

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ESO RAZIC,
a/k/a Esad Razic,
a/k/a “Brico,”

Defendant.

Case No. _____

**COMPLAINT TO REVOKE
NATURALIZATION**

PRELIMINARY STATEMENT

This is a civil denaturalization action, in which the United States of America seeks to revoke the naturalized citizenship of Eso Razic a/k/a Esad Razic a/k/a “Brico” (“Defendant”), a native and formerly a citizen of Yugoslavia and subsequently a citizen of the Republic of Bosnia and Herzegovina. As outlined below, Defendant fraudulently and unlawfully procured refugee status and eventually naturalized U.S. citizenship by concealing and misrepresenting both his service in paramilitary organizations during the Balkans conflict in the early 1990s during the breakup of the former Yugoslavia, and his participation in extra-judicial killings during such service.

Defendant was admitted to the United States in 1998 as a refugee. Defendant subsequently obtained lawful permanent residency on the basis of his refugee status and, in turn, obtained citizenship in 2004 on the basis of his permanent residency. Defendant never disclosed during any part of the immigration process that during the Balkans conflict he had been a member of one or more paramilitary organizations or that he assisted or otherwise participated in the extra-judicial killings of members of his own unit and a prisoner of war. Accordingly,

Defendant was never substantively eligible for the permanent resident status on which his naturalization was premised and his naturalization was illegally procured. In addition, Defendant procured his naturalization by willful misrepresentation and concealment of material facts. Thus, with the attached affidavit of good cause, the United States brings this civil action to revoke and set aside the order admitting Defendant to U.S. citizenship and to cancel his certificate of naturalization.

I. JURISDICTION, VENUE, AND PARTIES

1. This is an action under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Eso Razic to citizenship and to cancel his Certificate of Naturalization No. 27562437.

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

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

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

5. Defendant is a naturalized United States citizen. His last known residence is in Asbury, Iowa, which is within the jurisdiction and venue of this Court. Thus, venue is proper in this district pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391.

6. The affidavit of Daniel Tigges, a Special Agent with U.S. Immigration and Customs Enforcement (“ICE”), 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.

7. Defendant has been known as “Eso Rasic” and “Esad Rasic,” and by the nom-de-guerre “Brico.” Eso is the usual nickname for Esad in Defendant’s native language. *See* Capljina War Crimes Report, attached hereto as Exhibit B, at 8.

II. FACTUAL BACKGROUND

DEFENDANT’S UNDISCLOSED PARAMILITARY MEMBERSHIP & PARTICIPATION IN EXTRA-JUDICIAL KILLINGS

8. During the 1991-95 Balkans conflict, Defendant was a member of at least two paramilitary organizations.

9. Defendant is listed on the November 1992 payroll for the First Battalion Support Platoon of the Croatian Defense Council, a paramilitary organization also known by its Croatian acronym “HVO.” That document indicates Defendant was present for 22 days and was paid 40,000 dinars. Defendant was listed as a “soldier.” Defendant signed the document confirming he was paid. *See* November 1992 Payroll, First Battalion Support Platoon, attached hereto as Exhibit C, at 1.¹

10. Defendant is listed on the December 1992 payroll for the Independent Commando Company, a paramilitary organization. Defendant was paid 186,700 dinars. Defendant signed the document confirming he was paid. *See* December 1992 Payroll, Independent Commando Company, attached hereto as Exhibit D, at 1.

11. On or about June 8, 1992, Defendant and Edo Sakoc, while members of a paramilitary organization, took Milan Misita, a wounded enemy combatant, prisoner. Defendant and Sakoc then turned Misita over to Zlako Vegar, Drazenko Pervan, and Dinko Kavada. Vegar then shot Misita, killing him. *See* Statement of Stefa Misita, attached hereto as Exhibit E, at 4 ¶ 5.

¹ Exhibits C, D, and E were all translated together as part of a single batch identified by “T# 462575.” The certificate of translation for these exhibits is itself attached as Exhibit K.

