

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

UNITED STATES OF AMERICA,

Plaintiff,

Civil Action No.

RASHID MAHMOOD,
a/k/a RASHID MEHMOOD

Defendant.

COMPLAINT FOR REVOCATION OF NATURALIZATION

Prior to the date he was naturalized as a U.S. citizen on June 3, 2005, Rashid Mahmood (“Defendant”), also known as Rashid Mehmood, committed acts that rendered him ineligible to naturalize. In 1992, Defendant applied for entry into the United States, using the surname Mehmood, date of birth ■■■■■■■■■■ 1973, which resulted in an order of exclusion. Defendant thereafter initiated a second application to obtain immigration benefits, this time using the surname Mahmood and a different date of birth and other differing information. It was through this second identity that Defendant ultimately naturalized. Throughout his naturalization process Defendant misrepresented and concealed his use of multiple identities in immigration applications and the fact that he had previously applied for entry into the United States. Because of his actions, Defendant was statutorily barred from becoming a U.S. citizen.

Defendant procured his naturalization unlawfully in that he willfully misrepresented and concealed material facts about his identity and immigration history. Thus, pursuant to 8 U.S.C. § 1451(a) and with the attached affidavit showing good cause, the United States hereby brings this civil action to revoke and set aside the order admitting Defendant to citizenship and to cancel his Certificate of Naturalization and alleges as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. §§ 1331 and 1345.
2. Venue is proper in this district pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391.

PARTIES

3. Plaintiff is the United States of America ("United States").
4. Defendant was purportedly born in Pakistan and is a naturalized U.S. citizen. His last known address is in Rocky Hill, Connecticut, which is within the jurisdiction and venue of this Court.

FACTUAL ALLEGATIONS

5. The affidavit of Christopher J. White, an Officer, U.S. Citizenship and Immigration Services ("USCIS"), an agency within the Department of Homeland Security ("DHS"), showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached as Exhibit A.

A. Defendant's Immigration History Under the Identity of Rashid Mehmood

6. On or about July 9, 1992, Defendant, using the name of Rashid Mehmood, applied for entry into the United States at John F. Kennedy International Airport with the former Immigration and Naturalization Service ("INS").¹

¹ The INS was abolished, effective March 1, 2003, as a result of the enactment of the Homeland Security Act. *See* §§ 441 and 471 of the Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135 (Nov. 25, 2002). Following the dissolution of the INS, U.S. Citizenship and Immigration Services ("USCIS") is the immigration agency within the Department of Homeland Security ("DHS") responsible for the adjudication of benefits.

7. Upon his application for entry into the United States, Defendant presented a passport purportedly issued by the government of Pakistan with the name of Rashid Mehmood and the date of birth of [REDACTED] | 1973.

8. The passport appeared to have the passport's photo substituted.

9. Upon his application for entry into the United States, Defendant presented Form I-688, Temporary Resident Card, with the name Rashid Mehmood, the Alien Number A [REDACTED] 7 655, and the date of birth of [REDACTED] | 1973.

10. The Alien Number A [REDACTED] 7-655 is assigned to a female Liberian citizen that was not Defendant.

11. Defendant completed a Form I-215 W, Record of Sworn Statement in Affidavit Form, before an INS Inspector at the John F. Kennedy International Airport on July 9, 1992.

12. In the Form I-215W, Defendant stated that his true and complete name was "Rashid Mehmood."

13. In the Form I-215W, Defendant stated that he had not used any other names.

14. In the Form I-215W, Defendant stated that he was born in Pakistan on [REDACTED] 1973.

15. In the Form I-215W, Defendant stated that he had a green card.

16. In the Form I-215W, Defendant stated that he was a member of the Pakistan People's Party.

17. In the Form I-215W, Defendant stated that he did not have any family in the United States.

18. In the Form I-215W, Defendant stated that Defendant's brother's friend lived at

I Brooklyn, NY 11235.

19. In the Form I-215 W, Defendant stated that he wanted to appear before an immigration judge at an exclusion hearing.²

20. In the Form I-215W, Defendant stated that he made the statement voluntarily and he swore that the statement was true.

21. INS assigned Defendant the Alien Number A [REDACTED] 6-924 under the name of Rashid Mehmood.

22. INS completed a FB-249, Criminal Fingerprint Card, taking the Defendant's fingerprints and attaching a photograph of Defendant.

23. INS hand delivered to Defendant a Form I-122, Notice to Applicant for Admission Detained/Deferred for Hearing Before Immigration Judge.

24. In the Form I-122, INS informed Defendant that he did not appear to be entitled to enter the United States and that he would be scheduled for an exclusion hearing before an immigration judge to establish that he was admissible to the United States.

25. In the Form I-122, INS alleged Defendant to be inadmissible under 8 U.S.C. §§ 1182 (a)(6)(C), (a)(7)(A)(i)(I), and (a)(7)(B).

26. In the Form I-122, INS noted that Defendant wanted to be notified of his hearing before an immigration judge by mail to [REDACTED] [REDACTED] Brooklyn, NY 11235.

27. In the Form I-122, INS informed Defendant that if he was not contacted within 30 days of the Notice, he was to contact the phone number (212) [REDACTED] [REDACTED].

