

1 CRAIG H. MISSAKIAN (CABN 125202)

United States Attorney

2 PAMELA T. JOHANN (CABN 145558)

Chief, Civil Division

3 JOHN J. KUCERA (CABN 274184)

4 First Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055

San Francisco, California 94102-3495

6 Telephone: (415) 436-7324

7 FAX: (415) 436-7234

Email: john.kucera@usdoj.gov

8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,) Civil Action No.

13 Plaintiff,)

14 v.)

15) **COMPLAINT TO REVOKE**

16 GUI LIN CHEN, (AXXX-XXX-228),¹ a/k/a) **NATURALIZATION**

17 CUI LIN CHEN PAU, (AXXX-XXX-516),)

18 a/k/a MANUEL PEREZ WONG,)

19 Defendant.)

20 **I. PRELIMINARY STATEMENT OF THE CASE**

21 1. The United States of America ("plaintiff"), pursuant to Title 8 U.S.C. § 1451(a), brings this civil
22 action against defendant Gui Lin Chen, a.k.a Cui Lin Chan Pau, a.k.a Manuel Perez Wong ("defendant")
23

24
25 ¹ Pursuant to the Privacy Act, 5 U.S.C. § 552a(b), plaintiff will redact information throughout
26 this document and its exhibits that includes social security numbers, dates of birth, places of birth, alien
27 numbers, passport numbers, phone numbers, and tax information, which are precluded from disclosure.
28 *See, Yith v. Nielsen*, No. 14-CV-01875, 2019 WL 2567290, at *5 (E.D. Cal. June 21, 2019); *Rouse v.*
U.S. Dep't of State, 567 F.3d 408, 413 (9th Cir. 2009) ("The Privacy Act was designed to 'protect the
privacy of individuals' through regulation of the 'collection, maintenance, use, and dissemination of
information' by federal agencies.") (citing 5 U.S.C. § 552a).

1 to revoke his naturalized U.S. citizenship. Plaintiff alleges that defendant procured his naturalization
2 unlawfully and that he willfully misrepresented and concealed material facts in applying to naturalize.

3 2. Prior to using the name and identity "Gui Lin Chen" to obtain naturalization as a U.S. citizen in
4 2009, defendant already had been ordered excluded and deported from the United States under the name
5 and identity "Cui Lin Chan Pau," a.k.a "Manuel Perez Wong." On or about April 15, 1991, officers with
6 the former Immigration and Naturalization Service ("INS") encountered and detained defendant when
7 he arrived at the Los Angeles International Airport, in Los Angeles, California ("LAX"). At that time,
8 defendant identified himself as "Manuel Perez Wong" and carried a Panamanian passport bearing the
9 same name. However, during secondary inspection, defendant stated his name was "Cui Lin Chan Pau."
10 Thereafter, INS personally served and charged defendant as excludable under sections 212(a)(14),
11 212(a)(19), and 212(a)(20) of the Immigration and Nationality Act ("INA") as an alien who was seeking
12 to work in the United States without a visa, an alien who through fraud or misrepresentation sought to
13 obtain a visa, and an immigrant not in possession of a valid visa. On September 19, 1991, while still in
14 the United States, defendant filed a "Request for Protection in the United States" with the immigration
15 court (the "1991 Application"). On his 1991 Application, defendant represented that his name was "Cui
16 Lin Chan," that he had not used any other names, and that he was born in China on  On
17 May 6, 1992, an immigration judge denied defendant's 1991 Application and ordered that he be
18 excluded and deported from the United States. Thereafter, defendant never surrendered for deportation
19 as ordered.

