

concealed material facts about his criminal history. The United States hereby seeks to revoke and set aside the order admitting Defendant to citizenship and to cancel his certificate of naturalization.

II. JURISDICTION AND VENUE

1. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the decision admitting Defendant to U.S. citizenship and to cancel his Certificate of Naturalization, No. 28623048, issued in the name of “Arnoldo Antonio Vasquez.”

2. This Court has jurisdiction pursuant to 28 U.S.C. § 1345 and 8 U.S.C. § 1451(a).

3. Venue is proper in this district pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391.

4. This Court has personal jurisdiction over Defendant because he can be found in and resides in this District, pursuant to U.S. Const., art. 3, § 2, cl. 1.

5. The affidavit of Jeanna Schaare, Special Agent, United States Immigration and Customs Enforcement (“ICE”), an agency within the United States Department of Homeland Security, showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached as Exhibit A.

III. PARTIES

6. Defendant was born in El Salvador and is a naturalized U.S. citizen. His last known address is in Plano, Texas, which is within the jurisdiction and venue of this Court.

7. Plaintiff is the United States of America.

IV. FACTUAL BACKGROUND

A. Defendant’s Background and Military Career

8. Defendant was born on March 8, 1962, in San Salvador, El Salvador.

9. Defendant is also known as Arnolando Antonio Vasquez Alvarenga.

10. On or about January 7, 1983, Defendant enlisted as a cadet in the Captain General Gerardo Barrios Military School in El Salvador.

11. On or about May 31, 1986, Defendant was promoted to Second Lieutenant in the Salvadorian Armed Forces.

12. On or about August 31, 1988, Defendant was assigned to the Fifth Military Zone and Fifth Infantry Brigade as a Section Commander, effective as of September 1, 1988.

13. From at least September 20, 1988, through at least September 21, 1988, Defendant was assigned to the Second Company, Jiboa Battalion, Fifth Infantry Brigade.

14. From at least September 20, 1988, through at least September 21, 1988, Defendant was in command of the Second Section of the Second Company, Jiboa Battalion, Fifth Infantry Brigade.

B. The San Sebastian Killings

15. On or around September 20, 1988, the Second Company of the Jiboa Battalion, including Defendant, arrived in the municipality of San Sebastian, Department of San Vicente, El Salvador.

16. On or around September 20, 1988, the commander of the Second Company ordered Defendant to locate and detain an individual in the San Francisco canton of San Sebastian suspected to be involved in subversive activities.

17. Defendant complied with the order to locate and detain the suspected subversive by ordering members of the Second Section under his command to locate and detain the suspect.

18. Complying with orders issued by Defendant, members of the Second Section detained and interrogated a suspected subversive.

19. On information received from the detained suspect, Defendant ordered members of the Second Section under his command to locate and detain at least three additional suspects.

20. Complying with orders issued by Defendant, members of the Second Section recovered various explosive devices and rifles located in a location where they found one of the suspects.

21. On or about September 21, 1988, Major Mauricio de Jesus Beltran Granados (“Beltran Granados”), an intelligence officer, arrived at the San Francisco canton of San Sebastian and took command of the Second Company.

22. After taking command of the Second Company, on or about September 21, 1988, Beltran Granados ordered the detention of additional suspects in the San Francisco canton of San Sebastian.

23. After taking command of the Second Company, on or about September 21, 1988, Beltran Granados ordered the execution of the detainees.

24. After taking command of the Second Company, on or about September 21, 1988, Beltran Granados ordered that the execution of detainees be simulated to appear as though members of the Second Company were ambushed by the detainees.

25. On or about September 21, 1988, pursuant to their orders to execute the detainees and make the executions appear as though the detainees attempted to ambush the soldiers of the Second Company, various soldiers of the Second Company purposely detonated the confiscated explosive devices near the detainees, killing some of them. Also pursuant to their orders, various soldiers of the Second Company shot the detainees who were not killed by the detonated explosives.

26. As a result of the Second Company's actions on or about September 21, 1988, in San Sebastian, Department of San Vicente, El Salvador, ten civilians were killed.

27. Defendant played a significant role in the events of September 21, 1988, that resulted in the killings of ten civilians.

28. Defendant ordered soldiers of the Second Section to bring the explosive devices confiscated from the detainees to the site of the executions.

