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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:17-cv-465-J-32PDB

PARVEZ MANZOOR KHAN,
a/k/a Mohammad Akhtar, a/k/a Jaweed Khan,

COMPLAINT TO REVOKE
NATURALIZATION

Defendant.

PRELIMINARY STATEMENT

Parvez Manzoor Khan a/k/a Mohammad Akhtar a/k/a Jaweed Khan ("Defendant") arrived in the United States in 1991 using an altered passport bearing the name Mohammad Akhtar. He was placed in exclusion proceedings and sought asylum, claiming his true name was Jaweed Khan. Defendant failed to appear in immigration court and was ordered excluded. Six years later, using the alias Parvez M. Khan, Defendant applied to adjust his status to that of a lawful permanent resident based on his marriage to a U.S. citizen. That application, which did not disclose Defendant's true identity or prior immigration history, was granted. Defendant subsequently obtained citizenship on the basis of his permanent resident status. Defendant never disclosed that he had been ordered excluded, lied about his true 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. 29940612 issued July 3, 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 Branford, Florida, within the jurisdiction and venue of this Court. Assignment to the Jacksonville Division is proper pursuant to Local Rule 1.02(b)(1) because Branford, Florida, is located in Suwannee County.

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 Lyly Nguyen, a Supervisory 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

"Mohammad Akhtar" Arrives in the United States and Is Placed in Exclusion Proceedings

8. On December 7, 1991, Defendant arrived in the United States aboard Korean Airlines flight no. KE 002.

9. Defendant presented a Pakistani passport no. E036009 bearing a United States B-2 visa.

10. Immigration officers determined that the photograph in the passport had been altered.

11. That same day, December 7, 1991, Defendant was personally served with a Form I-122, Notice to Applicant Detained for Hearing Before Immigration Judge, initiating exclusion proceedings against him.

12. On or about December 23, 1991, Defendant submitted a Form I-589, Request for Asylum in the United States ("Form I-589").

"Jaweed Khan" Applies for Asylum and Is Ordered Excluded

13. In his Form I-589, its accompanying statement, and his Form G-325A, Biographic Information, Defendant indicated that his name was Jaweed Khan.

14. On or about January 7, 1992, Defendant was paroled into the United States on bond pending his exclusion proceedings.

15. On February 26, 1992, an immigration judge ordered Defendant excluded *in absentia* after Defendant failed to appear in immigration court.

16. By letter dated February 8, 1993, the U.S. Immigration and Naturalization Service ("INS") ordered Defendant to report for deportation at 10:00 a.m. on February 19, 1993.

17. Defendant failed to report as required.

"Parvez M. Khan" Applies for Adjustment of Status

18. On or about January 14, 1998, Betty L. Khan, Defendant's wife, filed a Form I-130, Petition for Alien Relative ("Form I-130"), with the INS, seeking to classify Defendant as her immediate relative.

19. On or about the same date, January 14, 1998, Defendant, under the alias Parvez M. Khan, filed a Form I-485, Application to Register Permanent Residence or Adjust Status ("Form I-485") with the INS, seeking to adjust his status to that of a lawful permanent resident.

20. Both the Form I-130 and the Form I-485 were approved on November 7, 2001, granting Defendant permanent resident status .

NATURALIZATION PROCEEDINGS

"Parvez Manzoor Khan" Applies for Naturalization

21. On or about December 12, 2005, Defendant submitted a Form N-400, Application for Naturalization ("Form N-400") to USCIS.

22. In Part I, Question C, the Form N-400 asks, "If you have ever used other names, provide them below." Defendant drew horizontal lines through each of the three boxes provided for other last names, indicating that he had never used any other name.

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. On December 1, 2005, Defendant signed his name in Part 11 of the Form N-400, thereby certifying under penalty of perjury that its contents were true and correct.