20 3. Nearly two years later and while still in the United States, on April 7, 1994, using the name and
21 identity "Gui Lin Chen," defendant filed a second Request for Protection in the United States with the
22 INS (the "1994 Application"). In his 1994 Application, defendant changed, *inter alia*, his name, date of
23 birth, and date of entry into the United States. On August 21, 2000, an immigration judge granted the
24 1994 Application. On August 28, 2001, using the name and identity "Gui Lin Chen," defendant
25 submitted to INS a Form I-485, Application to Register Permanent Residence or Adjust Status. On
26 January 11, 2006, INS granted defendant's application and he received law permanent residency in the
27 United States. On August 7, 2008, using the name "Gui Lin Chen," defendant filed an application for
28 naturalization, which INS approved. Ultimately, on January 21, 2009, defendant was sworn in as a

1 naturalized United States citizen under the identity “Gui Lin Chen.” Defendant did not disclose his prior
2 immigration history under his previous “Cui Lin Chan Pau” or “Manuel Perez Wong” identities in any
3 of his immigration applications or proceedings under his “Gui Lin Chen” identity.

4 4. Defendant’s actions and conduct statutorily barred him from becoming a U.S. citizen and render
5 his naturalization unlawfully procured. Accordingly, plaintiff brings this civil action to revoke and set
6 aside the order admitting defendant to citizenship and to cancel his certificate of naturalization.

7 **II. JURISDICTION AND VENUE**

8 5. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting defendant
9 to U.S. citizenship and to cancel Certificate of Naturalization No. 32058303, issued January 1, 2009.

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

12 7. Venue is proper in this district pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391, because
13 defendant resides in San Francisco, California, within the jurisdiction and venue of this Court.

14 **III. PARTIES**

15 8. Plaintiff is the United States of America.

16 9. Defendant obtained status as a naturalized U.S. citizen and purports to be a native of China. “Gui
17 Lin Chen,” “Cui Lin Chan Pau,” and “Manuel Perez Wong” are, in truth and fact, one and the same
18 person.

19 **IV. FACTUAL ALLEGATIONS**

20 **A. Defendant’s Immigration Proceedings Under the Identity “Cui Lin Chan Pau/Manuel** 21 **Perez Wong.”**

22 10. On or about April 15, 1991, INS officers encountered defendant when he arrived at LAX. There,
23 using a Panamanian passport bearing the name “Manuel Perez Wong,” defendant presented himself for
24 inspection. During secondary inspection, defendant stated his name was “Cui Lin Chan Pau” and that his
25 birth date was . Defendant was assigned A-Number AXXX-XXX-516.

26 11. INS personally served defendant with a Form I-122, Notice to Applicant for Admission Detained
27 for Hearing Before Immigration Judge, to place him in exclusion proceedings under INA section
28 212(a)(14), in that he was an alien seeking to work in the United States without a visa, INA section

1 212(a)(19), in that he was an alien who through fraud or misrepresentation sought to obtain a visa, and
2 INA section 212(a)(20), in that he was an immigrant not in possession of a valid visa.

3 12. On September 19, 1991, defendant filed an Immigration Form, Request for Protection in the
4 United States, with the immigration court (the "1991 Application"). On the 1991 Application, defendant
5 stated, *inter alia*, the following:

- 6 a. his true and correct name was "Cui Lin Chan";
7 b. he had never used or been known by any other name; and
8 c. he was born on [REDACTED] in Fat Yuzn, Canton, China.

9 13. On May 6, 1992, the immigration judge denied the 1991 Application and ordered that defendant
10 be excluded and deported from the United States.

11 14. On October 24, 2001, INS mailed to defendant (at his then-most-current address on file) a notice
12 for defendant to surrender for deportation to Panama. Defendant failed to surrender for deportation as
13 directed, and the government has no record that defendant ever departed from the United States.

14 **B. Defendant's Immigration Proceedings Under the Identity "Gui Lin Chen."**

15 15. On April 7, 1994, using the new identity of "Gui Lin Chen," defendant filed a second Request
16 for Protection in the United States form with the INS (the "1994 Application").

17 16. Along with the 1994 Application, defendant filed Form G-325A, Biographic Information. In the
18 1994 Application and Form G-325-A, defendant represented, *inter alia*, the following:

- 19 a. his name was "Gui Lin Chen";
20 b. he previously had not used any other names;
21 c. he did not have an Alien Number ("A-number");
22 d. he was born on [REDACTED]
23 e. he was a national of China;
24 f. he arrived in the United States in April 1991; and
25 g. his last address outside the United States was [REDACTED] Guangdong,
26 China.