² Prior to April 1, 1997, aliens were placed in either deportation or exclusion proceedings based on whether they had effected an entry into the United States. Aliens were placed in deportation proceedings if they were physically present in the United States regardless of their manner of entry. Aliens were placed in exclusion proceedings if they were seeking entrance at a port-of-entry or had been paroled into the United States.

28. On August 13, 1992, the Executive Office for Immigration Review (“EOIR”) mailed Defendant a letter with the subject “Notice of Hearing in Immigration Proceeding” to
| Brooklyn, NY 11235.

29. In the letter, the EOIR informed Defendant that a hearing before an immigration judge was scheduled for October 13, 1992, at 9:30 A.M., at 26 Federal Plaza Rm 13130, New York, NY.

30. On October 13, 1992, Defendant failed to appear at the hearing.

31. On October 13, 1992, an immigration judge, finding that Defendant was duly notified of the time and place of the hearing, ordered Defendant *in absentia* to be excluded from the United States under 8 U.S.C. §§ 1182(a)(7)(A)(i)(I), (a)(7)(B)(i)(I).

32. On December 13, 1993, INS mailed Defendant a Form I-166, Notice to Deportable Alien to Surrender, to ██████████, N Y 11235, utilizing a P S Form 3811, Domestic Return Receipt.

33. In the Form I-166, INS ordered Defendant to appear on January 18, 1994, to be deported from the United States to Pakistan.

34. INS received the PS Form 3811, acknowledging receipt of the Form I-166.

35. On January 18, 1994, Defendant failed to appear for deportation.

B. Defendant's Immigration History Under the Identity of Rashid Mahmood

October 1995 Form I-485

36. On or about October 10, 1995, Defendant, using the name “Rashid Mahmood,” submitted to the INS a Form I-485, Application to Register Permanent Residence or Adjust Status (“1995 Form I-485”), premised upon a Form I-130, Petition for Alien Relative, filed on his behalf by Gloria Ortiz, his United States citizen spouse.

37. In Part 1 of his 1995 Form I-485, Defendant stated that he was born in Pakistan on [REDACTED] 1973.

38. In Part 1 of his 1995 Form I-485, Defendant stated that his Alien Number was

39. In Part 1 of his 1995 Form I-485, Defendant stated that his date of last arrival was May 1992.

40. In Part 3A of his 1995 Form I-485, Defendant answered "w/o visa" to the question, which asked "In what status did you last enter?"

41. In Part 3C of his 1995 Form I-485, Defendant answered "none" to the question, which asked "List your present and past membership in or affiliation with every political organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place since your 16th birthday."

42. In Part 3 of his 1995 Form I-485, Defendant answered "no" to question 1b, which asked "Have you ever, in or outside the U.S.: been arrested, cited, charged, indicted, fined, or imprisoned for breaking or violating any law or ordinance, excluding traffic violations?"

43. In Part 3 of his 1995 Form I-485, Defendant answered "no" to question 9, which asked "Have you ever been deported from the U.S., or removed from the U.S. at government expense, excluded within the past year, or are you now in exclusion or deportation proceedings?"

44. In Part 3 of his 1995 Form I-485, Defendant answered "no" to question 10, which asked "Are you under a final order of civil penalty for violating section 274C of the Immigration Act for use of fraudulent documents, or have you, 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?"

45. In support of his 1995 Form I-485, Defendant submitted a Form I-601, Application for Waiver of Ground of Excludability ("1995 Form I-601")

46. In his 1995 Form I-601, Defendant stated that his Alien Number was A [REDACTED] 5-692.

47. In his 1995 Form I-601, Defendant stated that Defendant had entered the United States with Defendant's own passport but without a visa.

48. In his 1995 Form I-601, Defendant stated that he previously was in the United States in New Britain/Hartford, CT from May 1992 to present.

49. In support of his 1995 Form I-485, Defendant also submitted a Form G-325A, Biographic Information ("1995 G-325A").

50. In his 1995 Form G-325A, Defendant stated that he was born in Pakistan on [REDACTED] | 1973.

51. In his 1995 Form G-325 A, Defendant stated that his Alien Number was A [REDACTED] [REDACTED] 5-692.

52. In his 1995 Form G-325A, Defendant stated that his address was [REDACTED] | [REDACTED] Hartford, CT from May 1992 to April 1994.

53. In support of his 1995 Form I-485, Defendant also submitted a Pakistan Birth Register.

54. The Birth Register listed Defendant's name as Rashid Mehmood.

55. The Birth Register listed Defendant's date of birth as [REDACTED] [REDACTED] 1973.

56. In support of his 1995 Form I-485, Defendant also provided a Form FD-258, Fingerprint Card.

57. On December 19, 1995, an INS immigration examiner interviewed Defendant about his 1995 Form I-485.

58. During the interview, Defendant provided oral testimony confirming the information in and his written responses to the questions on his 1995 Form I-485.

59. During the interview, Defendant changed the Alien Number on his 1995 Form I-485 from A [REDACTED] 5-692 to A [REDACTED] 2-479.

60. During the interview, Defendant changed the answer to question 10 on his 1995 Form I-485 from "no" to "yes."

61. During the interview, Defendant stated that Defendant used the name "Mahmood" and not "Mehmood" as listed on the Birth Register.

