in deportation proceedings under another alien number, and the existence of an outstanding deportation order that had been issued against him by an immigration judge. SINGH's failure to divulge these facts cut off a line of inquiry, which was relevant to his eligibility for relief and would have likely resulted in a denial of his application for lawful permanent resident status. Thus, he was not lawfully admitted for permanent residence as required by statute. INA §§ 316(a), 318.

31. Based on the facts outlined in paragraphs 3 through 30, good cause exists to institute Proceedings pursuant to section 340(a) of the INA, 8 U.S.C. § 1461(a), to revoke

SINGH's citizenship and to cancel his Certificate of Naturalization.

32. The last known address for SINGH is [redacted].

Declaration in Lieu of Jurat
(28 U.S.C. § 1746)

I declare under penalty of perjury that the facts set forth in paragraphs I through XXXI are true to the best of my information and belief.

Dated: 9/26/2018

Elizabeth Huning
Special Agent
Homeland Security Investigations
U.S. Department of Homeland Security
Immigration and Customs Enforcement