27 17. INS assigned defendant AXXX-XXX-228.

28 18. On or about September 22, 1998, an immigration officer from the San Francisco Immigration

Office interviewed defendant.

19. On or about August 21, 2000, the immigration judge granted the 1994 Application.

C. Defendant's Adjustment Application Under the Identity Gui Lin Chen.

20. On or about August 28, 2001, defendant filed with INS an "Application to Register Permanent Residence or Adjust Status" (Form I-485).

21. In the adjustment application, defendant represented that:

- a. his true and correct name was "Gui Lin G Chen";
- b. he was born in China on [REDACTED];
- c. he last entered the United States without inspection on April 17, 1991; and
- d. he had never 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. With Form I-485, defendant filed a Form G-325A, where defendant represented the following:

- a. his name was "Gui Lin Chen";
- b. he had not used any other names; and
- c. he resided outside of the United States at [REDACTED] Panama from August 1989 until March 1991.

23. On or about January 11, 2006, USCIS approved defendant's Form I-485 and defendant was accorded lawful permanent resident status as of January 11, 2005.

D. Defendant's Naturalization Application Under the Identity Gui Lin Chen.

24. On or about August 7, 2008, defendant filed an Application for Naturalization. In that Application, defendant made the following representations:

- a. his name was "Gui Lin Chen";
- b. he did not use any other names;
- c. he was born on [REDACTED];
- d. 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;
- e. he had never lied to any U.S. government official to gain entry or admission into the

1 United States;

2 f. he had never been ordered removed, excluded, or deported from the United States; and

3 g. he had never applied for any kind of relief from removal, exclusion, or deportation.

4 25. On or about November 21, 2008, immigration officers at the USCIS San Francisco Field Office
5 interviewed defendant to determine his eligibility for naturalization.

6 26. Based upon the information defendant supplied in his naturalization application and on the sworn
7 testimony he gave during his naturalization interview, U.S. Citizenship and Immigration Services
8 (“USCIS”), a successor agency to the INS, approved defendant’s naturalization application.

9 27. On or about January 21, 2009, defendant took the Oath of Allegiance and obtained status as a
10 naturalized U.S. citizen.

11 **E. Fingerprint Analysis Confirms Manuel Perez Wong, Cui Lin Chan Pau, and Gui Lin Chen**
12 **are the Same Individual.**

13 28. On or about April 15, 1991, when he initially entered the United States using the name “Manuel
14 Perez Wong,” defendant provided fingerprints.

15 29. On or about August 19, 1991, when he initially applied for an Order of Protection in the United
16 States using the name “Cui Lin Chan Pau,” defendant provided fingerprints as part of his protection
17 application.

18 30. As part of the naturalization documentation process, defendant, using the name “Gui Lin Chen,”
19 provided fingerprints in connection with his submission of his Application for Naturalization.

20 31. Analysis and comparison of the fingerprint submissions defendant provided as part of
21 defendant’s initial arrival in the United States (using the identity “Manuel Perez Wong”), his initial
22 protection order application (using the identity “Cui Lin Chan Pau”), and then later as part of
23 defendant’s Application for Naturalization (using the later identity of “Gui Lin Chen”) confirm that all
24 such fingerprint impressions belong to the same individual.

25 ///

26 ///

27 ///

28 ///

VI. CAUSES OF ACTION

COUNT ONE

**ILLEGAL PROCUREMENT OF NATURALIZATION
NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE
(Adjustment Procured by Fraud or Willful Misrepresentation)**

32. The United States realleges and incorporates by reference the allegations set forth in this complaint.

33. To qualify for naturalization, an applicant must have been “lawfully admitted” to the United States for permanent residence. INA § 318, 8 U.S.C. § 1429.

34. Among the applicable provisions in the INA at the time of defendant’s adjustment of status to permanent resident was the requirement that the applicant be admissible to the United States. INA § 209(b)(5), 8 U.S.C. § 1159(b)(5).

35. Under the law in effect at the time defendant adjusted his status (pursuant to defendant’s Application to Register Permanent Residence or Adjust Status, filed on August 28, 2001), an individual who by fraud or by willfully misrepresenting a material fact seeks 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).

