

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)
)
Plaintiff,) Civil Case No. 3:26-CV-02418
)
v.)
)
ASHOKKUMAR KANTILAL PATEL, also)
known as ASHOK KANTILAL PATEL,)
)
Defendant.)
)

COMPLAINT TO REVOKE NATURALIZATION

The United States of America (“Plaintiff”) brings this civil action against Defendant Ashokkumar Kantilal Patel, also known as Ashok Kantilal Patel (“Defendant” or “Patel”) to revoke his naturalized United States citizenship under 8 U.S.C. § 1451(a). Plaintiff alleges that Defendant illegally procured his naturalization and that he willfully misrepresented and concealed material facts in applying to naturalize.

PRELIMINARY STATEMENT OF THE CASE

Before becoming a naturalized United States citizen in June 2012 under the name Ashokkumar Kantilal Patel, Defendant applied in March 1995 for an immigration benefit with the legacy former Immigration and Naturalization Service (“INS”) using the alternative name “Ashok Kantilal Patel.” In May 1995, the INS

referred his case to the immigration court and issued him an Order to Show Cause (“OSC”) and Notice of Hearing. The OSC charged Defendant as deportable under section 241(A)(1)(B) of the Immigration and Nationality Act (“INA”) for having entered the United States without inspection. When Defendant failed to appear for his hearing, the immigration judge ordered him, under the same Ashok Kantilal Patel identity, removed *in absentia* to India.

But Defendant failed to deport. Instead, Defendant pursued an alternative application for an immigration benefit filed under the alternative identity of Ashokkumar Kantilal Patel. In 2012, Defendant naturalized as a United States citizen using that same identity. Throughout his naturalization proceedings, however, Defendant failed to disclose his prior immigration history or his use of an alternative identity. Through these actions and conduct, Defendant procured his naturalization by concealment and willful misrepresentation, which made him statutorily ineligible for United States citizenship.

With the attached affidavit showing good cause, therefore, the United States of America brings this civil action on the grounds that Defendant illegally procured his naturalization and willfully misrepresented and concealed material facts during the naturalization process. Under 8 U.S.C. § 1451(a), the United States requests that the Court revoke and set aside the order admitting Defendant to citizenship and cancel his certificate of naturalization.

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 United States citizenship and to cancel Defendant's Certificate of Naturalization No. [REDACTED].

2. The 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 under 8 U.S.C. § 1451(a) because Defendant resides here. *See* Exhibit 2.

PARTIES

4. Plaintiff is the United States of America.

5. Defendant Ashokkumar Kantilal Patel a/k/a Ashok Kantilal Patel, was purportedly born in India and is a naturalized United States citizen, whose last known address is in Larksville, Pennsylvania.

6. Ashokkumar Kantilal Patel and Ashok Kantilal Patel are one and the same person.

FACTUAL ALLEGATIONS

7. The affidavit of Matthew P. Frappier, a Senior Officer with U.S. Citizenship and Immigration Services ("USCIS"), an agency with the U.S. Department of Homeland Security ("DHS"), showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached hereto.

I. Defendant's Immigration History Using the Ashok Kantilal Patel Identify

8. On March 20, 1995, Defendant, using the name Ashok Kantilal Patel, filed an application for immigration benefit with INS.

9. Along with his application, Patel submitted a Form G-325A, Biographic Information (G-325A). On the G-325A, which he signed March 7, 1995 under severe penalties for knowingly and willfully falsifying or concealing a material fact, he represented that:

- a. His name was Ashok Kantilal Patel;
- b. His date of birth was XXXXX, 1971;
- c. He was born in Saij, India; and,
- d. He had used no other names.

10. INS assigned him A Number AXXX-XXX-597.

11. On April 4, 1995, INS mailed to him a notice scheduling an interview to take place on April 25, 1995 at the INS Office in Chicago. The interview notice was mailed to him at the address listed on his application.

12. On April 25, 1995, he failed to appear at his interview at the INS Office in Chicago.

13. On May 17, 1995, INS referred his case to the immigration court and issued to him a Form I-221, Order to Show Cause and Notice of Hearing ("OSC"), placing him in deportation proceedings. The OSC charged him as deportable

pursuant to INA Section 241(A)(1)(B), for having entered the United States without inspection. The OSC informed him that he would be notified of a date and time to appear before an immigration judge. The OSC was mailed to him, at his address of record, via certified mail with return receipt requested. INS received written confirmation that the OSC was delivered to him on May 27, 1995.