Naturalization Interview

29. On May 31, 2006, a USCIS officer placed Defendant under oath and interviewed him regarding his Form N-400 application. During this interview, Defendant testified substantially as follows:

a. **Inconsistent** with his statement in Part 10, Section D of his Form N-400, Defendant testified that he had been arrested or **detained** one time, in Miami-Dade, Florida, and no other times.

b. Consistent with his statement in Part 10, Section D of his 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.

c. Consistent with his statement in Part 10, Section D of his 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.

d. Consistent with his statement in Part 10, Section E of his Form N-400, Defendant testified that he had never been ordered to be removed, excluded, or deported from the United States.

e. Consistent with his statement in Part 10, Section E of his Form N-400, Defendant testified that he had never applied for any kind of relief from removal, exclusion, or deportation.

30. At the end of his naturalization interview on February 10, 2005, Defendant again signed his N-400 under penalty of perjury, thereby attesting that the information it contained was true and correct.

31. Based on **Defendant's** sworn statements on his N-400 and at his naturalization interview, on May 31, 2006, USCIS approved Defendant's application for **naturalization**.

32. Based on his approved N-400, on July 3, 2006, Defendant was administered the oath of allegiance, admitting him to United States citizenship, and was issued Certificate of Naturalization No. 29940612.

POST-NATURALIZATION CONDUCT

33. On or about November 13, 2013, Defendant arrived at the San Francisco International Airport aboard United Airlines flight no. 838 and presented a valid United States passport.

34. After being apprised of his *Miranda* rights, Defendant admitted that he attempted to enter the United States with an altered passport sometime in 1991. Defendant admitted that he had previously been detained for fifteen days by immigration officers.

35. On or about March 2, 2014, Defendant presented himself for inspection at Abu Dhabi preclearance with a valid United States passport.

36. Upon questioning, Defendant admitted the following:

- a. that on his initial entry to the United States he presented a Pakistani passport bearing the name Mohammad Akhtar;
- b. that he was detained by INS;
- c. that he went before an immigration judge; and
- d. that he requested asylum.

IV. GOVERNING LAW

Congressionally Imposed Prerequisites to the Acquisition of Citizenship

37. 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).

38. 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.*

39. 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).

The Denaturalization Statute

40. 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.

41. 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.

42. 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.

43. 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." *Id.* at 517.

V. CAUSES OF ACTION

COUNT I

ILLEGAL PROCUREMENT OF NATURALIZATION
LACK OF GOOD MORAL CHARACTER

(FALSE TESTIMONY)

44. The United States re-alleges and incorporates by **reference** paragraphs 1 through 43 of this Complaint.

45. As discussed above, to be eligible for naturalization an applicant must show that he has been a person of good moral character for the five-year statutory period before he files his N-400, and until the time he becomes a naturalized United States citizen. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

46. An applicant for naturalization is statutorily precluded from establishing the good moral character necessary to naturalize if he has given false testimony for the purpose of obtaining an immigration benefit. *See* 8 U.S.C. § 1101(f)(6).

47. Defendant provided false testimony for the purpose of obtaining an immigration benefit on May 31, 2006, when he was interviewed under oath in connection with his Form N-400.

48. Specifically, while under oath, Defendant testified that he had never been detained by a law enforcement officer other than one arrest in Miami-Dade, Florida; 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; and that he had never applied for relief from removal or deportation.

49. Defendant's testimony was false, because, as described above, Defendant was detained for fifteen days by immigration officers upon his arrival in 1991; Defendant gave false or misleading information to U.S. immigration officers concerning his identity on multiple occasions and while seeking multiple immigration benefits; Defendant lied about his identity to procure entry or admission into the United States; Defendant had been ordered excluded; and Defendant had applied for asylum.

50. Defendant knew his testimony to be false.

51. Defendant provided false testimony for the purpose of obtaining an immigration benefit, namely, naturalization.

52. Because Defendant provided false testimony for the purpose of obtaining an immigration benefit during the statutory period, he lacked the good moral character necessary to be eligible to naturalize.