29. Defendant provided materials necessary to detonate the confiscated explosives near the detainees.

30. Defendant transmitted Beltran Granados' order to kill the detainees who had survived the explosives detonation to soldiers of the Second Section.

31. After the incident, the Salvadorian Commission for the Investigation of Criminal Acts interviewed Defendant and other soldiers of the Jiboa Battalion regarding the killings in San Sebastian.

32. Defendant's answers to the Commission for the Investigation of Criminal Acts adhered to the narrative that the detainees ambushed the soldiers and that the ten victims were killed in a clash with the soldiers.

33. Defendant's answers to the Commission for the Investigation of Criminal Acts were false. Defendant purposely misrepresented the events with the intent to cover up the execution and make it appear as though members of the Second Company were ambushed by the detainees.

34. On February 3, 1989, United States Vice President Dan Quayle called for the punishment of those responsible for the killings in San Sebastian. Vice President Quayle provided a list of responsible officers that included Defendant.

35. Days after Vice President Quayle's statement, Defendant was detained by Salvadorian authorities.

36. In or around February 1989, through in or around March 1989, the Commission for the Investigation of Criminal Acts again interviewed Defendant. Defendant abandoned the narrative that the detainees ambushed the soldiers and that the ten victims were killed in a clash with the soldiers. Defendant admitted that Beltran Granados ordered the execution of the detainees and that Beltran Granados ordered the execution of detainees be simulated to appear as though members of the Second Company were ambushed by the detainees.

37. The Commission for the Investigation of Criminal Acts concluded that Beltran Granados had ordered the execution and cover up of the killings in San Sebastian, and that Defendant, among others, carried out his orders.

38. On March 11, 1989, the Commission for the Investigation of Criminal Acts sent the results of its investigation to the Court of First Instance of San Sebastian.

39. After the Commission for the Investigation of Criminal Acts sent the results to the Court of First Instance of San Sebastian, the court ordered the judicial detention of Defendant.

40. The court commenced a criminal trial against Defendant and eleven others. Defendant was tried for the crime of first degree homicide for the murder of ten residents of San Sebastian.

41. On February 7, 1990, the Court of First Instance dismissed the charges of first degree homicide against Defendant. Also on February 7, 1990, the Court of First Instance released Defendant from custody on bail.

42. On April 25, 1990, the Court of San Vicente confirmed the Court of First Instance's dismissal of charges against Defendant and removed the bail requirement for Defendant's release.

C. Defendant's Admission into the United States

43. On December 18, 1998, Defendant filed U.S. Department of State Optional Form DS-230, Application for Immigrant Visa and Alien Registration ("Form DS-230"), at the American Embassy in San Salvador, El Salvador.

44. The Form DS-230 was printed in Spanish and English.

45. On the Form DS-230, Defendant answered "No" to Question 34 in Part II, which asked, "[h]ave you ever been arrested, convicted or ever been in a prison or almshouse?"; "have you ever been the beneficiary of a pardon or an amnesty?"; and "have you ever been treated in an institution or hospital or other place for insanity or other mental disease?"

46. Defendant's statement regarding his arrest and imprisonment history was false.

47. Defendant was arrested and imprisoned in El Salvador during the investigation of the murder of ten civilians in San Sebastian, El Salvador, on or about September 21, 1988, and during the subsequent trial in which Defendant was charged with first degree homicide.

48. Defendant willfully misrepresented his arrest and imprisonment history on his immigrant visa application in order to procure his immigrant visa.

49. Defendant signed the Form DS-230 before a U.S. Consular Officer, and swore, *inter alia*, that all statements were true and complete to the best of his knowledge and belief.

50. On January 13, 1999, the U.S. Department of State issued Defendant an immigrant visa under the classification F32, spouse of an F31 immigrant, which is the classification for a married son or daughter of a U.S. Citizen.

51. On or about February 13, 1999, Defendant used his immigrant visa to gain admittance to the United States as an immigrant – classification F32, spouse of an F31 immigrant – and to obtain U.S. legal permanent resident status.

D. Defendant’s Application for Naturalization

52. Defendant filed a Form N-400, Application for Naturalization (“Form N-400 Application”), with U.S. Citizenship and Immigration Services (“USCIS”) on or about February 25, 2004.