62. On September 12, 1996, INS mailed Defendant a Form I-291, Decision on Application for Status as Permanent Resident.

63. In the Form I-291, INS informed Defendant that INS denied his 1995 Form I-485 due to abandonment.

January 1997 Form I-485

64. On or about January 27, 1997, Defendant, using the name "Rashid Mahmood," submitted to the INS a Form I-485, Application to Register Permanent Residence or Adjust Status ("1997 Form I-485"), premised upon a Form I-130, Petition for Alien Relative, filed on his behalf by Gloria Ortiz, his United States citizen spouse.

65. In Part 1 of his 1997 Form I-485, Defendant stated that he was born in Pakistan on [REDACTED] 1973.

66. In Part 1 of his 1997 Form I-485, Defendant stated that his Alien Number was A [REDACTED] 2-479.

67. In Part 1 of his 1997 Form I-485, Defendant stated that his date of last arrival was May 1992.

68. In Part 3A of his 1997 Form I-485, Defendant answered "w/o visa" to the question, which asked "In what status did you last enter?"

69. In Part 3C of his 1997 Form I-485, Defendant answered "none" to the question, which asked "List your present and past membership in or affiliation with every political organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place since your 16th birthday."

70. In Part 3 of his 1997 Form I-485, Defendant answered "no" to question 1b, which asked "Have you ever, in or outside the U.S.: been arrested, cited, charged, indicted, fined, or imprisoned for breaking or violating any law or ordinance, excluding traffic violations?"

71. In Part 3 of his 1997 Form I-485, Defendant answered "no" to question 9, which asked "Have you ever been deported from the U.S., or removed from the U.S. at government expense, excluded within the past year, or are you now in exclusion or deportation proceedings?"

72. In Part 3 of his 1997 Form I-485, Defendant answered "no" to question 10, which asked "Are you under a final order of civil penalty for violating section 274C of the Immigration Act for use of fraudulent documents, or have you, 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?"

73. In support of his 1997 Form I-485, Defendant submitted a Form I-601, Application for Waiver of Ground of Excludability ("1997 Form I-601").

74. In his 1997 Form I-601, Defendant stated that his Alien Number was A [REDACTED] 2-479.

75. In his 1997 Form I-601, Defendant stated that he had entered the United States with his own passport but without a visa.

76. In his 1997 Form I-601, Defendant stated that he previously was in the United States in New Britain/Hartford, CT from May 1992 to present.

77. In support of his 1997 Form I-485, Defendant also submitted a Form G-325A, Biographic Information ("1997 Form G-325A").

78. In his 1997 Form G-325A, Defendant stated that he was born in Pakistan on [REDACTED] | 1973.

79. In his 1997 Form G-325A, Defendant stated that his Alien Number was A [REDACTED] [REDACTED] 2-479.

80. In his 1997 Form G-325A, Defendant stated that his address was [REDACTED] | [REDACTED] hartford, CT from May 1992 to April 1994.

81. In support of his 1997 Form I-485, Defendant also submitted a Pakistan Birth Register.

82. The Birth Register listed Defendant's name as Rashid Mehmood.

83. The Birth Register listed Defendant's date of birth as [REDACTED] | 1973.

84. In support of his 1997 Form I-485, Defendant also provided a Form FD-258, Fingerprint Card.

85. On July 8, 1997, an INS immigration examiner interviewed Defendant about his 1997 Form I-485.

86. During the interview, Defendant provided oral testimony confirming the information in and his written responses to the questions on his 1997 Form I-485.

87. On November 18, 1997, the INS approved Defendant's 1997 Form I-485, thereby granting Defendant the status of lawful permanent resident.

B. Defendant's Naturalization Application

88. On or about November 12, 2002, Defendant, using the name Rashid Mahmood and the Alien Number A [REDACTED] 2-479, submitted a Form N-400, Application for Naturalization.

89. In Part 1 of the Form N-400, Defendant stated that he had not used any other names.

90. Defendant's statement that he had not used any other names was false.

91. On the Form N-400, Defendant did not disclose that he had previously used the name Rashid Mehmood when he applied for entry into the United States in July 1992.

92. In Part 3 of the Form N-400, Defendant stated that he was born in Pakistan on [REDACTED] 1973.

93. On information and belief, Defendant's statement that his birthdate was [REDACTED] 1973, was false.

94. On the Form N-400, Defendant did not disclose his birthdate, to wit: Defendant provided a false birthdate when he applied for entry into the United States in July 1992 or during the interviews in support of his 1995 Form I-485 and 1997 Form I-485.

95. In Part 10B of the Form N-400, Defendant answered "no" to question 8a, which asked "Have you EVER been a member of or associated with any organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place?"

96. Defendant's statement that he has not been a member or associated with any organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place was false.

97. On the Form N-400, Defendant did not disclose that he previously claimed that he was a member of the Pakistan People's Party when he applied for entry into the United States in July 1992.

98. In Part 10D of the Form N-400, Defendant answered "yes" to 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?"

99. In Part 10D of the Form N-400, Defendant listed a "fight with spouse" and no other entries to explain his answer to Part 10D, question 16 and Part 10D, question 17.

100. Defendant's statement regarding any arrest, citation, or detention by any law enforcement officer (including INS and military officers) and any charge with committing any offense was false.