53. 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 II

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

54. The United States re-alleges and incorporates by reference paragraphs 1 through 53 of this Complaint.

55. 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.

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

57. 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).

58. 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 lawful permanent resident.

59. At the time Defendant was granted adjustment of status under the alias Parvez M. Khan, 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.

60. 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,

61. 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 & 1430.

62. The Court must therefore revoke that citizenship as provided for in 8 U.S.C. § 1451(a).

COUNT HI

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

WILLFUL MISREPRESENTATION

63. The United States re-alleges and incorporates by reference paragraphs 1 through 62 of this Complaint.

64. 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,

65. As set forth above, Defendant concealed and willfully misrepresented on his Form N-400 and at his subsequent interview the following: whether he had never been detained by a law enforcement officer other than one arrest in Miami-Dade, Florida; 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.

66. 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.

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

68. 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 USCIS 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.

69. 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).

VI. 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. 29940612, effective as of the original date of the order and certificate, July 3, 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 3, 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 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, 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

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Respectfully submitted,

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Exhibit A

UNITED STATES OF AMERICA

In the Matter of the Revocation
of the Naturalization of

AFFIDAVIT OF GOOD CAUSE

Parvez Manzoor Khan, •010
a/k/a Jaweed Khan 989

I, Supervisory Immigration Services Officer (SISO) Caroline Lyly Nguyen, 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 files of Parvez Manzoor Khan, A■■■■-010, a.k.a. Jaweed Khan, A■■■■-989.

I have examined records relating to Parvez Manzoor Khan, including but not limited to, his immigration files. Based upon my review of records relating to Parvez Manzoor Khan, 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. §

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.

1451(a)², to revoke the citizenship of Parvez Manzoor Khan and to cancel his Certificate of Naturalization.

The last place of residence for Parvez Manzoor Khan is [REDACTED], Branford, Florida.

BACKGROUND

DHS records establish that the person who naturalized as Parvez Manzoor Khan is the same person who was previously ordered excluded and deported under the name Jaweed Khan.

Immigration History as Jaweed Khan **D.O.B. [REDACTED]1958, [REDACTED]-989**

1. On or about December 7, 1991, Parvez Manzoor Khan, using the name Mohammad Akhtar, arrived at Los Angeles International Airport with Pakistan passport No. [REDACTED] and presented himself as a B-2 nonimmigrant visitor. Upon referral to secondary inspection, it was detected that the photograph was substituted into the passport that Parvez Manzoor Khan had presented for inspection. Still using the name Mohammad Akhtar, he was assigned A-number [REDACTED]-989 and issued Form I-122, Notice to Applicant for Admission Detained for Hearing before Immigration Judge, charging him **with excludability** under sections 212(a)(5)(A)(i), 212(a)(6)(C)(i), and 212(a)(7)(A)(i)(I) of the INA. The Notice informed him that he would be scheduled for an exclusion hearing before an Immigration Judge in Los Angeles, California to establish that he was admissible to the United States.
2. On or about December 23, 1991, Parvez Manzoor Khan filed Form I-589, Request for Asylum in the United States with the Immigration Court. On the Form I-589, signed under penalty of perjury, he represented that:
 - His **name** was Jaweed Khan;
 - He had also used the name Mohammad Akhtar;
 - His **date of birth** was [REDACTED]1958;

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.