12. On or about October 2, 1993, Defendant was a “brigade scout” and member of the HVO First Brigade “Knez Domagoj.” He, along with Mirzo Kudra, Jasmin Turajlic, Dzermal Turajlic, Amer Kudra, Samir Tucakovic, and Edin Sakac, turned on their own comrades, killing Martin Markovic and Ivica Bunoza, capturing Nedjeljko Pehar, and capturing but later releasing Robert Rebac. Defendant tied Rebac’s hand behind his back while he was held prisoner. *See* Official Note, Croatian Republic of Herzeg Bosna, attached hereto as Exhibit F; Bulletin, Republic of Bosnia and Hezegovina, attached hereto as Exhibit G.

IMMIGRATION HISTORY

13. On or about March 20, 1998, Defendant filed a Form I-590, *Registration for Classification as a Refugee* (“Form I-590”), attached hereto as Exhibit H, with the former Immigration and Naturalization Service (“INS”).²

14. In a statement appended to his Form I-590, Defendant wrote:

- (a) that he lost his house and hairdresser shop in the war;
- (b) that he and his wife were subjected to discrimination because they were in a religiously mixed marriage; and
- (c) that he was held in a detention camp where he was beaten for failing to turn himself in earlier.

15. In the statement appended to his Form I-590, Defendant did not disclose his membership in any paramilitary group, nor did he indicate in any way that he was an active participant in the armed conflict.

² On March 1, 2003, the INS ceased to exist and many of its relevant functions transferred to DHS. *See* Homeland Security Act of 2002, Pub. L. No. 107-296, 110 Stat. 2135 (Nov. 25, 2002). However, because the many of the events in this case took place prior to the transfer, “INS” will be referenced where factually accurate.

16. On the Form I-590, under the heading “Military Service,” Defendant indicated only that he had been a private in the Yugoslavian Army from May 1985 to May 1986.

17. Question 14 on the Form I-590 required Defendant to list: “Political, professional or social organizations of which I am now or have been a member or with whom I am now or have been affiliated since my 16th birthday (If you have never been a member of any organization, state ‘None.’).” In response to this question, Defendant wrote “None.”

18. In conjunction with the Form I-590, Defendant was required to submit a Form G-646, *Sworn Statement of Refugee Applying for Admission into the United States* (“Form G-646”). Among other things, Defendant certified on the Form G-646 that he had not committed a crime involving moral turpitude, and that he had not attempted to procure a visa by fraud or misrepresentation. Defendant indicated that these grounds of inadmissibility did not apply to him.

19. The INS classified Defendant as a refugee and he was admitted to the United States in that status on or about July 31, 1998.

20. On or about August 2, 1999, Defendant filed a Form I-485, *Application to Register Permanent Residence or Adjust Status* (“Form I-485”), attached hereto as Exhibit I.

21. Part 3, subpart C of the Form I-485 required Defendant to list his “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. Include any foreign military service in this part.” In response to this question, Defendant wrote “none.”

22. Part 3, Question 1 of the Form I-485 asks: “Have you ever, in or outside the U.S. . . . knowingly committed any crime of moral turpitude . . .?” In response to this question, Defendant checked the box marked “No.”

23. Part 3, Question 4 of the Form I-485 asks: “Have you ever engaged in . . . or have you through any means ever assisted or provided any type of material support to, any person or organization that has ever engaged, or conspired to engage, in sabotage, kidnapping, political assassination, hijacking, or any other form of terrorist activity?” In response to this question, Defendant checked the box marked “No.”

24. Part 3, Question 8 of the Form I-485 asks: “Have you ever engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of race, religion, nationality, ethnic origin, or political opinion?” In response to this question, Defendant checked the box marked “No.”

25. In Part 4, Defendant signed the Form I-485 under penalty of perjury, certifying the information it contained was true and correct.

26. The INS approved the Form I-485 on February 22, 2001, granting Defendant the status of a lawful permanent resident retroactive to July 31, 1998, the date of his admission as a refugee.

