

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,	)	C.A. No. _____
	)	
Plaintiff,	)	
	)	
v.	)	COMPLAINT TO REVOKE
	)	NATURALIZATION
BALWINDER SINGH (Axxx-xxx-657)	)	
a/k/a/ BALJINDER SINGH (Axxx-xxx-	)	
962),	)	
	)	
Defendant.	)	
_____	)	

The United States of America, by and through the United States Attorney, files this Complaint against Defendant Balwinder Singh (also known as Baljinder Singh) (collectively, “Defendant”), to revoke Defendant’s United States citizenship and to cancel Defendant’s Certificate of Naturalization. Pursuant to 8 U.S.C. § 1451(a).

1. Naturalized citizens can have their naturalization status revoked if a court determines the certificate of naturalization and citizenship order were either “illegally procured or were procured by concealment of a material fact or by willful misrepresentation.” *Id.*

2. The United States alleges that Defendant procured his naturalization unlawfully and he willfully misrepresented and concealed material facts in applying to naturalize. Department of Homeland Security (“DHS”) records, including fingerprint comparison, establish that the person who naturalized as “Balwinder Singh” is the same person who was previously ordered deported under the name “Baljinder Singh.” However, Defendant willfully misrepresented and concealed such

facts related to his use of alternate identities and his prior deportation for the purpose of obtaining an immigration benefit, in violation of 8 U.S.C. § 1451(a).

JURISDICTION AND VENUE

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

4. Venue is proper in this federal judicial district under 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391(b)(1) because Defendant resides in this district.

PARTIES

5. Plaintiff is the United States of America.

6. Defendant Balwinder Singh, also known as Baljinder Singh, was born in India and is a naturalized U.S. citizen whose last known address is in Atlantic City, NJ. Balwinder Singh and Baljinder Singh are one and the same person.

FACTUAL ALLEGATIONS

7. The allegations in this Complaint are supported by the affidavit of Jennifer A. Rios, Immigration Services Officer, United States Citizenship and Immigration Services (“USCIS”), an agency within DHS, which shows good cause for this action as required by 8 U.S.C. § 1451(a). The affidavit is attached as Exhibit A and is cited throughout the Complaint as the “Rios Affd.”

Defendant, using the Baljinder Singh identity, entered the United States and was ordered to be deported

8. On or about January 8, 1996, Defendant, using the name Baljinder Singh, filed an application for an immigration benefit with Immigration and

Naturalization Service (INS). INS assigned Defendant alien registration number Axxx-xxx-962. Rios Affd., ¶ 1.

9. Along with the application, Defendant submitted a fingerprint card with his fingerprints dated December 23, 1995. Rios Affd., ¶ 1.

10. In his application, Defendant stated under penalty of perjury, that: (a) his name was Baljinder Singh; (b) he was born  in India; and (c) he last entered the United States on September 17, 1995. Rios Affd., ¶ 2.

11. Defendant also submitted an identity document purporting to be his Indian driver's license, which represented that his name was Baljinder Singh. Rios Affd., ¶ 3.

12. Defendant provided a statement attached to this application for an immigration benefit, in which he declared he had been arrested twice in India: June 05, 1993, and August 15, 1994. Rios Affd., ¶ 4.

13. On February 13, 1996, Defendant was interviewed by an INS officer in connection with his application. The interview was interpreted using a Punjabi interpreter at the INS Office in San Francisco, California. The INS officer found Defendant's testimony not credible and referred the case to an immigration judge. Rios Affd., ¶ 5.

14. On February 27, 1996, INS served Defendant with a Form I-221, Order to Show Cause and Notice of Hearing, thereby placing him in Deportation Proceedings. Defendant was ordered to appear for a hearing before an Immigration Judge on March 14, 1996, at the San Francisco Immigration Court. In the notice of

hearing, Defendant was instructed that failure to appear could result in the hearing being held in his absence and the entry of an Order of Deportation. Rios Affd., ¶ 6.

15. On March 14, 1996, Defendant failed to appear for his scheduled hearing. The immigration judge denied Defendant's application for an immigration benefit and ordered that Defendant be deported to India. Rios Affd., ¶ 7.

16. On May 8, 1996, INS issued Defendant a Form I-166, ordering him to report to the United States Immigration Office at 630 Sansome Street, San Francisco, CA 94111 on June 11, 1996, for deportation to India. Rios Affd., ¶ 8.

17. On June 11, 1996, Defendant failed to appear for deportation. Rios Affd., ¶ 9.

18. There is no record that Defendant departed the United States pursuant to the deportation order entered on March 14, 1996. Rios Affd., ¶ 10.

