

WILLIAM E. FITZPATRICK
Acting U.S. Attorney
District of New Jersey
CHAD A. READLER
Acting Assistant Attorney General
Civil Division
WILLIAM C. PEACHEY
Director, District Court Section
Office of Immigration Litigation
DAVID DAUENHEIMER
Assistant U.S. Attorney
TIMOTHY M. BELSAN
Deputy Chief, National Security &
Affirmative Litigation Unit
AARON R. PETTY
Counsel for National Security
District Court Section
Office of Immigration Litigation
U.S. Department of Justice
219 S. Dearborn St., 5th Floor
Chicago, IL 60604
(202) 532-4542 (phone); (202) 305-7000 (fax)
Aaron.R.Petty@usdoj.gov

Counsel for the United States of America

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Plaintiff,

**COMPLAINT TO REVOKE
NATURALIZATION**

BALJINDER SINGH, a/k/a Davinder
Singh,

Defendant.

PRELIMINARY STATEMENT

Baljinder Singh a/k/a Davinder Singh ("Defendant") arrived in the United States in 1991 aboard a flight from Hong Kong without a passport or other travel document. He was placed in exclusion proceedings and sought asylum, claiming his name was Davinder Singh. After obtaining release on bond and a transfer of venue, Defendant failed to appear in immigration court and was ordered excluded and deported in January 1992. The next month, February 1992, Defendant filed an asylum application under the name Baljinder Singh. Before he could be interviewed on that application, Defendant married a U.S. citizen and, in 1996, he applied for adjustment of status on that basis. Defendant's adjustment application, which did not disclose his alias of Davinder Singh or his immigration history, was granted. Defendant subsequently obtained citizenship on the basis of his permanent residency.

Throughout his immigration and naturalization proceedings, Defendant never disclosed that he had been ordered excluded, lied about his identity and immigration history under oath, and was never substantively eligible for the lawful permanent residency on which his naturalization was premised. Defendant's naturalization was therefore unlawfully procured. Thus, with the attached affidavit of good cause, the United States of America brings this civil action to revoke and set aside the order admitting Defendant to United States citizenship and to cancel his certificate of naturalization.

I. JURISDICTION AND VENUE

1. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Defendant to United States citizenship and to cancel Certificate of Naturalization No. 29916157 issued **July** 28, 2006.

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

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

4. Venue is proper in this District pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because Defendant resides in Carteret, New Jersey, within the jurisdiction and venue of this Court.

II. PARTIES

5. Plaintiff is the United States of America, suing on behalf of itself.

6. Defendant is a naturalized United States citizen.

III. FACTUAL BACKGROUND

7. The affidavit of Caroline Mazzara-D'Angelo, an Immigration Services Officer with U.S. Citizenship and Immigration Services ("USCIS"), an agency within 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 as Exhibit A.

IMMIGRATION HISTORY

"Davinder Singh" Arrives in the United States and Is Placed in Exclusion Proceedings

8. On September 25, 1991, Defendant arrived in the United States at San Francisco International Airport aboard United Airlines flight no. 862, originating in Hong Kong.

9. Defendant presented no travel document or proof of identity.

10. Defendant claimed his name was Davinder Singh and that he was born in India.

11. Two days later, September 26, 1991, Defendant was personally served with a Form I-122, Notice to Applicant Detained for Hearing Before Immigration Judge, initiating exclusion proceedings against him where he was detained in El Centra, California.

12. On October 4, 1991, Defendant was released on bond to Majer Singh Nagra, a friend residing in Jersey City, New Jersey.

13. On October 8, 1991, an immigration judge granted Defendant's request for change of venue for his exclusion proceedings to Newark, New Jersey.

14. On October 31, 1991, a notice was sent to Defendant at his address in New Jersey informing him he was required to appear for a hearing before an immigration judge on January 7, 1992.