- He was a national of Pakistan;
 - He last arrived in the United States on December 7, 1991 at Los Angeles, California;
 - He was an active worker for the Movement for Recreation of Democracy, as well as a political organization known as the "PPP;"
 - He was imprisoned for two years due to his political activities
3. In support of the Form I-589, he submitted Form G-325A, Biographic Information, on which he represented that:
- His name was Jaweed Khan;
 - His date of birth was [REDACTED] 58;
 - He was born in Lahore, Pakistan;
 - He also used the name Mohammad Akhtar;
 - His father was Ahmad Khan Manzoor; and
 - His mother was Rehana Begum.
4. Parvez Manzoor Khan was placed in exclusion proceedings under the name Mohammad Akhtar. He appeared for a hearing before the Immigration Court and was found subject to exclusion under INA section 212(a)(7)(A)(i)(I). He filed an Application for Asylum, Form I-589, with the Immigration Court. On his Form I-589, Parvez Manzoor Khan declared his name as Jaweed Khan, and admitted also using the name Mohammad Akhtar. Parvez Manzoor Khan was notified of the date, time, and place of his merits hearing through counsel. On February 26, 1992, Parvez Manzoor Khan failed to appear for his exclusion proceeding and was found to have abandoned all claims to relief from exclusion. He was ordered excluded and deported from the United States by Immigration Judge Roy J. Daniel.
5. On or about February 8, 1993, Form I-166, Notice to Deportable Alien to Surrender, was sent to Parvez Manzoor Khan at his last known address of record via certified mail informing him to report on February 19, 1993 ready for deportation to Pakistan. He failed to appear as required on that date.

6. On or about January 14, 1998, the same individual, using the name Parvez Manzoor Khan, submitted Form I-485, Application to Register Permanent Residence or Adjust Status to INS, premised upon a Form I-130, Petition for Alien Relative, filed on his behalf by Betty Louise Khan, his United States citizen spouse. He was assigned A-number [REDACTED]-010. On the Form I-485, signed under penalty of perjury, he represented that:
- His name was Parvez M. Khan;
 - His date of birth was [REDACTED] [REDACTED] 1957;
 - He was born in Lahore, Pakistan;
 - He last arrived in the United States on December 1990 at Miami, Florida as a visitor;
 - His mother's first name was Razia;
 - His father's first name was Manzoor;
 - He had never been deported or removed from the United States, or excluded within the past year; and
 - He had never sought to procure, or procured, a visa, other documentation, entry into the United States or any other immigration benefit by fraud or willful misrepresentation.
7. In support of the Form I-485, he submitted Form G-325A on which he represented that:
- His name was Parvez Manzoor Khan;
 - His date of birth was [REDACTED] [REDACTED] 1957;
 - He had never used other names;
 - His father was Manzoor Khan; and
 - His mother was Razi Begum.
8. On or about November 7, 2001, Parvez Manzoor Khan and his United States citizen spouse appeared for an adjustment of status interview at the INS Office in Miami, FL. During the interview, Parvez Manzoor Khan stated that he had last entered the United States without inspection, he had never been deported or removed from the United States or excluded within the past year, and he had never, by fraud or willful misrepresentation of material fact, ever sought to procure, or procured, a visa, other documentation, entry into the United States, or any other immigration benefit. Parvez Manzoor Khan's Form I-

485 was approved on November 7, 2001, thereby granting him the status of legal permanent residence.

9. On or about December 12, 2005, Parvez Manzoor Khan filed Form N-400, Application for Naturalization, with USCIS under INA § 319, 8 U.S.C. § 1430, based upon having been a lawful permanent resident for a period of three years, having been married to and living with the same United States citizen for the last three years, and his spouse having been a United States citizen for the last three years. On his Form N-400, signed under penalty of perjury, he represented that:

- His name was Parvez Manzoor Khan;
- He had never used any other names;
- His date of birth was [REDACTED] [REDACTED] 1957;
- He had never given false or misleading information to any United States government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal;
- He had never lied to any United States government official to gain entry or admission into the United States;
- He had never been removed, excluded, or deported from the United States;
- He had never been ordered to be removed, excluded, or deported from the United States; and
- He had never applied for any kind of relief from removal, exclusion, or deportation.
- He had only been arrested, cited, or detained by any law enforcement officer (including INS and military officers) one time (for prostitution);
- He had never been in jail or prison;
- He had 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.