Defendant re-applies for an immigration benefit using an alternate identity — Balwinder Singh

19. On March 29, 1996, Defendant, using the alternate identity of Balwinder Singh, filed with INS another application for an immigration benefit. Under this identity, INS assigned Defendant alien registration number Axxx-xxx-657. Rios Affd., ¶ 11.

20. In this application, Defendant stated under penalty of perjury, that: (a) his name was Balwinder Singh; (b) he was born  (c) he last entered the United States on December 27, 1995; (d) he had never filed for an Immigration benefit or withholding of deportation in the United States; and (e) he had never used any other names. Rios Affd., ¶ 12.

21. In support of this application, Defendant attached a statement in which he declared he had been arrested four times in India: February 2, 1992, October 13, 1993, June 3, 1994, and September 5, 1995. Rios Affd., ¶ 13.

22. On June 12, 1996, Defendant appeared for his scheduled interview with a Punjabi interpreter at the INS Office in San Francisco, California. The interviewing officer found Defendant's testimony was not credible and referred Defendant to an immigration judge. Rios Affd., ¶ 14.

23. On June 26, 1996, INS served Defendant a Form I-221, Order to Show Cause and Notice of Hearing, thereby placing him in deportation proceedings. Defendant was ordered to appear for a hearing before an immigration judge on November 5, 1996, at the San Francisco Immigration Court. In the notice of hearing, Defendant was instructed that failure to appear could result in the hearing being held in his absence and the entry of an order of deportation. Rios Affd., ¶ 15.

24. Defendant appeared with counsel at his Immigration Hearings, and on September 30, 1997, based on Defendant's testimony and the representations Defendant made in this application, the immigration judge granted his application for an immigration benefit. Rios Affd., ¶ 16.

25. On or about May 28, 1999, Defendant filed Form I-485, Application to Register Permanent Residence or Adjust Status, with INS. On his Form I-485, signed under penalty of perjury, Defendant represented that: (a) his name was Balwinder Singh; (b) his date of birth was  (c) his alien registration number was xxx-xxx-657; (d) he last entered the United States on December 27,

1995; (e) he had never been arrested or imprisoned inside or outside the United States for breaking or violating any law or ordinance; and (f) 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 other immigration benefit. Rios Affd., ¶ 17.

26. Along with his I-485 application, Defendant filed Form G-325A, Biographic Information, which he signed on April 28, 2005. On the Form G-325A, signed under penalty by law for knowingly and willfully falsifying or concealing a material fact, he represented that: (a) his name was Balwinder Singh; (b) his date of birth was  (c) his alien registration number was xxx-xxx-657; and (d) he had never used other names. Rios Affd., ¶ 18.

27. On December 29, 2005, Defendant was fingerprinted at the Application Support Center in Philadelphia, Pennsylvania, in relation to his I-485 application. Rios Affd., ¶ 19.

28. On May 17, 2005, based on the representations Defendant made in his application, INS approved his Form I-485 and Defendant was accorded Lawful Permanent Resident status, effective May 17, 2004. Rios Affd., ¶ 20.

29. On July 31, 2008, Defendant was fingerprinted at the Application Support Center in Charleston, South Carolina, in relation to an Application for Travel Documents, Parole Documents, and Arrival/Departure Records (Form I-131) that he filed on June 26, 2008. Rios Affd., ¶ 21.

30. On March 16, 2009, Defendant was fingerprinted at John F. Kennedy Airport at Primary Inspection after returning from a trip abroad. Rios Affd., ¶ 22.

31. On or about April 15, 2009, Defendant filed Form N-400, Application for Naturalization with INS. On his Form N-400, signed under penalty of perjury, he represented that:

- His current legal name was Balwinder Singh;
- he had never used other names;
- his alien registration number was xxx-xxx-657;
- his date of birth was ;
- he had never committed a crime or offense for which he had not been arrested;
- 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 to the United States;
- removal, exclusion, deportation proceedings were not pending against him;
- he had never been ordered to be removed, excluded, or deported from the United States; and
- He had never applied for any kind of relief from removal, exclusion, or deportation. Rios Affd., ¶ 23.

32. On May 11, 2009, Defendant was fingerprinted at the Application Support Center in Charleston, South Carolina, in relation to his N-400 application. Rios Affd., ¶ 24.

33. On June 29, 2009, Defendant was interviewed at the USCIS Charleston Field Office in South Carolina to determine his eligibility for naturalization. Rios Affd., ¶ 25.