101. On the Form N-400, Defendant did not disclose that he had been cited by an INS officer when Defendant applied for entry into the United States in July 1992.

102. In Part 10D of the Form N-400, Defendant answered "no" to 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?"

103. 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 was false.

104. On the Form N-400, Defendant did not disclose that he had given false or misleading information to U.S. government officials while applying for any immigration, to wit: Defendant gave false or misleading information to INS officials in the following interviews in which he sought an immigration benefit: the interview in support of his 1995 Form I-485 and the interview in support of his 1997 Form I-485.

105. In Part 10D of the Form N-400, Defendant answered "no" to question 24, which asked "Have you EVER lied to any U.S. government official to gain entry or admission into the United States?"

106. 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.

107. On the Form N-400, Defendant did not disclose that he had lied to a U.S. government official to gain entry or admission into the United States, to wit: Defendant lied to INS officials when he applied for entry into the United States in July 1992.

108. In Part 10E of the Form N-400, Defendant answered "no" to question 27, which asked "Have you EVER been ordered to be removed, excluded, or deported from the United States?"

109. Defendant's statement regarding whether he had ever been ordered to be removed, excluded, or deported from the United States was false.

110. On his naturalization application, Defendant did not disclose that in 1992 he had been ordered excluded from the United States under the name Rashid Mehmood.

111. On or about September 12, 2002, Defendant signed the Form N-400 under penalty of perjury pursuant to the laws of the United States, thereby certifying that the information he provided was true and correct.

D. Defendant's Naturalization Interview and Naturalization

112. On August 28, 2003, Peggy M. Keck, a USCIS Immigration Services Officer ("ISO"), orally interviewed Defendant regarding his naturalization application to determine his eligibility for naturalization.

113. At the beginning of the interview, ISO Keck placed Defendant under oath.

114. During the interview, ISO Keck asked Defendant his birthdate.

115. On information and belief, Defendant's testimony that his birthdate was [REDACTED] 1973, was false.

116. During the interview, Defendant did not disclose his birthdate, to wit: Defendant provided a false birthdate when he applied for entry into the United States in July 1992 or during the interview in support of his 1995 Form I-485 and his 1997 Form I-485.

117. During the interview, ISO Keck asked Defendant whether he had been a member of or associated with any organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place consistent with Part 10B, question 8a of the Form N-400.

118. Consistent with Defendant's written answer to Part 10B, question 8a of the Form N-400, Defendant testified that he has never been a member of or associated with any organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place.

119. Upon information and belief, Defendant's testimony that he has not been a member of or associated with any organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place was false.

120. In the interview, Defendant did not disclose that he previously claimed that he was a member of the Pakistan People's Party when he applied for entry into the United States in **July 1992**.

121. During the interview, ISO Keck asked Defendant about his written explanation of his answer to Part 10D, question 16.

122. Consistent with Defendant's written explanation to Part 10B, question 16 of the Form N-400, Defendant testified that his fight with his spouse was the only incident in which he was arrested, cited, or detained.

123. Defendant's testimony regarding any arrest, citation, or detention by any law enforcement officer (including INS and military officers) and any charge with committing any offense was false.

124. During the interview, Defendant did not disclose that he had been cited by an INS officer when Defendant applied for entry into the United States in July 1992.

125. During the interview, ISO Keck asked Defendant whether he had ever given false or misleading information to any U.S. Government official, or on any application, while applying for any immigration benefit or to prevent deportation, exclusion, or removal, consistent with Part 10D, Question 23 of the Form N-400.

126. Consistent with his written answer to Part 10D, Question 23 of the Form N-400, Defendant testified that 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.

127. Defendant's testimony regarding whether he had ever given false or misleading information to any U.S. Government official while applying for any immigration benefit was false.

128. During the interview, Defendant did not disclose that he had given false or misleading information to U.S. government officials while applying for any immigration benefit, to wit: Defendant lied to INS officials in at least one of the following interviews in which he sought an immigrant benefit: the interview in support of his 1995 Form I-485 or the interview in support of his 1997 Form I-485.

129. During the interview, ISO Keck asked Defendant whether he had ever lied to any U.S. Government official to gain entry or admission into the United States, consistent with Part 10D, Question 24 of the Form N-400.

130. Consistent with his written answer to Part 10D, Question 24 of the Form N-400, Defendant testified that he had never lied to any U.S. Government official to gain entry or admission into the United States.

131. Defendant's testimony regarding whether he had ever lied to any U.S. Government official to gain entry or admission into the United States was false.

132. During the naturalization interview, 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 lied to INS officials when he applied for entry into the United States in July 1992.

133. During the interview, ISO Keck asked Defendant whether he had ever been ordered to be removed, excluded, or deported from the United States, consistent with Part 10E, Question 27 of the Form N-400.

134. Consistent with his written answer to Part 10E, Question 27 of the Form N-400, Defendant testified he had never been ordered to be removed, excluded, or deported from the United States.

135. Defendant's testimony regarding whether he had ever been ordered to be removed, excluded, or deported from the United States was false.

136. At the naturalization interview, Defendant did not disclose that he had been ordered excluded from the United States under the name Rashid Mehmood.

137. Defendant signed the Form N-400 in the presence of ISO Keck and swore that the contents of his application, including the nine numbered corrections, were true and correct to the best of his knowledge and belief.