14. On June 22, 1995, the OSC was filed with the immigration court.

15. On December 20, 1995, Patel failed to appear at his immigration hearing and the judge ordered him deported from the United States to India in absentia. The order states that case had been scheduled for hearing on December 20, 1995 “pursuant to proper notice.”

16. On September 12, 1996, INS mailed to him a Form I-166, Notice to Deportable Alien notifying him that he was to report for deportation to India on September 25, 1996 at 9:00 a.m. at the INS office located at 333 Mt. Elliot Street, Detroit, Michigan. The I-166 was mailed to him at his last known address of record. It was returned to INS as “Addressee Unknown.”

17. There is no record that Patel departed the United States pursuant to the order of deportation.

II. Defendant's Immigration History Using the Ashokkumar Kantilal Patel Identity

18. On April 27, 2001, Petitioner Shivshakti Sandwich, Inc. dba Subway Sandwich filed a Form ETA 750, Application for Alien Employment Certification (ETA 750) with the U.S. Department of Labor for the benefit of Defendant, under the name Ashokkumar Kantilal Patel. On Part B of the ETA 750, which Patel completed and signed under penalty of perjury on April 26, 2001, Patel represented that his name was "Ashokkumar Kantilal Patel" and he was born on XXXXX, 1974, in Saij, Gujarat, India.

19. On May 5, 2003, Petitioner Shivshakti Sandwich, Inc., dba Subway Sandwich filed Form I-140, Immigrant Petition for Alien Worker (), for the benefit of Defendant as a skilled worker. USCIS assigned to Patel A-Number AXXX-XXX-982.

20. On April 8, 2004, USCIS approved the I-140.

21. On July 9, 2004, Patel filed Form I-485, Application to Register Permanent Resident or Adjust Status, premised on the approved I-140. On the I-485, which he signed under penalty of perjury on June 29, 2004, he represented that:

- a. His name was Ashokkumar K. Patel;
- b. His date of birth was XXXXX, 1974 and he was born in Saij, Gujrat, India;

- c. He last arrived in the United States on May 10, 1997 without inspection;
- d. He had never been arrested, cited, charged, indicted, fined or imprisoned for breaking or violating any law or ordinance, excluding traffic violations;
- e. 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 then in exclusion or deportation proceedings; and
- f. He had not by fraud or willful misrepresentation of a material fact ever sought to procure, or procured, a visa, other documentation, entry into the U.S. or any immigration benefit.

22. Concurrently, he filed Form I-485A, Supplement A to Form I-485 Adjustment of Status under Section 245(i). On the I-485A, which he signed under penalty of perjury on June 29, 2004, he represented that:

- a. His name was Ashokkumar Kantilal Patel;
- b. His date of birth was XXXXX, 1974;
- c. He was born in India;

23. Defendant also submitted a Certificate of Birth from the Public Health Department, Government of Gujarat certifying that "Ashokkumar Patel" was born on XXXX, 1974 in Saij.

24. Additionally, he submitted an Indian passport which stated that his name was "Ashokkumar Kantilal Patel" and his date of birth was XXXXX, 1974.

25. On September 21, 2005, Patel attended his interview at the USCIS office in Chicago to determine his eligibility for adjustment of status. During the interview, he corrected his written response in Part 3 regarding his place of last entry into the U.S. His original response was "via Canada." He clarified that he last entered the U.S. at Buffalo, NY. He made no other corrections. At the end of the interview, he again signed the Form I-485.

26. On January 3, 2007, USCIS approved his Form I-485 and he adjusted to a lawful permanent resident under the classification E36, skilled worker.

27. On December 23, 2011, Patel filed Form N-400, Application for Naturalization. On the N-400, which he signed under penalty of perjury on December 12, 2011, he represented that:

- a. His name was Ashokkumar K. Patel;
- b. His date of birth was XXXXX, 1974 and he was born in India;
- c. He left blank the question asking him to list other names that he had used;
- d. He had never been arrested, cited, or detained by any law enforcement officer (including USCIS or former INS and military officers) for any reason;

- e. He had never been charged with committing any crime or offense;
- f. 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;
- g. He had never lied to any U.S. government official to gain entry or admission into the United States; and,
- h. He had never been ordered to be removed, excluded, or deported from the United States.