15. Defendant failed to appear as directed and he was ordered excluded and deported *in absentia*.

"Baljinder Singh" Applies for Immigration Benefits

16. On February 6, 1992, Defendant, using the alias Baljinder Singh, filed a Form I-589, Request for Asylum in the United States.

17. On October 26, 1996, Defendant's U.S. citizen wife, filed a Form I-130, Petition for Alien Relative ("Form I-130"), seeking to classify Defendant as her immediate relative.

18. On or about the same date, October 26, 1996, Defendant, under the alias Baljinder Singh, filed a Form I-485, Application to Register Permanent Residence or Adjust Status ("Form I-485"), seeking to adjust his status to that of a permanent resident.

19. Both the Form I-130 and the Form I-485 were approved on September 19, 1998, granting Defendant the status of a permanent resident.

NATURALIZATION PROCEEDINGS

"Baljinder Singh" Applies for Naturalization

20. On or about March 8, 2004, Defendant submitted a Form N-400, Application for Naturalization ("Form N-400").¹

¹ Defendant had previously filed a Form N-400 on January 2, 2002. This application was denied after Defendant failed to appear for an interview on March 7, 2003.

21. In Part 1, Question C, the Form N-400 directs, "If you have ever used other names, provide them below." Defendant wrote "NONE."

22. In Part 10, Section D, Question 15, the Form N-400 asks, "Have you EVER committed a crime or offense for which you were not arrested?" Defendant checked the box marked "No."

23. In Part 10, Section D, Question 16, the Form N-400 asks, "Have you EVER been arrested, cited, or detained by any law enforcement officer (including INS and military officers) for any reason?" Defendant checked the box marked "No."

24. In Part 10, Section D, Question 23, the Form N-400 asks, "Have you EVER given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal?" Defendant checked the box marked "No."

25. In Part 10, Section D, Question 24, the Form N-400 asks, "Have you EVER lied to any U.S. government official to gain entry or admission into the United States?" Defendant checked the box marked "No."

26. In Part 10, Section E, Question 27, the Form N-400 asks, "Have you EVER been ordered to be removed, excluded, or deported from the United States?" Defendant checked the box marked "No."

27. In Part 10, Section E, Question 28, the Form N-400 asks, "Have you EVER applied for any kind of relief from removal, exclusion, or deportation?" Defendant checked the box marked "No."

28. In Part 11 of the Form N-400, Defendant signed the application, and dated it March 6, 2004, thereby certifying under penalty of perjury that its contents were true and correct.

29. At the end of his naturalization interview on December 2, 2004, Defendant again signed his N-400 under penalty of perjury in Part 13, thereby attesting that the information it contained was true and correct.

30. Based on Defendant's sworn statements on his N-400 and at his naturalization interview, on May 6, 2006, USCIS approved Defendant's application for naturalization.

31. Based on his approved N-400, on July 28, 2006, Defendant was administered the oath of allegiance, admitting him to United States citizenship, and was issued Certificate of Naturalization No. 29916157.

III. GOVERNING LAW

Congressionally Imposed Prerequisites to the Acquisition of Citizenship

32. 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). 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).

33. 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 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.*

The Denaturalization Statute

34. 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.

35. 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 or her naturalization was *either*:

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

36. 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.

37. 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.

IV. CAUSES OF ACTION

COUNT I

ILLEGAL PROCUREMENT OF NATURALIZATION **NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE** **(PROCURED BY FRAUD OR WILLFUL MISREPRESENTATION)**

38. The United States re-alleges and incorporates by reference paragraphs 1 through 37 of this Complaint.

39. 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.

40. The term "lawfully" requires compliance with the substantive legal requirements for admission, and not mere procedural regularity.

41. An alien who, by fraud or 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 immigration benefit is inadmissible. 8 U.S.C. § 1182(a)(6)(C)(i).