138. Based upon the information supplied by Defendant in his Form N-400 and based on the sworn answers he gave during his naturalization interview, USCIS approved Defendant's application for naturalization on April 18, 2005.

139. On June 3, 2005, Defendant took the Oath of Allegiance and became a naturalized U.S. citizen.

140. On June 3, 2005, USCIS issued Defendant Certificate of Naturalization No. 29011409.

GOVERNING LAW

A. Congressionally imposed prerequisites to the acquisition of citizenship

141. 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); *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)).

142. 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. The term "lawfully" requires compliance with substantive legal requirements for admission and not mere procedural regularity. *See De La Rosa v. U.S. Dep't of Homeland Sec.*, 489 F.3d 551, 554-55 (2nd Cir. 2007).

143. 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 benefit provided for in the Immigration and Nationality Act ("INA") is inadmissible. *See* 8 U.S.C. § 1182(a)(6)(C)(i).

144. Congress has also 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.*; 8 C.F.R. § 316.10(a)(1).

145. As a matter of law, an applicant necessarily lacks good moral character if he or she commits a crime involving moral turpitude ("CIMT") during the statutory period and later either is convicted of the crime or admits his or her commission of the criminal activity. 8 U.S.C. § 1101(f)(3)(cross-referencing 8 U.S.C. § 1182(a)(2)(A)); 8 C.F.R. § 316.10(b)(2)(i)

(providing that an applicant "shall be found to lack good moral character" if, for example, they committed and were convicted of one or more crimes involving moral turpitude).

146. Congress has also 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).

147. Further, Congress created a "catch-all" provision, which states, "[t]he fact that any person is not within any of the foregoing classes shall not preclude a finding that for other reasons such person is or was not of good moral character." 8 U.S.C. § 1101(f).

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

149. "[A] conviction during the statutory period is not necessary for a finding that an applicant lacks good moral character. It is enough that the offense was 'committed' during that time." *United States v. Suarez*, 664 F.3d 655, 661 (7th Cir. 2011) (discussing both 8 U.S.C. § 1101(f)(3) and 8 C.F.R. § 316.10(b)(3)(iii)).

B. The Denaturalization Statute

150. 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.

151. 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.

152. 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.

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

CAUSES OF ACTION

COUNT 1

ILLEGAL PROCUREMENT OF NATURALIZATION NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE

(FRAUD OR WILLFUL MISREPRESENTATION)

154. The United States re-alleges and incorporates by reference paragraphs 1 through 153 of this Complaint.

155. 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.

156. The term "lawfully" requires compliance with substantive legal requirements for admission and not mere procedural regularity. *See De La Rosa v. U.S. Dep't of Homeland Sec.*, 489 F.3d 551, 554-5 (2nd Cir. 2007).

157. 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 benefit provided for in the Immigration and Nationality Act ("INA") is inadmissible. *See* 8 U.S.C. § 1182(a)(6)(C)(i).

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

159. Defendant sought to procure admission into the United States or other benefit provided for in the INA by fraud or willfully misrepresenting a material fact during the following applications: his 1995 Form I-485, his 1995 Form I-601, his 1997 Form I-485, and his 1997 Form I-601.

160. As set forth in paragraphs 6 through 87 of this Complaint, Defendant applied numerous immigration benefits, including admission into the United States and adjustment of status, using fraudulent identity and identity documents, a fraudulent date of birth, and multiple Alien Numbers.

161. Thus, at the time Defendant was admitted as a lawful permanent resident, Defendant was inadmissible pursuant to 8 U.S.C. § 1182(a)(6)(C)(i), because he sought to procure admission into the United States or other benefit provided for in the INA by fraud or willfully misrepresenting a material fact during the following applications: his 1995 Form I-485, his 1995 Form I-601, his 1997 Form I-485, and his 1997 Form I-601.

162. Defendant's false statements regarding his name, Alien Number, date of birth, date of entry into the United States, and his immigration history were material to determining his eligibility for the immigration benefits for which he applied. Defendant's false statements had the natural tendency to influence a decision by the INS officer to approve his application. Defendant thus sought to procure an immigration benefit by fraud or willfully misrepresenting a material fact.

163. Because Defendant was inadmissible at the time his status was adjusted to that of a permanent resident, Defendant was not lawfully admitted for permanent residence.

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

165. 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)

166. The United States re-alleges and incorporates by reference paragraphs 1 through 153 of this Complaint.

167. 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.

168. An applicant for naturalization must satisfy the statutory requirement of demonstrating that he is a person of good moral character. *See* 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a).

169. 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.* Thus, Defendant was required to establish that he was a person of good moral character from October 2, 1997 until the date he became a U.S. citizen, on June 3, 2005 (the "statutory period").

170. 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 for the purpose of obtaining an immigration benefit. *See* 8 U.S.C. § 1101(f)(6).

171. As set forth in paragraphs 112 through 140 of this Complaint, during the statutory period Defendant provided false testimony for the purpose of obtaining an immigration benefit when he swore, under oath, during his naturalization interview, that:

- a. his birthdate was [REDACTED] | 1973;
- b. he had not been a member of or associated with any organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place;
- c. his fight with his spouse was the only incident for which he was arrested, detained, or cited;
- d. he had not provided false or misleading information to any U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal;
- e. he had not lied to any U.S. Government official to gain entry or admission into the United States;
- f. he had never been ordered to be removed, excluded, or deported from the United States; and
- g. his answers on his Form N-400 were true to the best of his knowledge.