28. On March 16, 2012, Patel appeared for his naturalization interview at the USCIS Philadelphia Field Office to determine his eligibility for naturalization. At that interview, Patel appeared before Immigration Services Officer A. Davis McKenzie (Officer McKenzie). Patel failed the U.S. History and Civics portion of his naturalization exams and his case was continued.

29. On May 23, 2012, Patel appeared at the USCIS Philadelphia Field Office for a further interview and a re-examination of the U.S. History and Civics tests. At the start of the interview, Immigration Services Officer Alice Siplin (Officer Siplin) placed Patel under oath and asked him the following questions:

- a. Your current legal name?
- b. Your date of birth?

c. 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?

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

30. In response, Patel testified that his name was “Ashokkumar Kantilal Patel”, his date of birth was XXXXX, 1974, and he orally answered “no” to the remaining questions. At the conclusion of the interview, he swore and certified that the contents of his application for naturalization were true and correct.

31. On May 23, 2012, following the interview and after passing the U.S. History and Civics exams, USCIS approved Patel’s N-400.

32. On June 1, 2012, Patel took the Oath of Allegiance and was admitted as a citizen of the United States. USCIS issued him Certificate of Naturalization number .

III. Fingerprint Analysis

33. Ashokkumar Kantilal Patel and Ashok Kantilal Patel are the same person.

34. Fingerprint evidence demonstrates by clear, convincing, and unequivocal evidence that the same individual submitted fingerprints under both the Ashokkumar Kantilal Patel and Ashok Kantilal Patel identities. See Exhibit 1.

GOVERNING LAW

I. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

35. 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).

36. 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)).

37. Under the first ground for denaturalization, illegal procurement, citizenship is “illegally procured” if the applicant failed to comply with any of the congressionally imposed prerequisites to the acquisition of citizenship. *Fedorenko*, 449 U.S. at 506.

38. Among other requirements for naturalization, Congress mandated that an application for naturalization must demonstrate that he or she has been “lawfully” admitted to the United States for permanent residence. *See* 8 U.S.C. § 1427(a)(1); *see also* 8 U.S.C. § 1429.

39. The term “lawfully admitted for permanent residence” means “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[.]” 8 U.S.C. § 1101(a)(20). Thus, for an alien to be “lawfully admitted,” his adjustment of status must be in “compliance with substantive legal requirements, not mere procedural regularity.” *In re Koloamatangi*, 23 I. & N. Dec. 548, 550 (B.I.A. 2003); *see Gallimore v. Att’y Gen.*, 619 F.3d 216, 223 & n.6 (3d Cir. 2010).

40. Congress also mandated that an individual may not naturalize unless that person “during all periods referred to in [8 U.S.C. § 1427(a)] has been and still is a person of good moral character.” *See* 8 U.S.C. § 1427(a).

41. The required statutory period for good moral character begins five years before the date an applicant files the application for naturalization and continues until the applicant takes the oath of allegiance and becomes a United States citizen. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(1).

42. Congress has explicitly precluded individuals from being able to establish the good moral character necessary to naturalize where they give false testimony during the statutory period for the purpose of obtaining immigration benefits. 8 U.S.C. § 1101(f)(6).

43. Congress also created a “catch-all” provision, which states, “[t]he fact that any person is not within any of the [statutorily described] 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).

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

45. “[A] conviction during the statutory period is not necessary for a finding that an applicant lacks good moral character . . . it is enough that the offense was ‘committed’ during that time.” *United States v. Zhou*, 815 F.3d 639, 644 (9th Cir. 2016) (quoting *United States v. Suarez*, 664 F.3d 655, 661 (7th Cir. 2011)).

II. The Denaturalization Statute

46. 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 him or her naturalization application, Congress enacted 8 U.S.C. § 1451.

47. 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 naturalization was *either*:

- a. illegally procured, or
- b. procured by concealment of a material fact or by willful misrepresentation.

48. 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.