42. Defendant was never lawfully admitted as a permanent resident and cannot satisfy the requirements of 8 U.S.C. § 1427(a)(1) and 8 U.S.C. § 1429 because he was inadmissible at the time of his admission as a permanent resident.

43. At the time Defendant was granted adjustment of status under the alias Baljinder Singh, he fabricated, among other things, a false name, false date of birth, and false date, place, and manner of entry into the United States. Had Defendant provided his information concerning his true identity, he would have been found inadmissible and ineligible for adjustment of status.

44. Because Defendant was inadmissible at the time he adjusted his status to that of a lawful permanent resident, he was never lawfully admitted for permanent residence in accordance with the substantive legal requirements to obtain that status.

45. Because Defendant was never lawfully admitted for permanent residence, he was and remains ineligible for naturalization under 8 U.S.C. §§ 1427(a)(1), 1429, and 1430.

46. The Court must therefore revoke Defendant's citizenship as provided for in 8 U.S.C. § 1451(a).

COUNT II

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

47. The United States re-alleges and incorporates by reference paragraphs 1 through 46 of this Complaint.

48. 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.

49. As set forth above, Defendant concealed and willfully misrepresented on his Form N-400 and at his subsequent interview regarding whether he had ever been detained by a law enforcement officer; whether he had given false or misleading information to any U.S. government official while applying for any immigration benefit, or to prevent deportation, exclusion, or removal; whether he had lied to any U.S. government official to gain entry or admission into the United States; whether he had been ordered to be removed, excluded, or deported from the United States; and whether he had applied for relief from removal or deportation.

50. Additionally, Defendant misrepresented and concealed his true identity including his name and date of birth, and the time, place, and manner of his entry into the United States.

51. Defendant knew that his willful misrepresentations and omissions about these matters were false and misleading.

52. Defendant's willful misrepresentations and omissions were material to determining his eligibility for naturalization. Defendant's false statements and testimony had the natural tendency to influence a decision by DHS to approve his N-400. Indeed, but for Defendant's concealment of material facts and willful misrepresentations, his statutory ineligibility for naturalization would have been

disclosed, and USCIS would not have approved his N-400 or administered the oath of allegiance.

53. Defendant thus procured his naturalization by willful misrepresentation and concealment of material facts. This Court must therefore revoke his citizenship pursuant to the requirements of 8 U.S.C. § 1451(a).

V. 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 order admitting Defendant to citizenship and canceling Certificate of Naturalization No. 29916157, effective as of the original date of the order and certificate, July 28, 2006;
- (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 July 28, 2006, naturalization;
- (5) Judgment requiring the Defendant to surrender and deliver his Certificate of Naturalization, as well as any copies thereof in his possession or control (and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession or control of others), to the Attorney General, or his representative, including the undersigned, within ten (10) days of Judgment;
- (6) Judgment requiring the Defendant to 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 or control (and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession or control of

others), to the Attorney General, or his representative, including the undersigned, within ten (10) days of Judgment; and

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

Dated: September 19, 2017

WILLIAM E. FITZPATRICK
Acting United States Attorney
District of New Jersey

DAVID DAUENHEIMER
Assistant United States Attorney
United States Attorney's Office
District of New Jersey
970 Broad Street, Suite 700
Newark, NJ 07302
Phone: (973) 645-2925
Email: david.dauenheimer@usdoj.gov

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General
Civil Division

WILLIAM C. PEACHEY
Director, District Court Section
Office of Immigration Litigation

TIMOTHY M. BELSAN
Deputy Chief, National Security &
Affirmative Litigation Unit

/s/ Aaron R. Petty
AARON R. PETTY, IL Bar 6293553
Counsel for National Security
District Court Section
Office of Immigration litigation
U.S. Department of Justice
219 S. Dearborn St., 5th Floor
Chicago, IL 60604
Telephone: (202) 532-4542
E-mail: Aaron.R.Petty@usdoj.gov

*Counsel for the United States of
America*

Exhibit A

UNITED STATES OF AMERICA

In the Matter of the Revocation
of the Naturalization of

AFFIDAVIT OF GOOD CAUSE

Baljinder Singh *f*
a/k/a Davinder Singh,

I, Caroline Mazzara-D'Angelo, declare under penalty of perjury as follows:

I am an Officer with U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS). In this capacity, I have access to the official records of DHS, including the immigration files of Davinder Singh, v. [REDACTED] II o. a.k.a. Baljinder Singh, A# [REDACTED] 798 (hereafter Singh).