NATURALIZATION PROCEEDINGS

27. On or about May 6, 2003, Defendant filed a Form N-400, *Application for Naturalization* (“Form N-400”), attached hereto as Exhibit J, with U.S. Citizenship and Immigration Services (“USCIS”).

28. In Part 1, the Form N-400 asks, “If you have ever used other names, provide them below.” Defendant left this section blank, indicating that that he had ever used any name other than Eso Razic.

29. Question 8(a) in Part 10(B) of the Form N-400 asks, “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?” In response to this question, Defendant checked the box marked “No.”

30. Question 11 in Part 10(B) of the Form N-400 asks, “Have you **EVER** persecuted (*either directly or indirectly*) any person because of race, religion, national origin, membership in a particular social group, or political opinion?” In response to this question, Defendant checked the box marked “No.”

31. Question 15 in Part 10(D) of the Form N-400 asks, “Have you **EVER** committed a crime or offense for which you were NOT arrested?” In response to this question, Defendant checked the box marked “No.”

32. Question 23 in Part 10(D) of 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?” In response to this question, Defendant checked the box marked “No.”

33. Question 24 in Part 10(D) of the Form N-400 asks, “Have you **EVER** lied to any U.S. government official to gain entry or admission into the United States?” In response to this question, Defendant checked the box marked “No.”

34. In Part 11 of the Form N-400, Defendant signed the application, thereby certifying under penalty of perjury that the contents of the application were true and correct.

35. On January 12, 2004, a DHS officer placed Defendant under oath and interviewed him regarding his naturalization application.

36. At the end of his naturalization interview on January 12, 2004, Defendant again signed his Form N-400 under penalty of perjury, thereby attesting that the information it contained was true and correct.

37. Based on Defendant's sworn statements on his Form N-400 and his testimony at his naturalization interview, USCIS approved Defendant's application for naturalization on January 12, 2004.

38. Based on his approved Form N-400, on March 26, 2004, Defendant took the oath of allegiance, admitting him to United States citizenship, and was issued Certificate of Naturalization No. 27562437.

III. GOVERNING LAW

Congressionally Imposed Prerequisites to the Acquisition of Citizenship

39. 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)).

40. 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 id.* § 1429. The term "lawfully" requires compliance with the substantive legal requirements for admission, and not mere procedural regularity. *United States v. Nagele*, 222 F.3d 443, 447 (8th Cir. 2000).

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

42. 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.*

43. As a matter of law, an applicant necessarily lacks good moral character if he or she has given false testimony for the purpose of obtaining immigration benefits. 8 U.S.C. § 1101(f)(6).

44. Further, Congress created a “catch-all” provision, which states, “[t]he fact that any person is not within any of the foregoing classes [of ineligibility] 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).

45. 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).

46. “[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. Zhou*, 815 F.3d 639, 644 (9th Cir. 2016) (quoting *United States v. Suarez*, 664 F.3d 655, 661 (7th Cir. 2011)).

The Denaturalization Statute

47. 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.

48. 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*:

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

49. 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.

50. Naturalization was procured by concealment of a material fact or by willful misrepresentation, where: (1) the naturalized citizen misrepresented or concealed some fact during the naturalization process; (2) the misrepresentation or concealment was willful; (3) the fact was material; and (4) the naturalized citizen procured citizenship as a result of the misrepresentation or concealment. *Kungys v. United States*, 485 U.S. 759, 767 (1988).

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

IV. CAUSES OF ACTION

COUNT I

ILLEGAL PROCUREMENT OF NATURALIZATION **LACK OF GOOD MORAL CHARACTER** **(UNLAWFUL ACT ADVERSELY REFLECTING ON MORAL CHARACTER)**

52. The United States re-alleges and incorporates by reference paragraphs 1 through 51 of this Complaint.

53. 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 Form N-400, and until the time he becomes a naturalized United States citizen. 8 U.S.C. § 1427(a); 8 C.F.R.

§ 316.10(b)(3)(iii). Thus, Defendant was required to show that he was a person of good moral character from May 2, 1998, the date five years prior to the date he filed his naturalization application, until March 26, 2004, the date he took the Oath of Allegiance and was naturalized as a United States citizen.