49. Naturalization was 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).

50. Where the government establishes that the 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.

CAUSES OF ACTION

COUNT I

ILLEGAL PROCUREMENT OF NATURALIZATION

Not Lawfully Admitted for Permanent Residence

(Fraud or Willful Misrepresentation of Material Fact)

51. The United States re-alleges and incorporates by reference the foregoing paragraphs.

52. As discussed above, to qualify for naturalization, an applicant must have been lawfully admitted to the United States for permanent residence. *See* 8 U.S.C. § 1429.

53. The term “lawfully” requires compliance with substantive legal requirements for admission and not mere procedural regularity. *Gallimore*, 619 F.3d at 223 & n.6.

54. “An alien 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 under” the INA, is inadmissible. *See* 8 U.S.C. § 1182(a)(6)(C)(i).

55. Defendant was inadmissible under 8 U.S.C. § 1182(a)(6)(C)(i) at the time of his adjustment to permanent resident status because he both sought to procure, and did procure, admission into the United States or other immigration benefits by fraud or by willfully misrepresenting material facts.

56. Specifically, at the time Defendant adjusted his status to permanent resident using the name Ashokkumar Kantilal Patel, he had previously sought to procure and had been denied an immigration benefit using the name Ashok Kantilal Patel. Indeed, at the time that Defendant adjusted to permanent resident status, he was the subject of an outstanding order of deportation under the name Ashok Kantilal Patel.

57. Because Defendant willfully misrepresented facts in immigration benefit applications, he was inadmissible.

58. Defendant's false statements regarding his name, date of birth, and immigration history were material to determining his eligibility for the immigration benefits for which he applied.

59. Defendant's false statements had the natural tendency to influence a decision to approve his applications.

60. Defendant, thus, sought to procure an immigration benefit by fraud or willfully misrepresenting material facts, rendering him inadmissible at the time his status was adjusted to that of a permanent resident.

61. Because Defendant was not lawfully admitted for permanent residence, he was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1) and 1429.

62. Because he was ineligible for naturalization, Defendant illegally procured his citizenship, and this Court must revoke that naturalization as provided for in 8 U.S.C. § 1451(a).

COUNT II

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

63. The United States re-alleges and incorporates by reference the foregoing paragraphs.

64. As discussed above, to qualify for naturalization, Defendant must have been “lawfully admitted” to the United States for permanent residence. *See* 8 U.S.C. § 1429.

65. Under the law in effect at the time of Defendant’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, including applicants with a final order of deportation or removal. 8 C.F.R. §§ 245.2(a)(1), 1245.2(a)(1).

66. Defendant was subject to an order of deportation under the name of Ashok Kantilal Patel as of December 20, 1995, at the time that he filed his application for adjustment of status on July 9, 2004. Because Defendant misrepresented certain facts in connection with his application, USCIS was not aware of the deportation proceedings and the outstanding order of deportation, which influenced the approval of his application for adjustment of status on January 3, 2007.

67. Because the immigration court had exclusive jurisdiction over Defendant's application for adjustment of status at the time it was approved by USCIS, he was not lawfully admitted for permanent residence; accordingly, he illegally procured his naturalization.

COUNT III

ILLEGAL PROCUREMENT OF NATURALIZATION

Lack of Good Moral Character

(False Testimony)

68. The United States re-alleges and incorporates by reference the foregoing paragraphs.

69. As an applicant for naturalization under section 316(a) of the INA, Patel 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."

70. Defendant filed his application for naturalization on December 23, 2011; accordingly, he was required to establish that he was a person of good moral character from December 23, 2006, until the time of his admission to citizenship on June 1, 2012.

71. 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. 8 U.S.C. § 1101(f)(6); 8 C.F.R. § 316.10(b)(2)(vi).

72. Based on the facts contained above, Defendant provided false testimony while under oath during his naturalization interview. Specifically, during his naturalization interview, Patel provided false testimony regarding:

- a. his use of other names;
- b. whether he had given false or misleading information to any U.S. government official while applying for an immigration benefit or to prevent deportation;
- c. whether he had lied to gain entry or admission to the United States; and
- d. whether he had been in removal, exclusion, or deportation proceedings.

73. Because Defendant provided false testimony to obtain an immigration benefit during the statutory period, he was not eligible for naturalization; accordingly, he illegally procured his naturalization.