53. In his Form N-400 Application, Defendant answered “Yes” in response to Part 10, Section D, Question 16, which asked: “Have you EVER been arrested, cited, or detained by any law enforcement officer (including INS and military officers) for any reason?”

54. In his Form N-400 Application, in response to Part 10, Section D, which requested: “If you answered ‘Yes’ to any of questions 15 through 21, complete the following table;” Defendant provided the following responses to the questions asked in the first row of the table:

| Why were you arrested, cited, detained, or charged? | Date arrested, cited, detained, or charged (mm/dd/yyyy) | Where were you arrested, cited, detained, or charged? (City, State, Country) | Outcome or disposition of the arrest, citation, detention or charge (No charges filed, charges dismissed, jail, probation, etc.) |
|---|---|--|--|
| Traffic Tickets 3 times. | 02/17/2004 | Dallas, TX USA | Paid tickets |
| | 2000 aprox. | In TX going to NM | Paid tickets |
| | | | |

55. Defendant’s statements regarding his prior arrests, citations, or detentions were incomplete and therefore false.

56. On his naturalization application, Defendant did not disclose his prior arrest and detention for the crime of first degree homicide for the murder of ten residents of San Sebastian.

57. In his Form N-400 Application, Defendant answered “No” in response to Part 10, Section D, Question 17, which asked: “Have you EVER been charged with committing any crime or offense?”

58. Defendant’s statement regarding whether he had ever been charged with committing any crime or offense was false.

59. On his naturalization application, Defendant did not disclose his having been charged with the crime of first degree homicide for the murder of ten residents of San Sebastian.

60. In his Form N-400 Application, Defendant answered “No” in response to Part 10, Section D, Question 23, which asked: “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?”

61. Defendant’s statement regarding whether he had 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 was false.

62. On his naturalization application, Defendant did not disclose that he had provided false or misleading information to U.S. government officials while applying for immigration benefits or to prevent deportation, exclusion, or removal, to wit: Defendant provided false information on his Form N-400 Application, and his Form DS-230.

63. In his Form N-400 Application, Defendant answered “No” in response to Part 10, Section D, Question 24, which asked: “Have you EVER lied to any U.S. government official to gain entry or admission into the United States?”

64. Defendant’s statement regarding whether he had ever lied to any U.S. government official to gain entry or admission into the United States was false

65. On his naturalization application, Defendant did not disclose that he had lied to U.S. Government officials to gain entry or admission into the United States, to wit: Defendant provided false information on his Form DS-230 to obtain an immigrant visa and he provided false information to gain admittance to the United States as an immigrant.

66. On or about February 17, 2004, Defendant signed his Form N-400 Application under the penalty of perjury pursuant to the laws of the United States, thereby certifying that the information he provided was true and correct.

E. Defendant's Naturalization Interview and Naturalization

67. On November 15, 2004, Bridget Parziale, an officer with USCIS, orally interviewed Defendant regarding his naturalization application to determine his eligibility for naturalization.

68. At the beginning of the interview, Officer Parziale placed Defendant under oath.

69. During the interview, Officer Parziale asked Defendant whether he had ever been arrested, cited, or detained by any law enforcement officer (including INS and military officers) for any reason, consistent with Part 10, Section D, Question 16, of his Form N-400 Application.

70. During the interview, Defendant testified that he had received three traffic tickets, but otherwise had never been arrested, cited, or detained by any law enforcement officer for any other offense.

71. Defendant's testimony regarding his prior arrests, citations, or detentions was false.

72. At his naturalization interview, Defendant did not disclose his prior arrest and detention for the crime of first degree homicide for the murder of ten residents of San Sebastian.

73. At the end of his naturalization interview, Defendant signed his Form N-400 Application in the presence of Officer Parziale and swore that the contents of his application were true to the best of his knowledge.

74. Based upon the information supplied by Defendant in his Form N-400 Application and based on the sworn answers he gave during his naturalization interview, USCIS approved the N-400 Application.

75. On January 13, 2005, Defendant became a naturalized United States citizen.

76. USCIS issued Certificate of Naturalization No. 28623048 to Arnoldo Antonio Vasquez on January 13, 2005.

V. GOVERNING LAW

A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

77. No alien has a right to naturalization “unless all statutory requirements are complied with.” *United States v. Ginsberg*, 243 U.S. 472, 474-475 (1917). Indeed, 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)).