172. Because he provided false testimony under oath for the purpose of obtaining his naturalization during the statutory period, 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.

173. Because Defendant was not a person of good moral character, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

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

COUNT III

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER

(UNLAWFUL ACTS)

175. The United States re-alleges and incorporates by reference paragraphs 1 through 153 of this Complaint.

176. 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 unlawful acts.

177. As noted in Count II, Defendant was required to establish that he was a person of good moral character from October 2, 1997 until the date he became a U.S. citizen, on June 3, 2005 (the "statutory period"). *See* 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

178. An applicant is precluded from establishing the good moral character necessary to naturalize if he committed unlawful acts during the statutory period that adversely reflect on his moral character, unless he proves extenuating circumstances exist. *See* 8 C.F.R. § 316.10(b)(3)(iii); 8 U.S.C. § 1101(f).

179. As discussed in paragraphs 88 through 140 of this Complaint, during the statutory period Defendant provided both false written statements and oral testimony with respect to material facts in his naturalization application.

180. Accordingly, Defendant committed acts during the statutory period that constitute the essential elements of the following criminal offenses: false swearing in an immigration matter, in violation of 18 U.S.C. § 1546(a); making false statements, in violation of 18 U.S.C. § 1001; and perjury, in violation of 18 U.S.C. § 1621(1).

a. *False Swearing in an Immigration Matter.* On or about November 12, 2002, pursuant to 18 U.S.C. § 1546(a), Defendant did knowingly subscribe as true, under penalty of perjury, false statements with respect to material facts in a document required by the immigration laws or regulations prescribed thereunder, to wit: a Form N-400, Application for Naturalization. As alleged in paragraphs 87 through 139 of this Complaint, Defendant made false statements in the N-400 regarding when he was born; when he had been arrested, detained, or cited; 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; whether he had ever lied to any U.S. Government official to gain entry or admission into the United States; and whether he had ever been ordered to be removed, excluded, or deported from the United States. Defendant knew these statements to be false. All are in violation of 18 U.S.C. § 1546(a).

b. *False Statements.* On or about November 12, 2002, Defendant did willfully and knowingly make materially false, fictitious, and fraudulent statements and representations, and make or use false writings and documents knowing the same to

contain materially false, fictitious, and fraudulent statements and entries, in a matter within the jurisdiction of a department or agency of the United States. Defendant made false statements on the N-400 Application for Naturalization regarding when he was born; when he had been arrested, detained, cited, or charged; 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; whether he had ever lied to any U.S. Government official to gain entry or admission into the United States; and whether he had ever been ordered to be removed, excluded, or deported from the United States. Defendant knew these statements were false. All are in violation of 18 U.S.C. § 1001.

c. *Perjury*. On or about November 12, 2002, in a statement under penalty of perjury as permitted under 28 U.S.C. § 1746, Defendant did willfully subscribe as true material matter which he did not believe to be true; to wit: on a Form N-400, Application for Naturalization, Defendant subscribed as true that his birthdate was ■ ■ 1973; that he had only been arrested, detained, or cited once for an altercation with his former spouse, that 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; that he had never lied to any U.S. Government official to gain entry or admission into the United States; that he had never been ordered to be removed, excluded, or deported from the United States. These statements made under penalty of perjury were material, not true, and Defendant did not believe them to be true. All are in violation of 18 U.S.C. § 1621(1).

181. False swearing in an immigration matter, in violation of 18 U.S.C. § 1546(a); making false statements, in violation of 18 U.S.C. § 1001; and perjury, in violation of 18 U.S.C. § 1621, adversely reflect on Defendant's moral character. Indeed, false swearing in an immigration matter, in violation of 18 U.S.C. § 1546(a); making false statements, in violation of 18 U.S.C. § 1001; and perjury, in violation of 18 U.S.C. § 1621, all constitute crimes involving moral turpitude. *See Marin Rodriguez v. Holder*, 710 F.3d 734, 738-39 (7th Cir. 2013) (18 U.S.C. § 1546(a)); *Ghani v. Holder*, 557 F.3d 836, 840 (7th Cir. 2009) (18 U.S.C. § 1001); *U.S. ex rel. Carella v. Karnuth*, 2 F.Supp. 998, 998-99 (2nd Cir. 1933) (perjury).

182. Defendant cannot establish extenuating circumstances for his false testimony and false statements, and he therefore cannot avoid the regulatory bar on good moral character found at 8 C.F.R. §316.10(b)(3)(iii).

183. The regulatory "unlawful acts" bar on good moral character found in 8 C.F.R. § 316.10(b)(3)(iii) applies to Defendant regardless of whether the statutory false testimony bar (set forth in Count II) also applies to him.