COUNT IV

ILLEGAL PROCUREMENT OF NATURALIZATION

Lack of Good Moral Character

(Unlawful Acts with No Extenuating Circumstances)

74. The United States re-alleges and incorporates by reference the foregoing paragraphs.

75. As an applicant for naturalization under section 316(a) of the INA, 8.U.S.C. § 1427, Defendant 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.”

76. Defendant filed his application for naturalization on December 23, 2011; accordingly, he was required to establish that he was a person of good moral character from December 23, 2006, until the time of his admission to citizenship on June 1, 2012.

77. 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. 8. U.S.C. § 1101(f); 8 C.F.R. § 316.10(b)(3)(iii).

78. 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 and that he had been deported under that identity.

79. Specifically, on December 23, 2011, Patel filed Form N-400, Application for Naturalization. On the N-400, which he signed under penalty of

perjury on December 12, 2011 – and about which he testified under oath on May 23, 2012 – he represented that:

- a. His name was Ashokkumar K. Patel;
- b. His date of birth was XXXXX, 1974 and he was born in India;
- c. He had used no other names;
- d. He had never been arrested, cited, or detained by any law enforcement officer (including USCIS or former INS and military officers) for any reason;
- e. He had never been charged with committing any crime or offense;
- f. 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;
- g. He had never lied to any U.S. government official to gain entry or admission into the United States; and,
- h. He had never been ordered to be removed, excluded, or deported from the United States.

80. Patel made similar sworn misrepresentations on his July 2004 Form I-485.

81. Based on the facts contained above, during the statutory period Defendant committed unlawful acts that adversely reflected on his moral character.

Specifically, Defendant provided false information regarding his identity, immigration history and whether he ever provided false or misleading information, or lied, to a U.S. Government official while applying for an immigration benefit or to prevent deportation. Defendant could not establish extenuating circumstances; accordingly, he was not eligible for naturalization and illegally procured his naturalization.

82. Because Defendant committed unlawful acts during the statutory period during which he was required to maintain good moral character, he was and remains ineligible for naturalization under 8 U.S.C. §§ 1101(f), 1427(a)(1), and 1429.

83. Because he was ineligible to naturalize, Defendant illegally procured his citizenship, and this Court must revoke his citizenship as provided for in 8 U.S.C. § 1451(a).

COUNT V

PROCUREMENT OF UNITED STATES CITIZENSHIP BY CONCEALMENT OF A MATERIAL FACT OR WILLFUL MISREPRESENTATION

84. The United States re-alleges and incorporates by reference the foregoing paragraphs.

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

86. As discussed above, throughout the naturalization process, Defendant willfully misrepresented and concealed facts related to his use of an alternate identity and his immigration history.

87. The misrepresentations made by Defendant 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, Defendant 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 8 U.S.C. § 1429.

88. Defendant's false statements and testimony had the natural tendency to influence a decision by USCIS to approve his Form N-400. In fact, as shown above, the concealed and misrepresented facts rendered Defendant ineligible for naturalization, and USCIS would have denied the N-400 application had he been truthful.

89. Defendant therefore procured his naturalization by concealment of material facts and willful misrepresentations.

90. Because Defendant procured his naturalization by concealment of material facts and willful misrepresentations, the Court must revoke his citizenship under 8 U.S.C. § 1451(a).

PRAYER FOR RELIEF

WHEREFORE, 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 facts 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 order and certificate, June 1, 2012.
4. Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages related to United States citizenship that he obtained as a result of his June 1, 2012 naturalization;
5. Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment against him, his Certificate of Naturalization No. [REDACTED] and any copies thereof in his possession – and to make good faith efforts to recover and immediately surrender any copies thereof that he knows are in the possession of others – to the Attorney General, or his designated representative, including undersigned counsel;
6. Judgment requiring Defendant to surrender and deliver, within ten days of the entry of judgment against him, any other indicia of U.S. citizenship, including, but not limited to, U.S. passports (whether valid or expired), U.S. passport cards

(whether valid or expired), and Enhanced Driver's Licenses (whether valid or expired), and other relevant documents, whether current or expired, and any copies thereof in his possession, and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession of others, to the Attorney General; and

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

Respectfully submitted,

BRIAN D. MILLER
United States Attorney

/s/ Richard D. Euliss
Richard D. Euliss
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UNITED STATES OF AMERICA)