34. USCIS approved Defendant's Form N-400 on June 29, 2009. Rios Affd., ¶ 26.

35. On June 29, 2009, Defendant took the Oath of Allegiance and was admitted as a citizen of the United States; he was issued Certificate of Naturalization No. xxxxx714 on the same day. Rios Affd., ¶ 27.

Fingerprint analysis shows Balwinder and Baljinder Singh are the same person

36. A fingerprint specialist in the Forensic Laboratory of Homeland Security Investigations analyzed fingerprint impressions provided under the names Balwinder Singh and Baljinder Singh and concluded that each of the fingerprints were made by the same individual. *See* Rios Affd, App. 1; HSI-FL# [REDACTED] prepared by Senior Fingerprint Specialist Thomas L. Liszkiewicz, Nov. 13, 2018, attached as Exhibit B.

37. This fingerprint evidence demonstrates by clear, convincing, and unequivocal evidence that the same individual submitted fingerprints under each of Defendant's identities. *Id.*

GOVERNING LAW

**Statutory Prerequisites to the Acquisition of Citizenship through
Naturalization**

38. 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).

39. 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) (“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).

40. Section 317(a) of the Immigration and Nationality Act describes three requirements for naturalization: (1) the applicant must have been “lawfully admitted for permanent residence” for at least five years and satisfy certain residency requirements during that five-year period; (2) the applicant must have resided continuously within the United States from the date of the application up to the time of admission to citizenship; and (3) the applicant has been during the relevant time periods “and still is a person of good moral character.” 8 U.S.C. §§ 1427(a), 1429; Section 318 of the Act also bars naturalization if the applicant is subject to a final finding of deportability or a final order of removal. 8 U.S.C. § 1429.

41. 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.*

42. 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).

43. The term “lawfully admitted” 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)).

44. 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).

Lawful Permanent Residency

45. Addressing the first requirement whether the Defendant was lawfully admitted for permanent residence, The Third Circuit has held that, “. . . a grant of permanent resident status does not meet the standard of “lawful admission” if the

applicant was not legally entitled to it for any reason.” *Savane v. Sec. of Homeland Security*, et al., 164 F.4th 93, 98 (3rd Cir. 2026).

46. An alien is inadmissible if he sought to procure or procured admission into the United States or other immigration benefits by fraud or willfully misrepresenting material facts. 8 U.S.C. § 1182(a)(6)(C)(i).

47. “A statement (or omission) is material on an immigration form ‘if either (1) the alien is excludable on the true facts, or (2) the misrepresentation tends to shut off a line of inquiry which is relevant to the alien’s eligibility and which might well have resulted in a proper determination that he be excluded.” 164 F.4th at 99-100.

48. Defendant willfully misrepresented facts that were material to his adjustment of status, specifically, his identity and immigration history.

Good Moral Character

49. Congress mandated in § 1427(a)(3) of the Immigration and Nationality Act that an N-400 applicant must demonstrate they have been a person of good moral character during the statutory period and are a person of good moral character at the time of administering the oath of allegiance.

50. The Immigration and Nationality Act identifies, “. . . a number of circumstances that indicate an applicant's lack of moral character, including giving false testimony for the purpose of obtaining an immigration benefit. *Leiva v. Secretary of Department of Homeland Security*, 230 F. Supp. 3d 406 (D.N.J. 2017) (citing 8 U.S.C. 1101(f)(6)).

51. The required “statutory period” for good moral character begins five years before the date an applicant files his 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).

52. Congress has created a “catch-all” provision precluding individuals from establishing the requisite good moral character to naturalize, which states, “[t]he fact that any person is not within any of the foregoing [specified] classes shall not preclude a finding that for other reasons such person is or was not of good moral character.” See 8 U.S.C. § 1101(f).

The Denaturalization Statute

53. Recognizing that there are situations where an individual has naturalized despite failing to comply with all congressionally imposed prerequisites or by concealing or misrepresenting facts that are material to the decision on whether to grant a naturalization application, Congress enacted § 340 of the Immigration and Nationality Act, 8 U.S.C. § 1451. That section requires a court to order denaturalization and cancel an individual’s Certificate of Naturalization if his naturalization was either: (1) illegally procured, or (2) procured by concealment of a material fact or by willful misrepresentation. 8 U.S.C. § 1451(a).

54. A naturalized citizen has “illegally procured” his citizenship if he failed to comply with any of the congressionally imposed prerequisites to the acquisition of citizenship. *Fedorenko*, 449 U.S. at 506 (quoting 8 U.S.C. § 1451(a)). Any failure to comply with those prerequisites requires denaturalization.