78. To qualify for naturalization, an applicant must have been lawfully admitted to the United States for permanent residence. *See* 8 U.S.C. § 1427(a)(1); *see also* 8 U.S.C. § 1429. This requires that the applicant had a valid visa at the time that he or she was admitted to permanent residence. *Fedorenko*, 449 U.S. at 514-15.

79. Congress has mandated that an individual may not naturalize unless that person “during all periods referred to in this subsection has been and still is a person of good moral character” *See* 8 U.S.C. § 1427(a)(3). The required statutory period for good moral character typically 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 United States citizen. *Id.*

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

81. Congress has explicitly precluded individuals who engaged in the commission of acts of torture or extrajudicial killings from being able to establish the good moral character necessary to naturalize. 8 U.S.C. § 1101(f)(9).

82. Included in the statutory bar of 8 U.S.C. § 1101(f)(9) are persons who, outside of the United States, committed, ordered, incited, assisted, or otherwise participated in the commission of any act of torture as defined in 18 U.S.C. § 2340, or, under color of law of any foreign nation, any extrajudicial killing, as defined in section 3(a) of the Torture Victim Protection Act of 1991 (28 U.S.C. § 1350 note). 8 U.S.C. § 1182(a)(3)(E)(iii).

83. The Torture Victim Protection Act of 1991 defines an extrajudicial killing as a deliberate killing not authorized by a previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples. Torture Victims Protection Act of 1991, Pub. L. No. 102-256, § 3(a), 106 Stat. 73, 73 (1992).

B. The Denaturalization Statute

84. Recognizing that there are situations where an individual has naturalized despite failing to comply with all congressionally imposed prerequisites to the acquisition of citizenship or by concealing or misrepresenting facts that are material to the decision on whether to grant his or her naturalization application, Congress enacted 8 U.S.C. § 1451.

85. Under 8 U.S.C. § 1451(a), this Court must revoke Defendant's naturalization and cancel his Certificate of Naturalization if his naturalization was *either*:

(a) illegally procured, or

(b) procured by concealment of a material fact or by willful misrepresentation.

86. 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.

87. Where the government establishes that the defendant's citizenship was procured illegally or by willful misrepresentation of material facts, "district courts lack equitable discretion to refrain from entering a judgment of denaturalization." *Fedorenko*, 449 U.S. at 517.

VI. CAUSES OF ACTION

COUNT I

**ILLEGAL PROCUREMENT OF NATURALIZATION
NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE**

88. Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 87 of this Complaint.

89. To qualify for naturalization, an applicant must have been lawfully admitted to the United States for permanent residence and subsequently resided in this country for at least five years prior to the date of application. *See* 8 U.S.C. § 1427(a)(1); *see also* 8 U.S.C. § 1429.

90. No immigrant shall be admitted into the United States unless at the time of application for admission, the applicant has a valid unexpired immigrant visa. 8 U.S.C. § 1181(a). A visa obtained through material misrepresentation is not valid. *Fedorenko*, 449 U.S. at 515.

91. An alien who, by fraud or willfully misrepresenting a material fact has procured a visa, other documentation, or admission into the United States is inadmissible. 8 U.S.C. § 1182(a)(6)(C)(i).

92. Defendant was never lawfully admitted to the United States as a permanent resident and cannot satisfy 8 U.S.C. § 1429 and 8 U.S.C. § 1427(a)(1) because he was not lawfully admitted to the United States with a valid visa pursuant to 8 U.S.C. § 1181(a).

93. Defendant was never lawfully admitted to the United States as a permanent resident and cannot satisfy 8 U.S.C. § 1429 and 8 U.S.C. § 1427(a)(1) because he was inadmissible pursuant to 8 U.S.C. § 1182(a)(6)(C)(i) at the time he was admitted to the United States.

94. Defendant procured his immigrant visa by willful misrepresentation and concealment of material facts during his immigrant visa application proceedings.

95. As set forth in Section IV of this Complaint, Defendant made false statements on his Form DS-230, regarding whether he had ever been arrested or imprisoned.

96. Defendant signed the Form DS-230 before a U.S. Consular Officer, and swore, *inter alia*, that all statements were true and complete to the best of his knowledge and belief.