In the Matter of the Revocation)
of the Naturalization of)

AFFIDAVIT OF GOOD CAUSE

Ashokkumar Kantilal Patel)

A [REDACTED])

a/k/a Ashok Kantilal Patel)

A [REDACTED])

I, Matthew Frappier, declare under penalty of perjury as follows:

I am a Senior 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 Ashokkumar Kantilal Patel ("Patel"), A [REDACTED]-982, a/k/a Ashok Kantilal Patel, A [REDACTED]-597. Having reviewed the excerpts of those files attached hereto, I certify that the same (1) are true and correct copies of records maintained by USCIS (with appropriate redactions); (2) were created at or near the time of the occurrence of the matters reflected therein by someone with knowledge; and (3) were made as part of the agency's regular practice.

I have examined records relating to Patel, including but not limited to, his immigration files. Based upon my review of records relating to Patel, I state, on information and belief that the information set forth in this Affidavit of Good Cause is true and correct.

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 Patel and to cancel his Certificate of Naturalization.

The last known place of residence for Patel is [REDACTED], Larksville, PA 18704.

¹Pursuant 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 Ashokkumar Kantilal Patel was previously ordered deported under the name Ashok Kantilal Patel.

Immigration History as Ashok Kantilal Patel

D.O.B. [REDACTED] 1971, A [REDACTED]-597

1. On March 20, 1995, the individual in question, using the name Ashok Kantilal Patel, filed an application for immigration benefit with the Immigration and Naturalization (INS). On his application, which he signed under penalty of perjury on March 7, 1995, Patel represented that:
 - His name was Ashok Kantilal Patel.
 - His date of birth was [REDACTED] 1971 and he was born in Saij, Gujarat, India;
 - He had used no other names.
 - His then current U.S. address was [REDACTED], MI 48089.
 - He last arrived in the United States on March 3, 1995 at Douglas, Arizona, and currently did not have any immigration status.
2. Along with his application, Patel submitted a Form G-325A, Biographic Information (G-325A). On the G-325A, which he signed March 7, 1995 under severe penalties for knowingly and willfully falsifying or concealing a material fact, he represented that:
 - His name was Ashok Kantilal Patel.
 - His date of birth was [REDACTED], 1971.
 - He was born in Saij, India.
 - He had used no other names.
3. INS assigned to him A-Number A [REDACTED]-597.
4. On April 4, 1995, INS mailed to him a notice scheduling an interview to take place on April 25, 1995 at the INS Office in Chicago. The interview notice was mailed to him at the address listed on his application.
5. On April 25, 1995, he failed to appear at his interview at the INS Office in Chicago.

6. On May 17, 1995, INS referred his case to the immigration court and issued to him a Form I-221, Order to Show Cause and Notice of Hearing (OSC), placing him in deportation proceedings. The OSC charged him as deportable pursuant to INA Section 241(A)(1)(B), for having entered the United States without inspection. The OSC informed him that he would be notified of a date and time to appear before an immigration judge. The OSC was mailed to him, at his address of record, via certified mail with return receipt requested. INS received written confirmation that the OSC was delivered to him on May 27, 1995.
7. On June 22, 1995, the OSC was filed with the immigration court.
8. On December 20, 1995, Patel failed to appear at his immigration hearing and the immigration judge ordered him deported from the United States to India in absentia. The order states that case had been scheduled for hearing on December 20, 1995 "pursuant to proper notice."
9. On September 12, 1996, INS mailed to him a Form I-166, Notice to Deportable Alien notifying him that he was to report for deportation to India on September 25, 1996 at 9:00 a.m. at the INS office located at 333 Mt. Elliot Street, Detroit, Michigan. The I-166 was mailed to him at his last known address of record at [REDACTED]. It was returned to INS as "Addressee Unknown."
10. There is no record that he departed the United States pursuant to the order of deportation.