54. An applicant for naturalization 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, and there are no extenuating circumstances. *See* 8 C.F.R. § 316.10(b)(3)(iii).

55. Defendant illegally procured his naturalization because he was precluded from establishing the good moral character necessary to naturalize because he committed unlawful acts during the statutory period that adversely reflect on his moral character.

56. During the statutory period Defendant committed acts that constitute the essential elements of 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.

a. False Swearing in an Immigration Matter: On or about May 6, 2003, pursuant to 28 U.S.C. § 1746, Defendant did knowingly make, under penalty of perjury, false statements with respect to material facts in a document required by the immigration laws and regulations prescribed thereunder, to wit: a Form N-400, *Application for Naturalization*. As described above, Defendant made false statements in the Form N-400 that he had never used any other name; that he had never been associated with any organization, fund, foundation, party, club, society, or similar group in the United States or in any other place; that he had never persecuted (either directly or indirectly) any person because of race, religion, national origin, membership in a particular social group, or political opinion; 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; and that he had never lied to any U.S. government official to gain entry or admission into 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 May 6, 2003, Defendant did willfully and knowingly make and cause to be made materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of a department or agency of the United States. As described above, Defendant made false statements in the Form N-400 that he had never used any other name; that he had never been associated with any organization, fund, foundation, party, club, society, or similar group in the United States or in any other place; that he had never persecuted (either directly or indirectly) any person because of race, religion, national origin, membership in a particular social group, or political opinion; 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; and that he had never lied to any U.S. government official to gain entry or admission into the United States. Defendant knew these statements were false. All are in violation of 18 U.S.C. § 1001.

c. Perjury: On or about May 6, 2003, 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 an Form N-400, *Application for Naturalization* Defendant subscribed as true false statements in the Form N-400 that he had never used any other name; that he had never been associated with any organization, fund, foundation, party, club, society, or similar group in the United States or in any other place; that he had never persecuted (either directly or indirectly) any person because of race, religion, national origin,

membership in a particular social group, or political opinion; 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; and that he had never lied to any U.S. government official to gain entry or admission into the United States. These statements, made under penalty of perjury, were not true and Defendant did not believe them to be true. All in violation of 18 U.S.C. § 1621(1).

57. 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 and he cannot establish extenuating circumstances to avoid the regulatory bar on establishing good moral character found in 8 C.F.R. § 316.10(b)(3)(iii).

58. Because Defendant committed unlawful acts during the statutory period that adversely reflect on his moral character, he was ineligible to naturalize for lack of good moral character. *See* 8 C.F.R. § 316.10(b)(3)(iii).

59. Defendant's naturalization was therefore illegally procured, and must be revoked pursuant to 8 U.S.C. § 1451(a).

COUNT II

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

60. The United States re-alleges and incorporates by reference paragraphs 1 through 59 of this Complaint.

61. 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 id.* § 1429.

62. The term “lawfully” requires compliance with the substantive legal requirements for admission, and not mere procedural regularity. *United States v. Nagele*, 222 F.3d 443, 447 (8th Cir. 2000).

63. 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).

64. 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.

65. At the time Defendant was granted permanent resident status, he willfully concealed and misrepresented that he had never been a member of or affiliated with any organization or group, to include foreign military service when, in fact, Defendant had been a member of at least one paramilitary organization.

66. Additionally, at the time Defendant was granted lawful permanent resident status, he willfully misrepresented that he had never assisted or otherwise participated in the killing of any person because of race, religion, nationality, ethnic origin, or political opinion when, in fact, Defendant assisted or otherwise participated in the killings of Milan Misita, Martin Markovic, and Ivica Bunoza, on at least one of the aforementioned grounds.

67. Because Defendant willfully misrepresented material facts, he was inadmissible at the time he adjusted his status to that of a lawful permanent resident, and therefore he was never

lawfully admitted for permanent residence in accordance with the substantive legal requirements to obtain that status.