I have examined records relating to Singh, including but not limited to, his immigration files. Based upon my review of records relating to Singh, 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 Singh and to cancel his Certificate of Naturalization.

The last place of residence for Singh is | [REDACTED] Carteret, NJ 07008-2501.

BACKGROUND

DHS records establish that the person who naturalized as Singh was previously ordered Excluded under the name Davinder Singh.

Pursuant 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.

Immigration History as Davinder Singh
D.O.B [REDACTED] 1975, A# [REDACTED] 116

1. On September 25, 1991, the individual in question using the name Davinder Singh was encountered by an Immigration and Naturalization Service Inspector at San Francisco International Airport after arriving on United Airlines 862 from Hong Kong. Upon encounter he claimed his name was Davinder Singh, without documents or proof of identity. He claimed his date of birth was [REDACTED] [REDACTED] 75 in Punjab India. He was charged with violation of Section 212(a)(7)(A)(i)(I) and was processed for Exclusion Proceedings in accordance with Section 235(b) of the INA and was taken into Immigration custody and detained as a juvenile in El Centro, California. At this time he was assigned A# [REDACTED] [REDACTED] 116.
2. On October 1, 1991, the attorney for Singh, Jonathan Kaufman (Law Offices of Alan M. Kaufman), submitted a request for bond and request for Singh to be released to Majer Singh Nagra, a friend, residing at [REDACTED] [REDACTED] Jersey City, NJ 07306. On October 4, 1991, the Form I-293 (Bond Hearing) was completed and Singh appeared in a bond hearing held before an Immigration Judge in the El Centro Detention Center. His request for release on \$500 Exclusion bond was granted. The Bond Obligor was David Kaufman (Law Offices of Alan M. Kaufman).
3. On October 4, 1991, Singh requested a change of venue for his exclusion hearing from the El Centro Detention Facility to Newark, New Jersey.
4. On October 8, 1991, the change of venue was granted by the Immigration Judge and the exclusion hearing for Singh was transferred to Newark, New Jersey.
5. October 31, 1991, a Notice of Rescheduling of Master Calendar Hearing in Immigration Proceedings was sent by the Executive Office of Immigration Review to Singh at his address in New Jersey informing him that his hearing was scheduled for January 7, 1992 at 8:30 am at 18 Rector Street, Suite 500-R, Newark, New Jersey.
6. On November 6, 1991, a Form I-340 (Notice to Deliver Alien) was sent to David Kaufman (Bond Obligor) advising him of the terms of agreement for the Bond and the demand for Singh to appear before the Immigration Judge on January 1, 1992 at 8:30 am for his exclusion hearing in Newark New Jersey.

7. On January 7, 1992, he failed to appear before the Immigration Judge in Newark and the Immigration Judge ordered Singh excluded and deported under Section 212(a)(7)(A)(I)(i) in absentia.
8. There is no record that he departed the United States after he was ordered excluded and deported.
9. On June 8, 1998, a Notice to Deliver Alien was sent to David Kaufman, Obligor, to deliver Singh to 570 Hemisphere Center, 5th Floor, Room 512, Route 1 & 9 South, Newark, New Jersey, Attention: Officer Ruben Perez on July 23, 1998 at 8:00 am. Singh did not appear as requested.
10. On January 6, 1999, the Bond was breached and no appeal was received.