Immigration History as Ashokkumar Kantilal Patel
D.O.B. [REDACTED] 1974, A [REDACTED]-982

11. On April 27, 2001, Petitioner Shivshakti Sandwich, Inc. dba Subway Sandwich filed a Form ETA 750, Application for Alien Employment Certification (ETA 750) with the U.S. Department of Labor for the benefit of the individual in question, under the name Ashokkumar Kantilal Patel. On Part B of the ETA 750, which Patel completed and signed under penalty of perjury on April 26, 2001, Patel represented that his name was "Ashokkumar Kantilal Patel" and he was born on "[REDACTED]/74" in Saij, Gujarat, India.
12. On May 5, 2003, Petitioner Shivshakti Sandwich, Inc., dba Subway Sandwich filed Form I-140, Immigrant Petition for Alien Worker ([REDACTED]), for the benefit of Patel, as a skilled worker. USCIS assigned to Patel A-Number A [REDACTED]-982.
13. On April 8, 2004, USCIS approved the I-140.

14. On July 9, 2004, Patel filed Form I-485, Application to Register Permanent Resident or Adjust Status ([REDACTED]), premised on the approved I-140. On the I-485, which he signed under penalty of perjury on June 29, 2004, he represented that:

- His name was Ashokkumar K. Patel.
- His date of birth was [REDACTED] 1974 and he was born in Saij, Gujrat, India.
- He last arrived in the United States on May 10, 1997 without inspection.
- He had never been arrested, cited, charged, indicted, fined or imprisoned for breaking or violating any law or ordinance, excluding traffic violations.
- 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 then in exclusion or deportation proceedings.
- He had not by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured a visa, other documentation, entry into the U.S. or any immigration benefit.

15. Concurrently, he filed Form I-485A, Supplement A to Form I-485 Adjustment of Status under Section 245(i). On the I-485A, which he signed under penalty of perjury on June 29, 2004, he represented that:

- His name was Ashokkumar Kantilal Patel.
- His date of birth was [REDACTED] 1974.
- He was seeking employment-based adjustment of status.
- He was not in a lawful Non-immigrant status.

16. Concurrently with his I-485 and I-485A, Patel filed a Form G-325A, Biographic Information. On the G-325A, which he signed on June 29, 2004, under severe penalties for knowingly and willfully falsifying or concealing a material fact, he represented that:

- His name was Ashokkumar Kantilal Patel.
- His date of birth was [REDACTED] 1974.
- He was born in India.
- He had not used any other names.

17. Patel also submitted a Certificate of Birth from the Public Health Department, Government of Gujarat certifying that "Ashokkumar Patel" was born on [REDACTED] 1974 in Saij.

18. Additionally, he submitted an Indian passport which stated that his name was "Ashokkumar Kantilal Patel" and his date of birth was [REDACTED] 1974.
19. On September 21, 2005, Patel attended his interview at the USCIS office in Chicago to determine his eligibility for adjustment of status. During the interview, he corrected his written response in Part 3 regarding his place of last entry into the U.S. His original response was "via Canada." He clarified that he last entered the U.S. at Buffalo, NY. At the end of the interview, he again signed the Form I-485.
20. On January 3, 2007, USCIS approved his Form I-485 [REDACTED] and he adjusted status to that of lawful permanent resident under the classification E36, skilled worker.
21. On December 23, 2011, Patel filed Form N-400, Application for Naturalization [REDACTED]. On the N-400, which he signed under penalty of perjury on December 12, 2011, he represented that:
- His name was Ashokkumar K. Patel.
 - His date of birth was [REDACTED] 1974 and he was born in India.
 - He left blank the question asking him to list other names that he had used.
 - He had never been arrested, cited, or detained by any law enforcement officer (including USCIS or former INS and military officers) for any reason.
 - He had never been charged with committing any crime or offense.
 - 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 ordered to be removed, excluded, or deported from the United States.
22. On March 16, 2012, Patel appeared for his naturalization interview at the USCIS Philadelphia Field Office to determine his eligibility for naturalization. At that interview, Patel appeared before Immigration Services Officer A. Davis McKenzie (Officer McKenzie). Patel failed the U.S. History and Civics portion of his naturalization exams and his case was continued.

23. On May 23, 2012, Patel appeared at the USCIS Philadelphia Field Office for a further interview and a re-examination of the U.S. History and Civics tests. At the start of the interview, Immigration Services Officer Alice Siplin (Officer Siplin) placed Patel under oath and asked him the follow questions:

- Your current legal name?
- Your date 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?