184. Defendant's false testimony for the purpose of obtaining an immigration benefit and false statements with respect to material facts in his naturalization application precluded him from establishing good moral character and thus rendered him ineligible for naturalization at the time he naturalized. *See* 8 C.F.R. § 316.10(b)(3)(iii). 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

185. The United States re-alleges and incorporates by reference paragraphs 1 through 145 of this Complaint.

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

187. As set forth in paragraphs 87 through 139 of this Complaint, Defendant willfully misrepresented and/or concealed material facts throughout his naturalization proceedings in the following: when he was born; when he had been arrested, detained, or cited; 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; whether he had ever lied to any U.S. Government official to gain entry or admission into the United States; and whether he had ever been ordered to be removed, excluded, or deported from the United States.

188. Defendant knew his representations and sworn testimony about these matters were false and misleading, and he made such representations willfully.

189. Defendant's false statements in the Form N-400 and testimony at his naturalization interview about these matters were material to determining his eligibility for naturalization. Defendant's misrepresentations had the natural tendency to influence a decision by USCIS to approve his naturalization application. USCIS would have denied Defendant's naturalization application had he been truthful. Defendant thus procured his naturalization by concealment of material facts and willful misrepresentations.

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

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. 29011409, effective as of the original date of the order and certificate, June 3, 2005;
- (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 June 3, 2005 naturalization;
- (5) Judgment requiring Defendant, within ten (10) days of Judgment, 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;
- (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 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; and

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

Dated: September 19, 2017

DEIRDRE M. DALY
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Respectfully submitted,

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Counsel for the United States

UNITED STATES OF AMERICA

In the Matter of the Revocation
of the Naturalization of

AFFIDAVIT OF GOOD CAUSE

RASHID MAHMOOD, 2-479
a/k/a Rashid Mehmood, 6-924

I, CHRISTOPHER J. WHITE, declare under penalty of perjury as follows:

I am an Officer with U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).¹ In this capacity, I have access to the official records of DHS, including the immigration file of RASHID MAHMOOD, A [REDACTED] 2-479, a.k.a. Rashid Mehmood, A [REDACTED] 6-924 (hereafter MAHMOOD²).

I have examined records relating to MAHMOOD, including but not limited to, his immigration **file**. Based upon my review of records relating to MAHMOOD, 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)³, to revoke the citizenship of MAHMOOD and to cancel his Certificate of Naturalization.

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 This Affidavit will refer to the individual in question as MAHMOOD because that is the identity under which he obtained naturalization.

³ 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.

MAHMOOD's last known place of residence is ██████████ Rocky Hill, Connecticut.

BACKGROUND

DHS records establish that the person who naturalized as MAHMOOD was previously ordered excluded under the name RASHID MEHMOOD.

Immigration History as Rashid Mehmood, D.O.B. ██████████ 1973, A-█████6-924

1. On or about July 9, 1992, MAHMOOD, using the name of Rashid Mehmood, presented a photo-substituted passport along with a counterfeit temporary residence card upon arrival in the United States via JFK International Airport in an attempt to gain admission. The temporary residence card presented was actually assigned to a female Liberian citizen, Comfort Amelia INNIS, under A-█████7-655. MAHMOOD was questioned by INS officers and a sworn statement was taken, at which time he claimed to "have a green card." He was assigned A-number ██████████6-924 in the name of Rashid Mehmood. He was hand-delivered Form I-122, Notice to Applicant for Admission Detained/Deferred for Hearing Before Immigration Judge. He was charged with inadmissibility under sections 212(a)(6)(C), 212(a)(7)(A)(i)(I), and 212(a)(7)(B) of the INA. The Notice informed him that he did not appear to be entitled to enter the United States and that he would be scheduled for an exclusion hearing before an Immigration Judge to establish that he was admissible to the United States. The Notice further provided that the hearing would be held at the INS building in New York, NY, and that if he was not contacted within 30 days of the Notice, he was to contact the phone number provided on the Notice.
2. On August 13, 1992, a Notice of Hearing in Immigration Proceeding was mailed to him at his last known address informing him that a hearing before an immigration judge was scheduled for October 13, 1992, at 9:30 A.M., at 26 Federal Plaza Rm 13130, New York, NY. The Notice further informed him of the consequences should he fail to appear at the hearing.
3. He failed to appear at his exclusion proceeding on October 13, 1992. He was ordered excluded in absentia by Immigration Judge Annette Elstein because he was not in

possession of a valid document for admission under sections 212(a)(7)(A)(i)(I) and 212(a)(7)(B)(i)(I) of the INA.

4. On December 13, 1993, Form I-166, Notice to Deportable Alien to Surrender, was sent to him at his last known address via certified mail informing him to report on January 18, 1994 ready for deportation to Pakistan. The Notice was received with signature at his last known address. He failed to appear as required on that date.

Immigration History as Rashid Mahmood.