10. On May 31, 2006, Parvez Manzoor Khan was interviewed at the USCIS Office in Orlando, Florida to determine his eligibility for naturalization. During the course of his interview, Immigration Services Officer (ISO) Lisa A. Pellechia placed Parvez Manzoor Khan 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 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 removed, excluded, or deported from the United States?
- Have you ever been ordered to be removed, excluded, or deported from the United States?
- Have you ever applied for any kind of relief from removal, exclusion, or deportation?
- Have you ever been arrested, cited, or detained by any law enforcement officer (including INS and military officers) for any reason?

11. In response, he testified that his name was "Parvez Manzoor Khan," and his date of birth was "[REDACTED], 1957." In response to the question about arrests, Parvez Manzoor Khan testified that he had one arrest for prostitution in Miami, Florida but the case was nolle prossed. In response to all other questions listed above, Parvez Manzoor Khan verbally answered "no."

12. During the course of the naturalization interview, eleven changes were made to the written answers initially provided on his Form N-400. At the conclusion of his interview, he swore that the contents of his naturalization application, including the eleven changes, were true and correct.

13. On the basis of his written application and the testimony he provided during his naturalization interview, Parvez Manzoor Khan's Form N-400 was approved on May 31, 2006. On July 3, 2006, Parvez Manzoor Khan took the Oath of Allegiance and was admitted as a citizen of the United States. He was issued Certificate of Naturalization No. 29940612.

**Illegal Procurement of Naturalization
Not Lawfully Admitted for Permanent Residence**

Inadmissible Based on Fraud or Misrepresentation

14. 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.
15. Among the INA provisions applicable at the time of Parvez Manzoor Khan'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).
16. 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).
17. Based on the information contained above, Parvez Manzoor Khan willfully misrepresented material facts, specifically, his identity and immigration history.
18. Because Parvez Manzoor Khan 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 in accordance with all applicable provisions of the INA; accordingly, he illegally procured his naturalization.

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

19. As an applicant for naturalization under section 319 of the INA, Parvez Manzoor Khan was required to establish that he was a person of good moral character during the period beginning three years prior to the filing of his application for naturalization and continuing until the time of admission to citizenship. This period is generally referred to as the "statutory period."
20. Parvez Manzoor Khan filed his application for naturalization on December 12, 2005; accordingly, he was required to establish that he was a person of good moral character from December 12, 2002, until the time of his admission to citizenship on July 3, 2006.

21. Under the law then in effect, an individual who, during the statutory period, provided false testimony for the purpose of obtaining an immigration benefit could not establish good moral character. INA § 101(f)(6); 8 U.S.C. § 1101(f)(6).
22. Based on the facts contained above, Parvez Manzoor Khan provided false testimony while under oath during his naturalization interview. Specifically, Parvez Manzoor Khan provided false testimony regarding:
- Whether he had ever given false or misleading information to any United States government official while applying for an immigration benefit or to prevent deportation, exclusion, or removal;
 - Whether he had ever been ordered to be removed, excluded, or deported from the United States; and
 - Whether he had ever applied for any kind of relief from removal, exclusion, or deportation.
23. Because Parvez Manzoor Khan 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**

24. A naturalized citizen is subject to revocation of naturalization if he procured naturalization by willfully misrepresenting or concealing material facts.
25. Based on the facts contained above, Parvez Manzoor Khan willfully misrepresented whether he had ever used any other names and his immigration history throughout the naturalization process.
26. The misrepresentations made by Parvez Manzoor Khan 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, Parvez Manzoor Khan misrepresented and concealed facts that would have shown that he ineligible for naturalization.
27. Parvez Manzoor Khan was able to procure his naturalization because he concealed or misrepresented material facts regarding his identity and immigration history.

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 July 19, 2017 at 300 North Los Angeles Street, Los Angeles, California. 90012.

Caroline Lyly
Supervisory Immigration Services Officer
United States Citizenship and Immigration Services
Department of Homeland Security