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

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

COUNT III

ILLEGAL PROCUREMENT OF NATURALIZATION **NOT LAWFULLY ADMITTED FOR PERMANENT RESIDENCE** **(PERSECUTOR INELIGIBLE FOR ADMISSION AS REFUGEE)**

70. The United States re-alleges and incorporates by reference paragraphs 1 through 69 of this Complaint.

71. As noted above, to qualify for naturalization, an applicant must have been lawfully admitted to the United States for permanent residence. *See* 8 U.S.C. § 1427(a)(1); *see also id.* § 1429.

72. The term “lawfully” requires compliance with the substantive legal requirements for admission, and not mere procedural regularity. *Nagele*, 222 F.3d at 447.

73. “The term ‘refugee’ does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.” 8 U.S.C. § 1101(a)(42).

74. As described above in paragraph 11, and in Exhibits E, at 4 ¶ 5, Defendant assisted or otherwise participated in the persecution of Milan Misita on account of his race, religion, nationality, membership in a particular social group, or political opinion by taking him into custody and transferring him to the custody of those who killed him.

75. As described above in paragraph 12, and in Exhibits F and G, Defendant assisted or otherwise participated in the persecution of Martin Markovic, Ivica Bunoza, Nedjeljko Pehar, and Robert Rebac, on account of their race, religion, nationality, membership in a particular social group, or political opinion by taking them into custody assisting in the detention of Rebac, and through personal and active involvement in the events immediately prior to the extra-judicial killings of Markovic and Bunoza.

76. Because Defendant never met the legal definition of a refugee under 8 U.S.C. § 1101(a)(42), he was never substantively eligible to adjust his status to that of a lawful permanent resident under 8 U.S.C. § 1159(b)(3).

77. Because Defendant was never lawfully admitted for permanent residence in accordance with the substantive requirements for that status, he was and remains ineligible for naturalization under 8 U.S.C. § 1427(a)(1) and § 1429.

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

COUNT IV

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

79. The United States re-alleges and incorporates by reference paragraphs 1 through 78 of this Complaint.

80. 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.

81. As set forth above, Defendant concealed and willfully misrepresented on his Form I-485 or Form N-400 whether he had ever been known by any other names; his membership in paramilitary organizations; his having assisted or otherwise participated in the killings of Milan Misita, Martin Markovic, and Ivica Bunoza because of race, religion, nationality, ethnic origin, or political opinion; and his having given false or misleading information to any U.S. government official while applying for an immigration benefit or to gain entry or admission to the United States.

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

83. Defendant's willful misrepresentations and omissions were material to determining his eligibility for naturalization. Defendant's false statements and omissions had the natural tendency to influence the decision by USCIS to approve his naturalization application. 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 Form N-400 or administered the oath of allegiance.

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

V. PRAYER FOR RELIEF

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

- (1) A declaration that Defendant procured his citizenship illegally;
- (2) A declaration that Defendant procured his citizenship by concealment and willful misrepresentation of material facts;

(3) Judgment revoking and setting aside the naturalization of the Defendant, and canceling Certificate of Naturalization No. 27562437, effective as of the original date of the order and certificate, March 26, 2004;

(4) Judgment forever restraining and enjoining the Defendant from claiming any rights, privileges, benefits, or advantages under any document which evidences United States citizenship obtained as a result of his March 26, 2004 naturalization;

(5) Judgment requiring Defendant, within ten days of judgment, to surrender and deliver his Certificate of Naturalization, No. 27562437, and any copies thereof in his possession, and to make good faith efforts to recover and surrender any copies thereof that he knows are in the possession of others, to the Attorney General, or his representative, including undersigned counsel;

(6) Judgment requiring Defendant, within ten days of judgment, to surrender and deliver any other indicia of United States citizenship (including, but not limited to, any United States passport, voter identification card, and other voting documents) and any copies thereof in his possession, and to make good faith efforts to recover and immediately surrender any copies thereof that he knows are in the possession of others, to the Attorney General, or his representative, including undersigned counsel; and

(7) Judgment granting the United States such other relief as may be lawful and proper.

Dated: January 18, 2017

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