24. In response, Patel testified that his name was "Ashokkumar Kantilal Patel", his date of birth was [REDACTED] 1974, and he orally answered "no" to the remaining questions. At the conclusion of the interview, he swore and certified that the contents of his application for naturalization were true and correct.

25. On May 23, 2012, following the interview and after passing the U.S. History and Civics exams, USCIS approved Patel's N-400 ([REDACTED]).

26. On June 1, 2012, Patel took the Oath of Allegiance and was admitted as a citizen of the United States. USCIS issued to him Certificate of Naturalization number [REDACTED].

ILLEGAL PROCUREMENT OF NATURALIZATION

Illegal Procurement of Naturalization Not Lawfully Admitted for Permanent Residence Final Order of Deportation Outstanding at Adjustment

27. 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.

28. Under the law in effect at the time of Patel'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, including applicants with a final order of deportation or removal. 8 C.F.R. §§ 245.2(a)(1), 1245.2(a)(1).

29. Patel was subject to an order of deportation under the name of Ashok Kantilal Patel as of December 20, 1995, and filed his application for adjustment of status on July 9, 2004. Because Patel misrepresented certain facts in connection with his application, USCIS was not aware of the deportation proceedings and the outstanding order of deportation, and approved his application for adjustment of status on January 3, 2007.
30. Because the immigration court had exclusive jurisdiction over Patel's application for adjustment of status at the time it was approved by USCIS, he was not lawfully admitted for permanent residence; accordingly, he illegally procured his naturalization.

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

31. 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.
32. Among the INA provisions applicable at the time of Patel's adjustment of status to permanent resident was the requirement that he be admissible to the United States. INA § 245(a) and (i), 8 U.S.C. § 1255(a) and (i).
33. 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).
34. Based on the information contained above, Patel willfully misrepresented material facts, specifically, his identity and immigration history.
35. Because Patel 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
Lack of Good Moral Character
False Testimony**

36. As an applicant for naturalization under section 316(a) of the INA, Patel 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."
37. Patel filed his application for naturalization on December 23, 2011; accordingly, he was required to establish that he was a person of good moral character from December 23, 2006, until the time of his admission to citizenship on June 1, 2012.
38. 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); 8 C.F.R. § 316.10(b)(2)(vi).
39. Based on the facts contained above, Patel provided false testimony while under oath during his naturalization interview. Specifically, Patel provided false testimony regarding:
- his use of other names;
 - whether he had given false or misleading information to any U.S. government official while applying for an immigration benefit or to prevent deportation; and
 - whether he had lied to gain entry or admission to the United States; whether he had been in removal, exclusion, or deportation proceedings.
40. Because Patel provided false testimony to obtain an immigration benefit during the statutory period, he was not eligible for naturalization; accordingly, he illegally procured his naturalization.

**Illegal Procurement of Naturalization
Lack of Good Moral Character
Unlawful Acts**

41. As an applicant for naturalization under section 316(a) of the INA, 8 U.S.C. § 1427, Patel 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."

42. Patel filed his application for naturalization on December 23, 2011; accordingly, he was required to establish that he was a person of good moral character from December 23, 2006, until the time of his admission to citizenship on June 1, 2012.
43. 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).
44. Based on the facts contained above, during the statutory period Patel committed unlawful acts that adversely reflected on his moral character. Specifically, Patel provided false information regarding his identity, immigration history and whether he ever provided false or misleading information, or lied, to a U.S. Government official while applying for an immigration benefit or to prevent deportation. Patel could not establish extenuating circumstances; accordingly, he was not eligible for naturalization and illegally procured his naturalization.

**PROCUREMENT OF NATURALIZATION BY WILLFUL MISREPRESENTATION
OR CONCEALMENT OF MATERIAL FACTS**

45. A naturalized citizen is subject to revocation of naturalization if he procured naturalization by willfully misrepresenting or concealing material facts.
46. Based on the facts contained above, Patel willfully misrepresented his identity and immigration history throughout the naturalization process.
47. The misrepresentations made by Patel 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, Patel 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.
48. Patel 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 August 20, 2026, at Seattle, Washington.

**MATTHEW P
FRAPPIER**

Digitally signed by MATTHEW P
FRAPPIER
Date: 2026.08.20 08:01:45 -07'00'

Matthew Frappier
Senior Immigration Services Officer
United States Citizenship and Immigration Services
Department of Homeland Security