Immigration History as Baliinder Singh
D.O.B. [REDACTED] 1974, A [REDACTED] 798

11. On February 6, 1992, Baljinder Singh filed Form I-589, Request for Asylum, with the Immigration and Naturalization Service (INS). He claimed he was born [REDACTED] 1974, in India and that he last entered the United States near Los Angeles, California in October 1991. He claimed an address in Elmhurst, NY. He was assigned Alien Number A [REDACTED] [REDACTED] 798. No mention was made of his prior contact with immigration authorities.
12. Along with the Form I-589, he also submitted Form G-325A., Biographic Information. On the G-325A he claimed to have been residing in Elmhurst, NY since October, 1991. Fingerprints were taken on January 24, 1992 in connection with this application.
13. On October 26, 1996, a Form I-130 Petition for Alien Relative was filed on his behalf by his U.S. Citizen wife, Christina Marie Gaughran (Singh), to the Immigration and Naturalization Service (INS) along with the Form I-485, Application to Register Permanent Residence or Adjust Status. Singh also filed an I-485 Supplement A due to his entry without inspection. Singh indicated on the I-130 Petition and I-485 Application that he entered the United States in 1991 without inspection. The I-130 Petition and the I-485 Application also indicated that he had not been under immigration proceedings. On the Form I-485 Singh answered that he had never, by fraud or willful misrepresentation of a material fact, sought to procure, or procured, a visa, other documentation, entry into the United States or any other immigration benefit.

14. On or about October 26, 1996, a Form G-325A Biographic Information was submitted with the Form I-485. On the G-325A he claimed to have resided at [REDACTED] Jersey City, NJ from 9/91 to 2/94.
15. On March 4, 1997, both Singh and Gaughran appeared for an interview at the USINS Newark Office in Newark, New Jersey. The case was continued pending receipt of A-File from Asylum Office.
16. On September 19, 1998, the Form I-485 and the Form I-130 were approved and he was accorded lawful permanent resident status and the Form I-89 (I-551 Data Collection Form), was completed.
17. On or about January 2, 2002, Singh submitted Form N-400, Application for Naturalization, under INA § 319, 8 U.S.C. § 1430, based on having been a lawful permanent resident for a period of three years and his marriage to a United States Citizen. On his Form N-400, signed under penalty of perjury, he represented that: his current legal name was Baljinder Singh.
- He had never used any other names.
 - His date of birth was [REDACTED] [REDACTED] 1974
 - He was married to Christina Marie Gaughran since August 19, 1996 and that he had been married one time.
 - He had traveled outside the United States 2 times since January 2000.
 - He did not list any memberships or associations with any organization, association, fund, foundation, party, club, society or similar group in the United States or in any other place.
 - He had failed to file required Federal, State or Local taxes and that he owed taxes that were overdue.
 - 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.
 - He had never been ordered to be removed, excluded, or deported from the United States.

- He had never applied for any relief from removal, exclusion, or deportation.
18. On, November 12, 2002 Singh was interviewed at the Newark District Office to determine his eligibility for naturalization. During the course of the interview, Immigration Services Officer Lizette Dache placed Singh under oath and asked him the following:
- Current Legal Name?
 - Date of Birth?
 - Have you travelled outside the United States since you arrived?
 - Since becoming a Lawful Permanent Resident have you failed to file required Federal, State or Local taxes?
 - Do you owe any Federal, State, or Local taxes that are overdue?
 - 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 been ordered to be removed, excluded, or deported from the United States?
 - Have you ever applied for any relief from removal, exclusion. or deportation?
 - Have you ever lied to any U.S. Government official to gain entry or admission to the United States?
 - In response, Singh testified that his name was "Baljinder Singh," and that his date of birth was [REDACTED] 1974. He stated he was still married to his U.S. Citizen wife. He owed back taxes from 1998. He verbally answered "no" to the remaining questions above. During the course of the naturalization interview, one correction or notation was made to the written answer initially provided on his Form N-400. At the conclusion of the interview, Singh swore that the contents of his Form N-400, including one correction or notations, were true and correct. He case was continued for proof of his 1998 taxes paid in full and reexamination on his civics test.
19. On March 7, 2003, Singh was scheduled to appear for his re-examination and to provide proof that his back taxes were paid. He failed to appear at the re-examination and his N-400 was denied for lack of prosecution.