55. Section 340(a) of the INA also requires denaturalization where the naturalized citizen obtained citizenship by concealing a material fact or through willful misrepresentation. 8 U.S.C. § 1451(a). The Supreme Court has described four elements of a denaturalization claim premised on concealment or misrepresentation: (1) the naturalized citizen misrepresented or concealed some fact during the naturalization process; (2) the misrepresentation or concealment was willful; (3) the fact concealed or misrepresented 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).

CAUSES OF ACTION

COUNT ONE

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

56. The United States repeats and realleges by reference the foregoing paragraphs 1-53 of this Complaint.

57. 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.

58. 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 unexecuted order of deportation or removal. 8 C.F.R. § 1245.2(a)(1).

59. Defendant was subject to an order of deportation under the name of “Baljinder Singh” as of March 14, 1996, and filed his application for adjustment of status on or about May 28, 1999. Because Defendant misrepresented certain facts regarding his prior identity and immigration history in connection with his application, USCIS was not aware of the deportation proceedings and the outstanding order of deportation and approved in error his application for adjustment of status on May 17, 2005.

60. 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.

61. Because Defendant illegally procured his naturalization, the Court must revoke his citizenship under 8 U.S.C. § 1451(a).

COUNT TWO

ILLEGAL PROCUREMENT OF NATURALIZATION

Lack of Good Moral Character (Unlawful Acts)

62. The United States repeats and realleges by reference the foregoing paragraphs 1-53 of this Complaint.

63. As an applicant for naturalization under section 316(a) of the INA, 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. 8 U.S.C. §§ 1427(a)(3), 1427(c); 8 C.F.R. § 316.10(a)(1).

64. Defendant filed his application for naturalization on April 15, 2009; accordingly, he was required to establish that he was a person of good moral character from April 15, 2004, until the time of his admission to citizenship on June 29, 2009. INA § 316(a); 8 U.S.C. § 1427(a).

65. Under the law then in effect as it is today, 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).

66. 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 to a U.S. Government official, while applying for an immigration benefit or to prevent deportation, in violation of 18 U.S.C. § 1001(a)(1)-(3). Defendant cannot establish extenuating circumstances; accordingly, he was not eligible for naturalization and illegally procured his naturalization.

67. Because Defendant illegally procured his naturalization, the Court must revoke his citizenship under 8 U.S.C. § 1451(a).

COUNT THREE

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

68. The United States repeats and realleges by reference the foregoing paragraphs 1-53 of this Complaint.

69. A naturalized citizen is subject to revocation of naturalization if he procured naturalization by willfully misrepresenting or concealing material facts. 8 U.S.C. § 1451(a).

70. Based on the facts contained above, Defendant willfully misrepresented his identity and immigration history throughout the naturalization process.

71. Specifically, Defendant misrepresented that he had never used any other names, that he had never given false testimony for the purpose of obtaining any immigration benefit or to prevent deportation; and that he had never been ordered to be deported from the United States.

72. Defendant made the misrepresentations and concealments identified in the foregoing paragraphs voluntarily, despite knowing that such representations were false and misleading. Accordingly, Defendant made these representations willfully.

73. 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. Defendant misrepresented and concealed facts that

would have shown 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.

74. Defendant was able to procure his naturalization because he concealed or misrepresented material facts regarding his identity and immigration history.

75. 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

For these reasons, the United States respectfully requests:

- (1) A declaration that Defendant illegally procured his citizenship;
- (2) A declaration that Defendant procured his citizenship through his concealment of material facts and willful misrepresentation;
- (3) Judgment revoking and setting aside the order admitting Defendant to citizenship and canceling Certificate of Naturalization No. xxxxx714, effective as of the original date of the order and certificate, June 29, 2009;
- (4) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages under any document which evidences United States citizenship, obtained because of his naturalization;
- (5) Judgment requiring Defendant, within ten days of judgment, to surrender and deliver his Certificate of Naturalization, along with any copies of that certificate in his possession or control (and to make good faith efforts to recover

and then surrender any copies that he knows are in the possession or control of others), to the Attorney General or his representative, including undersigned counsel;

- (6) Judgment requiring Defendant, within ten days of judgment, to surrender and deliver any other indicia of United States citizenship, including, but not limited to, United States passports, voter-registration cards, and other voting documents, as well as any copies of such passports, voter-registration cards, and other voting documents in his possession or control (and to make good faith efforts to recover and then surrender any copies that he knows are in the possession or control of others), to the 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,

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