D.O.B. April 3, 1973, A [REDACTED] 2-479

5. On or about January 27, 1997, the same individual, using the name Rashid Mahmood, submitted Form I-485, Application to Register Permanent Residence or Adjust Status, to the INS, premised upon a Form I-130, Petition for Alien Relative, filed on his behalf by Gloria Ortiz, his United States citizen spouse. He was assigned A-number [REDACTED] 2-479 under the name Rashid Mahmood. On the Form I-485, he indicated that his name was "Rashid Mahmood," his date of birth was "[REDACTED] 73," his "A#" was "A [REDACTED] 2479." and he indicated he had never sought to procure entry into the United States by fraud or willful misrepresentation. With the Form I-485, he also filed Form G-325A, Biographic Information, on which he indicated his name was "Rashid MAHMOOD," his date of birth was "[REDACTED] 73," his "file number" was "A [REDACTED] 2479." and that he had never used any other names. With the Form I-485, he also filed Form I-601, Application for Waiver of Grounds of Excludability, indicating a waiver was needed because he "entered the U.S. with [his] own passport but without a visa." On November 18, 1997, INS granted the I-601 and I-485 applications, and his status was adjusted to that of a permanent resident.
6. On or about November 12, 2002, MAHMOOD submitted Form N-400, Application for Naturalization, under INA § 316, 8 U.S.C. § 1427. On his Form N-400, signed under penalty of perjury, he represented that:
 - His current legal name was Rashid Mahmood.
 - He had never used any other names.
 - His date of birth was [REDACTED] [REDACTED] 1973.

- He had never given false or misleading **information** to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal.
 - He had never lied to any U.S. government official to gain entry or admission into the United States.
 - He had never been ordered to be removed, excluded, or deported from the United States.
7. On August **28, 2003**, MAHMOOD was interviewed at the USCIS Hartford, Connecticut Field Office to determine his eligibility for naturalization. During the course of the interview, Immigration Services Officer Peggy M. Keck placed MAHMOOD under oath and asked him the following questions:
- Current legal name?
 - **Date** of birth?
 - Have you **EVER** given false or misleading information to any U.S. government official or on any application while applying for any immigration benefit or to prevent deportation, exclusion or removal?
 - Have you **EVER** lied to any U.S. government official to gain entry or admission into the United States?
 - Have you **EVER** been ordered to be removed, excluded, or deported from the United States?
8. In response, MAHMOOD testified his name was "Rashid Mahmood," and that his date of birth was [REDACTED] [REDACTED] **1973**, MAHMOOD verbally answered "no" to the remaining questions above. During the course of the naturalization interview, eight corrections were made to the written answers initially provided on his Form N-400. At the conclusion of his naturalization interview, MAHMOOD swore that the contents of his Form N-400, including the eight corrections, were true and correct.
9. On the basis of his written application and the testimony he provided during his naturalization interview, MAHMOOD's Form N-400 was approved on April **18, 2005**. On June 3, 2005, MAHMOOD took the Oath of Allegiance and was admitted as a citizen of the United States. He was issued Certificate of Naturalization No. **29011409**.

ILLEGAL PROCUREMENT OF NATURALIZATION

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

10. To be eligible for naturalization, an applicant must be lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318; 8 U.S.C. § 1429.
11. Among the INA provisions applicable at the time of MAHMOOD'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).
12. An individual who by fraud or willfully misrepresenting a material fact seeks to procure (or had sought to procure or had procured) a visa, other documentation, or admission into the United States, or other benefit provided under the INA, is inadmissible. INA § 212(a)(6)(C)(i); 8 U.S.C. § 1182(a)(6)(C)(i).
13. Based on the information contained above, MAHMOOD willfully misrepresented material facts, specifically, his identity, including his name and date of birth, and immigration history.
14. **Because** MAHMOOD misrepresented material facts, he was inadmissible to the United States at the time of his adjustment of status and was not lawfully admitted for permanent residence; accordingly, he illegally procured his naturalization.

**Illegal Procurement of Naturalization
Lack of Good Moral Character
False Testimony**

15. **As** an applicant for naturalization under section 316 of the INA, 8 U.S.C. § 1427, MAHMOOD was required to establish that he was a person of good moral character during the period beginning **five** years prior to the filing of his application for naturalization and continuing until the time of admission to citizenship. This **period** is referred to as the "statutory period."

16. MAHMOOD filed his application for naturalization on November 12, 2002; accordingly, he was required to establish that he was a person of good moral character from November 12, 1997, until the time of his admission to citizenship on June 3, 2005.
17. An individual who, during the statutory period, provides false testimony for the purpose of obtaining an immigration benefit cannot establish good moral character. INA § 101(f)(6); 8 U.S.C. § 1101(f)(6).
18. Based on the facts contained above, MAHMOOD provided false testimony while under oath during his naturalization interview. Specifically, MAHMOOD falsely testified that:
- He had never given false or misleading information to any U.S. government official or on any application while applying for any immigration benefit or to prevent deportation, exclusion or removal;
 - He had never lied to any U.S. government official to gain entry or admission into the United States; and
 - He had never been ordered to be removed, excluded, or deported from the United States.
19. Because MAHMOOD provided false testimony to obtain an immigration benefit during the statutory period, he was not eligible for naturalization; accordingly, he illegally procured his naturalization.

PROCUREMENT OF NATURALIZATION BY WILLFUL MISREPRESENTATION
OR CONCEALMENT OF MATERIAL FACTS

20. A naturalized citizen is subject to revocation of naturalization if he procured naturalization by **willfully** misrepresenting or concealing material facts.
21. Based on the facts contained above, MAHMOOD willfully misrepresented his identity and immigration history throughout the naturalization process.
22. The misrepresentations made by MAHMOOD 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, MAHMOOD 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.

23. Because MAHMOOD 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 March 31, 2017, at Fairfax, VA 2203.



Christopher J. White
Immigration Officer
U.S. Citizenship and Immigration Services
Department of Homeland Security