97. Defendant knew his false statements about his arrest and imprisonment history were false and misleading.

98. Defendant's false statements in his Form DS-230 were material to determining his eligibility for an immigrant visa. Defendant's false statements had the natural tendency to influence a decision by the U.S. Consular Officer to approve his Form DS-230 application. Defendant thus procured his immigrant visa by concealment of material facts and willful misrepresentations.

99. At the time Defendant was admitted as a lawful permanent resident, Defendant's immigrant visa was not valid because he obtained it by material misrepresentation.

100. Because Defendant was admitted into the United States with an invalid visa, Defendant was not lawfully admitted for permanent residence.

101. At the time Defendant was admitted as a lawful permanent resident using his immigrant visa, Defendant was inadmissible under 8 U.S.C. § 1182(a)(6)(C)(i), because he fraudulently and willfully misrepresented a material fact in order to procure his immigrant visa.

102. Because Defendant was inadmissible at the time he entered the United States as a lawful permanent resident, Defendant was not lawfully admitted for permanent residence.

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

104. Defendant illegally procured his citizenship because at the time he naturalized, he was not lawfully admitted for permanent residence and this Court must therefore revoke that citizenship as provided for in 8 U.S.C. § 1451(a).

COUNT II

ILLEGAL PROCUREMENT OF NATURALIZATION
LACK OF GOOD MORAL CHARACTER
(FALSE TESTIMONY)

105. Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 87 of this Complaint.

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

107. An applicant for naturalization must satisfy the statutory requirement of demonstrating that he is a person of good moral character for the five-year statutory period before he files his Form N-400 Application, and until the time he becomes a naturalized United States citizen. *See* 8 U.S.C. § 1427(a).

108. An applicant for naturalization is statutorily precluded from establishing the good moral character necessary to naturalize if, during the statutory period, he has given false testimony, under oath, for the purpose of obtaining an immigration benefit. 8 U.S.C. § 1101(f)(6).

109. As set forth in Section IV of this Complaint, Defendant provided false testimony for the purpose of obtaining an immigration benefit when he swore, under oath, during his naturalization interview, that his answers on his Form N-400 Application were true to the best of his knowledge.

110. As set forth in Section IV of this Complaint, Defendant provided false testimony for the purpose of obtaining an immigration benefit when he swore, under oath, during his

naturalization interview, that he had received three traffic tickets, but otherwise had never been arrested, cited, or detained by any law enforcement officer for any other offense.

111. As discussed in Section IV of this Complaint, this testimony was false.

112. Defendant provided false testimony about his criminal history.

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

114. Defendant lacked the good moral character necessary for naturalization because he provided false testimony to obtain an immigration benefit. Defendant's illegally procured naturalization must be revoked pursuant to 8 U.S.C. § 1451(a).

COUNT III

ILLEGAL PROCUREMENT OF NATURALIZATION **LACK OF GOOD MORAL CHARACTER** **(PARTICIPATION IN EXTRAJUDICIAL KILLINGS)**

115. Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 87 of this Complaint.

116. Defendant illegally procured his naturalization because he was statutorily precluded from establishing the good moral character necessary to naturalize on account of his commission of acts of torture or extrajudicial killings.

117. An applicant for naturalization must satisfy the statutory requirement of demonstrating that he is a person of good moral character for the five-year statutory period before he files his Form N-400 Application, and until the time he becomes a naturalized United States citizen. *See* 8 U.S.C. § 1427(a).

118. An applicant for naturalization is statutorily precluded from establishing the good moral character necessary to naturalize if, at any time, he has engaged in the commission of acts of torture or extrajudicial killings. 8 U.S.C. § 1101(f)(9).

119. Included in the statutory bar of 8 U.S.C. § 1101(f)(9) are persons who, outside of the United States, committed, ordered, incited, assisted, or otherwise participated in the commission of any act of torture, or, under color of law of any foreign nation, any extrajudicial killing. 8 U.S.C. § 1182(a)(3)(E)(iii).

120. An extrajudicial killing is a deliberate killing not authorized by a previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples. Torture Victims Protection Act of 1991, Pub. L. No. 102-256, § 3(a), 106 Stat. 73, 73 (1992).

