

NEWS

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Irvington Man Admits Giving False Answers on Naturalization Application to Gain U.S. Citizenship

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CAMDEN – An Irvington man pleaded guilty today to making false statements under oath on his naturalization application by failing to state he was arrested and convicted of sexually assaulting a victim under the age of 13, Acting U.S. Attorney Ralph J. Marra, Jr., announced.

Jairo Jaramillo-Castro, 26, pleaded guilty before U.S. District Judge Joseph H. Rodriguez to a one-count Information, which charges him with fraudulently procuring citizenship or naturalization of the United States. Judge Rodriguez scheduled sentencing for Dec. 21.

At his plea hearing, Jaramillo-Castro stated that he was born in Cali, Colombia in November 1982. In May 2000, he was issued a non-immigrant visa, as the child of a principal H-1 visa holder, to enter the United States. In June 2001, Jaramillo-Castro applied for lawful permanent resident status by submitting an application to the Immigration and Naturalization Service, which was approved in July 2002.

On June 13, 2007, Jaramillo-Castro applied to become a U.S. citizen by completing and submitting an Application for Naturalization, Form N-400, with the United States Citizenship and Immigration Services (“USCIS”). Jaramillo-Castro admitted that on the N-400 application he checked the “NO” box to the questions; have you “ever committed a crime or offense for which you were not arrested?” and have you “ever been arrested, cited or detained by any law enforcement officer . . . for any reason?”

Jaramillo-Castro admitted that on Jan. 8, 2008, while the N-400 application was pending, he was arrested by the Union County Sheriff’s Office and charged with several counts of sexual assault. Furthermore, Jaramillo-Castro admitted that while he was incarcerated, the USCIS mailed him a notice to appear on Feb. 15, 2008, for an interview regarding his application for naturalization. On the date of the scheduled N-400 interview, Jaramillo-Castro admitted he was still being held in pre-trial detention at the Union County Jail on the sexual assault charges.

On March 6, 2008, Jaramillo-Castro appeared in Superior Court in Union County and pleaded guilty to a one-count Accusation, which alleged that between Sept. 23, 2006 and Dec. 31, 2007, he committed a sexual assault by committing an act of sexual contact with S.O., who was less than 13 years old. After pleading guilty, Jaramillo-Castro was released from jail pending sentencing. Less than a week after being released, Jaramillo-Castro notified USCIS, in a letter, that he missed his naturalization interview because it was mailed to an old address and requesting that the interview be rescheduled.

On June 2, 2008, when he appeared at the USCIS office and was interviewed regarding his eligibility for citizenship. Jaramillo-Castro admitted that he was placed under oath and then affirmed that all of his answers in the N-400 application were true and correct. Jaramillo-Castro admitted that he knew his negative responses to N-400 questions regarding his criminal history were incorrect and false answers.

Furthermore, Jaramillo-Castro admitted that during the interview he was given the opportunity to correct his answers to the application questions. After the interview, Jaramillo-Castro's application was approved and he appeared at the Federal Courthouse in Newark for a naturalization ceremony. After again affirming that he met all the qualifications of citizenship, Jaramillo-Castro admitted that he took the oath of allegiance to the United States and then became a naturalized United States citizen.

The charge to which Jaramillo-Castro pleaded guilty carries a maximum penalty of 10 years in prison, revocation of citizenship, and a fine of \$250,000.

In determining an actual sentence, Judge Rodriguez will consult the advisory U.S. Sentencing Guidelines, which provide appropriate sentencing ranges that take into account the severity and characteristics of the offense, the defendant's criminal history, if any, and other factors. The judge, however, is not bound by those guidelines in determining a sentence.

Parole has been abolished in the federal system. Defendants who are given custodial terms must serve nearly all that time.

Marra credited Special Agents with Immigration and Customs Enforcement, under the direction of Special Agent in Charge Peter T. Edge in Newark, with the investigation leading to the guilty plea.

The government is represented by Assistant U.S. Attorney Jason M. Richardson of the Criminal Division in Camden.

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Defense Attorney: Maggie Moy, Esq. Assistant Federal Public Defender