20. On or about March 8, 2004, Singh submitted Form N-400, Application for Naturalization, under INA § 316, 8 U.S.C. § 1427, based on having been a lawful permanent resident for a period of five years. On his Form N-400, signed under penalty of perjury, he represented that: His current legal name was Baljinder Singh,

- He had never used any other names.
- His date of birth was [REDACTED] [REDACTED] 1974
- He was divorced from Christina Marie Gaughran on January 9, 2004.
- He had traveled outside the United States 2 times since January 2000.
- 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.
- He had never been ordered to be removed, excluded, or deported from the United States.
- He had never applied for any relief from removal, exclusion, or deportation.
- He never lived in the United States at any time between his 18th and 26¹ birthdays in any status except as a lawful nonimmigrant.

21. On December 2, 2004, Singh was interviewed at the Newark District Office to determine his eligibility for naturalization. During the course of the interview, Immigration Services Officer William Delaney placed Singh under oath and asked him the following:

- Current Legal Name?
- Date of Birth?
- Have you travelled outside the United States since you arrived?
- 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 to the United States?
- Are you a male who lived in the United States at any time between your 18th and 26th birthdays in any status except as a lawful nonimmigrant?

22. During the oral interview, Singh testified that his name was "Baljinder Singh," and that his date of birth was [REDACTED] [REDACTED] 1974. He stated he was divorced from his U.S. Citizen wife since January 9, 2004. He lived in the United States between his 18th and 26th birthdays. During the course of the naturalization interview, two corrections or notations were made to the written answer initially provided on his Form N-400. At the conclusion of the interview, Singh swore that the contents of his Form N-400, including the two corrections or notations, were true and correct. His application was continued for proof that he registered for Selective Service and completion of his background checks.
23. On May 6, 2006, based on his written application and the testimony he provided during his naturalization interview and proof of his registration for Selective Service, Singh's Form N-400 was approved and he was scheduled for the Naturalization Oath Ceremony on July 28, 2006.
24. On July 28, 2006, Singh took the Oath of Allegiance and was admitted as a citizen of the United States. He was issued Certificate of Naturalization No. 29916157.

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

25. 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.
26. Among the INA provisions applicable at the time of Singh's adjustment of status to permanent resident was the requirement that he be admissible to the United States. INA § 245(a), 8 U.S.C. § 1255(a).
27. 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).
28. Based on the information contained above, Singh willfully misrepresented material facts, specifically, his identity and immigration history.
29. Because Singh misrepresented material facts, he was inadmissible to the United States at the time of his adjustment of status. Since no waiver of that ground of inadmissibility was

obtained, Singh was not lawfully admitted for permanent residence; accordingly, he illegally procured his naturalization.

PROCUREMENT OF NATURALIZATION BY WILLFUL MISREPRESENTATION
OR CONCEALMENT OF MATERIAL FACTS

30. A naturalized citizen is subject to revocation of naturalization if he procured naturalization by willfully misrepresenting or concealing material facts.
31. Based on the facts contained above, Singh willfully misrepresented his identity and immigration history throughout the naturalization process.
32. The misrepresentations made by Singh 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, Singh 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.
33. Because Singh procured naturalization by his concealment(s) and misrepresentation(s), he was not eligible for naturalization.

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 15, 20 f? at Los Angeles California

Caroline Mazzarà-D'Angelo
Immigration Services Officer (3)-Training Officer
United States Citizenship and Immigration Services
Department of Homeland Security