121. As set forth in Section IV of this Complaint, Defendant, while an officer in the Salvadorian military, participated in the commission of the extrajudicial killing of ten persons in San Sebastian, El Salvador by the Salvadorian military.

122. As set forth in Section IV of this Complaint, the extrajudicial killing was deliberate and not authorized by a previous judgement of a regularly constituted court that afforded judicial guarantees which are recognized as indispensable by civilized people. *See* Torture Victims Protection Act of 1991, Pub. L. No. 102-256, § 3(a), 106 Stat. 73, 73 (1992).

123. Because he participated in the extrajudicial killing of ten persons in El Salvador, as defined in 8 U.S.C. § 1182(a)(3)(E)(iii), Defendant was barred under 8 U.S.C. § 1101(f)(9) from showing that he had the good moral character necessary to become a naturalized U.S. citizen.

124. Defendant lacked the good moral character necessary for naturalization because he participated in extrajudicial killings. Defendant's illegally procured naturalization must be revoked pursuant to 8 U.S.C. § 1451(a).

COUNT IV

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

125. Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 87 of this Complaint.

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

127. Defendant procured his naturalization by willful misrepresentation and concealment of material facts during his naturalization proceedings.

128. As set forth in Section IV of this Complaint, Defendant made false statements on his USCIS Form N-400, Application for Naturalization, regarding (1) his arrest, citation, or detention history; (2) whether he had ever been charged with committing any crime or offense; (3) whether he had 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; and (4) whether he had ever lied to any U.S. government official to gain entry or admission into the United States. Defendant knew these statements to be false.

129. Defendant signed his Form N-400 Application under penalty of perjury under the laws of the United States, thereby certifying under oath that the information contained therein

was true and correct. Defendant filed his Form N-400 Application with USCIS on or about February 25, 2004.

130. On November 15, 2004, a USCIS officer interviewed Defendant regarding his Form N-400 Application. At the beginning of his naturalization interview, a USCIS officer placed Defendant under oath. Defendant affirmed that he would answer all questions truthfully.

131. As set forth in Section IV of this Complaint, Defendant willfully misrepresented and/or concealed material facts during his naturalization interview regarding whether he had been arrested, charged, cited, or detained by any law enforcement officer for any reason.

132. At the end of his naturalization interview, Defendant again signed his Form N-400 Application, under penalty of perjury under the laws of the United States, thereby affirming under oath that the information contained therein was true and correct.

133. Defendant willfully misrepresented and concealed his complete arrest, citation, and detention record; whether he had been charged with committing any crime or offense; whether he had 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; and whether he had lied to any U.S. government official to gain entry or admission into the United States.

134. Defendant knew his false statements and sworn testimony about these matters were false and misleading. Accordingly, Defendant made these misrepresentations willfully.

135. Defendant's misrepresentations were material to his naturalization because the disclosure of his arrest and detention, his having been charged with a crime, his having given false or misleading information to any U.S. government official while applying for an immigration benefit, and his having lied to a U.S. government official to gain entry or admission

into the United States would have had a natural tendency to influence USCIS's decision whether to approve Defendant's application for naturalization.

136. Denaturalization is required when an alien has concealed material facts or made willful misrepresentations by which he procured naturalization. *See* 8 U.S.C. § 1451(a). Accordingly, Defendant's naturalization must be revoked pursuant to 8 U.S.C. § 1451(a).

VII. PRAYER FOR RELIEF

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

- (1) A declaration that Defendant procured his citizenship illegally;
- (2) A declaration that Defendant procured his citizenship by concealment of material facts and by willful misrepresentation;
- (3) Judgment revoking and setting aside the naturalization of the Defendant, and canceling Certificate of Naturalization No. 28623048;
- (4) Judgment forever restraining and enjoining Defendant from claiming any rights, privileges, benefits, or advantages under any document which evidences United States citizenship obtained as a result of his January 13, 2005 naturalization;
- (5) Judgment requiring the Defendant to immediately surrender and deliver his Certificate of Naturalization, as well as 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, or his representative, including the undersigned;
- (6) Judgment requiring the Defendant to immediately surrender and deliver any other indicia of U.S. citizenship, including, but not limited to, United States passports, voter registration cards, and other voting documents, as well as 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, or his representative, including the undersigned; 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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