36. Defendant sought to procure admission into the United States by fraud or willfully misrepresenting a material fact.

37. Defendant made inconsistent, contradictory, and false sworn statements in his applications for asylum, legal permanent resident, and naturalization, and, therefore, defendant was inadmissible.

38. Defendant’s false statements regarding his name, alien number, date of birth, date of entry into the United States, and his immigration history were material to determining his eligibility for the immigration benefits for which he applied. Defendant’s false statements had the natural tendency to influence a decision by the immigration officer(s) to approve his application(s). Thus, defendant sought to procure an immigration benefit by fraud or willfully misrepresenting a material fact.

39. Because defendant was never lawfully admitted to the United States, defendant did not meet the requirement that he be admissible at the time of his adjustment to permanent resident status and

1 therefore defendant did not satisfy the requirements of 8 U.S.C. § § 1427(a)(1) and 1429.

2 40. Accordingly, defendant was inadmissible at the time he adjusted to permanent resident status
3 and, therefore, was never lawfully admitted for permanent residence in accordance with the substantive
4 legal requirements to obtain status.

5 41. Because defendant was never lawfully admitted for permanent residence, defendant was and
6 remains ineligible for naturalization under 8 U.S.C. § § 1427(a)(1) and 1429.

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

9 **COUNT TWO**

10 **PROCUREMENT OF NATURALIZATION BY CONCEALMENT OF A**
11 **MATERIAL FACT OR WILFFUL MISREPRESENTATION**

12 43. The United States realleges and incorporates by reference the allegations set forth in this
13 Complaint.

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

17 45. As set forth herein, throughout the naturalization process, defendant willfully misrepresented and
18 concealed, among other things: (i) his use of another identity, including a different date of birth; (ii) his
19 prior order of exclusion and deportation; (iii) that removal, exclusion, or deportation proceedings were
20 pending against him; (iv) that he lied to a U.S. Government official to gain entry or admission into the
21 United States; (v) that he had been ordered to be removed, excluded or deported from the United States;
22 and (vi) that he had previously applied for relief from removal, exclusion, or deportation. Defendant
23 knew each of these statements to be false.

24 46. Defendant made such misrepresentations voluntarily and deliberately, despite knowing that such
25 representations were false and misleading. Accordingly, defendant made these misrepresentations
26 willfully.

27 47. Defendant's misrepresentations were material to his naturalization because the disclosure of his
28 multiple identities, multiple claimed dates of birth, prior application for an immigration benefit, prior

1 order of exclusion and deportation, and prior representations to U.S. Government officials while
2 applying for an immigration benefit would have had a natural tendency to influence USCIS' decision
3 whether to approve defendant's application for naturalization. Indeed, had USCIS been aware of this
4 information, it would have denied his naturalization application.

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

7 PRAYER FOR RELIEF

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

9 (1) A declaration that defendant illegally procured his citizenship;

10 (2) A declaration that defendant procured his citizenship by concealment of material facts
11 and by willful misrepresentation;

12 (3) Judgment revoking and setting aside the order admitting defendant to citizenship and
13 canceling Certificate of Naturalization No. [REDACTED], effective as of the original date of the
14 certificate, January 21, 2009;

15 (4) Judgment forever restraining and enjoining defendant from claiming any rights,
16 privileges, benefits, or advantages under any document which evidences United States
17 citizenship as a result of his obtaining naturalization on July 16, 2009;

18 (5) Judgment requiring defendant, within ten (10) days of the entry of judgment against him,
19 to surrender and deliver his Certificate of Naturalization No. [REDACTED] and any copies thereof in
20 his possession or control (and to make good faith efforts to recover and then surrender any copies
21 thereof that he knows are in the possession or control of others), to the Attorney General of the
22 United States, or a designated representative, including undersigned counsel;

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

undersigned counsel; and

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

DATED: August 25, 2026

Respectfully submitted

CRAIG H. MISSAKIAN
United States Attorney

/s/
JOHN J. KUCERA
First Assistant United States Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA