

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE FELIX VILCHIS ROJAS,

a/k/a Jose F. Vilchis,

Defendant.

Case No. 1:19-cv-8034

**COMPLAINT TO REVOKE
NATURALIZATION**

PRELIMINARY STATEMENT

The United States of America (“Plaintiff”) brings this civil action against Defendant Jose Felix Vilchis Rojas (“Defendant”) to revoke his naturalization as a U.S. citizen, pursuant to 8 U.S.C. § 1451(a). Defendant, a native of Mexico who competed for Mexico in men’s gymnastics at the 1968 Summer Olympics, was a gymnastics coach and has trained gymnasts at various locations in the Northern District of Illinois for more than 30 years. Over that period of time, Defendant repeatedly used his position of authority to sexually abuse multiple minor athletes whom he was coaching. As detailed below, Defendant concealed and misrepresented his criminal activity in his immigration applications and throughout his immigration proceedings, enabling him to fraudulently and unlawfully procure lawful permanent residence, and, later, U.S. citizenship. 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 Defendant to U.S. citizenship and to cancel his Certificate of Naturalization No. 22314082.

2. This Court has subject-matter jurisdiction pursuant to 8 U.S.C. § 1451(a) and 28 U.S.C. §§ 1331 and 1345.

3. Defendant resides in Channahon, Illinois, and is currently confined at the Will County Adult Detention Facility in Joliet, Illinois,¹ both of which are 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.

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

5. Defendant is a naturalized U.S. citizen, and is a native of Mexico.

II. FACTUAL BACKGROUND

6. The affidavit of Andrea Ficarella, a Special Agent with Homeland Security Investigations, U.S. Immigration and Customs Enforcement, 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

7. Defendant first entered the United States at an unknown place and time, but no later than September 1986.

¹ Defendant is currently awaiting trial in the Circuit Court of Will County on similar, but unrelated, charges concerning acts that post-date his naturalization. This action is limited to conduct that pre-dates Defendant’s naturalization.

8. On or about January 3, 1991, Defendant was admitted to the United States on an H1-B visa valid until May 31, 1991.

9. On or about May 14, 1991, Defendant submitted a Form I-485, Application for Permanent Residence (“Form I-485”) based on the immediate availability of an immigrant visa, and an accompanying Form G-325A, Biographic Information (“Form G-325A”). The Form I-485 indicates that the visa petition was being concurrently filed by Defendant’s wife.

10. The Form G-325A indicates that Defendant worked at the Beverly Gymnastics Center, at 9900 South Claremont, Chicago, Illinois, from September 1986 to June 1988, and at the American Academy of Gymnastics, at 280 Palatine Road, Wheeling, Illinois, from June 1988 to “present time” (*i.e.*, May 1991).

11. Question 24(a) on the Form I-485 asks: “Have you ever, in or outside the United States: (a) knowingly committed any crime for which you have not been arrested?” In response to this question, the box marked “No” is checked.

12. Question 26(U) on the Form I-485 asks: “Do any of the following relate to you: . . . (U) Have you committed or have you been convicted of a crime involving moral turpitude?” In response to this question, the box marked “No” is checked.

13. On or about May 14, 1991, Defendant signed the Form I-485, certifying under penalty of perjury that the responses on the document were true and correct.

14. On or about June 12, 1991, Defendant was interviewed by an Immigration and Naturalization (“INS”) officer in connection with his application for permanent residence.²

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.

15. At the June 12, 1991 interview, Defendant again swore to the accuracy of the contents of his application for permanent residence and made no changes to the application.

16. Defendant's application for permanent residence was approved on October 8, 1991, according him permanent resident status.

NATURALIZATION PROCEEDINGS

17. On or about December 6, 1996, Defendant filed a Form N-400, Application for Naturalization ("Form N-400" or "naturalization application"), with the INS.

18. In Part 4(B) of the Form N-400, Defendant indicated that his employment as a gymnastics coach at the American Academy of Gymnastics in Wheeling, Illinois, continued through June of 1994; that he subsequently was employed as a gymnastics coach at Midwest Academy from October 1994 to June 1995; and that from March 1992 to the present time (*i.e.*, December 1996) he concurrently worked as a self-employed club owner and gymnastics coach.

19. Part 7, Question 15(a) of the Form N-400 asks: "Have you ever: (a) knowingly committed any crime for which you have not been arrested?" In response to this question, the box marked "No" is checked.

20. On or about November 20, 1996, Defendant signed the application in Part 11, thereby certifying under penalty of perjury that the contents of the application were true and correct.

21. On or about November 20, 1996, Defendant also signed the application in Part 12, which is intended to be used if an individual *other* than the applicant prepares the application. Defendant's signature in this part confirms that he himself prepared the application.

22. On or about April 24, 1997, an immigration officer placed Defendant under oath and interviewed him regarding his naturalization application.

23. At the end of the interview, Defendant signed his Form N-400 again, swearing that he knew the contents of his application, including two corrections made during the interview (concerning the office granting him permanent residency and his wife's middle initial), and that the contents were true and correct to the best of his knowledge and belief.

24. Based on Defendant's sworn statements on his Form N-400 and his testimony at the naturalization interview, the INS approved Defendant's naturalization application on April 24, 1997.

25. Based on his approved Form N-400, on July 1, 1997, Defendant took the oath of allegiance admitting him to U.S. citizenship, and was issued Certificate of Naturalization No. 22314082.

**DEFENDANT'S CONCEALED CRIMINAL SEXUAL ABUSE OF
HIS MINOR GYMNASTICS STUDENTS**

Criminal Sexual Abuse Against M.B. Prior to Obtaining Permanent Residency

26. M.B. was born in 1971.

27. M.B. attended the Beverly Gymnastics Center in Chicago, Illinois, and received gymnastics coaching from Defendant.

28. Between the years 1985 and 1987, when M.B. was between the ages of 14 and 16 years old, and while M.B. was a student and Defendant was a coach at the Beverly Gymnastics Center, Defendant touched M.B.'s vagina approximately ten times.

29. In 1987, when M.B. was 15 years old, Defendant took her to a secluded area where he massaged her groin and labia.

30. Defendant's acts against M.B. constituted Criminal Sexual Abuse in violation of Chapter 38 § 12-15(b) of the Illinois Statutes Annotated 1985, and met the essential elements of other criminal acts.

Criminal Sexual Abuse Against C.B. Prior to Obtaining Permanent Residency

31. C.B. was born in December 1969.

32. C.B. attended the Beverly Gymnastics Center in Chicago, Illinois, and received gymnastics coaching from Defendant.

33. In 1986, when C.B. was 16 years old, during a private gymnastics lesson, Defendant intentionally digitally penetrated C.B.'s vagina with his finger.

34. Defendant's act against C.B. constituted Criminal Sexual Abuse in violation of Chapter 38 § 12-15(b) of the Illinois Statutes Annotated 1985, and met the essential elements of other criminal acts.

Aggravated Criminal Sexual Abuse Against G.R. Prior to Naturalizing

35. G.R. was born in May 1978.

36. G.R. attended the American Academy of Gymnastics in Wheeling, Illinois, and received gymnastics coaching from Defendant.

37. Between the fall of 1990 and February 1992, when G.R. was between the ages of 12 and 14 years old, and while G.R. was a student and Defendant was a coach at the American Academy of Gymnastics, Defendant, on multiple occasions, pressed his penis against G.R.'s buttocks.

38. Between the fall of 1990 and February 1992, when G.R. was between the ages of 12 and 14 years old, and while G.R. was a student and Defendant was a coach at the American Academy of Gymnastics, Defendant, on multiple occasions, performed oral sex on G.R.

39. Defendant's acts against G.R. constituted Aggravated Criminal Sexual Abuse in violation of Chapter 38 § 12-16(f) of the Illinois Statutes Annotated 1991-92, and met the essential elements of other criminal acts.

III. GOVERNING LAW

Congressionally Imposed Prerequisites to the Acquisition of Citizenship

40. 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).

41. 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. The term “lawfully” requires compliance with the substantive legal requirements for admission, and not mere procedural regularity. *United States v. Suarez*, 664 F.3d 655, 661 (7th Cir. 2011); *see also* 8 U.S.C. § 1101(a)(20).

42. 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).

43. Congress also 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” 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 U.S. citizen. *Id.*

44. In addition to identifying classes of individuals who lack good moral character, 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. Of particular note, 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).

The Denaturalization Statute

46. 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.

47. 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.

48. 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.

49. 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).

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

IV. CAUSES OF ACTION

COUNT I

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

51. The United States re-alleges and incorporates by reference the foregoing paragraphs of this Complaint.

52. 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.

53. The term “lawfully” requires compliance with the substantive legal requirements for admission, and not mere procedural regularity. 8 U.S.C. § 1101(a)(20); *Suarez*, 664 F.3d at 661.

54. 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).

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

56. Defendant misrepresented or concealed material facts concerning his criminal conduct against M.B. and C.B.

57. Question 24(a) on the Form I-485 asks: “Have you ever, in or outside the United States: (a) knowingly committed any crime for which you have not been arrested?” In response to this question, the box marked “No” is checked.

58. Question 26(U) on the Form I-485 asks: “Do any of the following relate to you: . . . (U) Have you committed or have you been convicted of a crime involving moral turpitude?” In response to this question, the box marked “No” is checked.

59. On or about May 14, 1991, Defendant signed the Form I-485, certifying under penalty of perjury that the responses on the document were true and correct, and on or about June 12, 1991, he again signed it, certifying a second time that the responses were true and correct.

60. Defendant’s sworn responses to Questions 24(a) and 26(U) were false.

61. As discussed in paragraphs 26-30 and 31-34 above, Defendant had committed the crime of criminal sexual abuse—against both M.B. and C.B.—for which he had not been arrested.

62. Criminal sexual abuse is a crime involving moral turpitude. *See, e.g., United States v. Dave*, No. 13-cv-8867, 2015 WL 5590696, at *3 (N.D. Ill. Sept. 21, 2015) (“[T]he Court holds that aggravated sexual abuse of a minor is a crime involving moral turpitude.”); *United States v. Ep*, No. 02-cv-780, 2003 WL 20118926, at *5-6 (N.D. Ill. Sept. 11, 2003).

63. Defendant willfully omitted and misrepresented his criminal conduct against M.B. and C.B., as described above in paragraphs 26-30 and 31-34.

64. Defendant’s willful omissions and misrepresentations concerning his criminal sexual abuse of M.B. and C.B. had the natural tendency to influence the decision-maker to grant his application and were material to his admissibility, eligibility for permanent residence, and the decision-maker’s discretion to grant him permanent residence.

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

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

66. 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.

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

COUNT II

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

68. The United States re-alleges and incorporates by reference the foregoing paragraphs of this Complaint.

69. 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 U.S. citizen. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(i). Defendant filed his Form N-400 on December 19, 1996. Thus, he was required to establish good moral character from December 19, 1991, the date five years prior to the date on which he filed his Form N-400, until he took the Oath of Allegiance on July 1, 1997 (the “statutory period”).

70. 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).

71. 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 reflected on his moral character.

72. As discussed in paragraphs 35-39 above, during the statutory period Defendant committed acts against G.R. that constitute the essential elements of Aggravated Criminal Sexual Abuse in violation of Chapter 38 § 12-16(f) of the Illinois Statutes Annotated 1991-92.

73. Aggravated criminal sexual abuse adversely reflects 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). *See United States v. Corral Valenzuela*, No. 17-cv-8423, 2018 WL 3619503, at *8 (N.D. Ill. July 29, 2018) ("Corral committed an unlawful act of aggravated criminal sexual abuse between June 1998 and February 2000. There is no question that Corral's crime adversely reflects upon his moral character."); *Dave*, 2015 WL 5590696, at *3 (same).

74. Because Defendant committed unlawful acts during the statutory period that adversely reflected on his moral character, he was barred under 8 U.S.C. § 1101(f) and 8 C.F.R. § 316.10(b)(3)(iii) from showing that he had the good moral character necessary to become a naturalized U.S. citizen.

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

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

COUNT III

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

77. The United States re-alleges and incorporates by reference the foregoing paragraphs of this Complaint.

78. Under 8 U.S.C. § 1451(a), this Court must revoke Defendant's naturalization and cancel his Certificate of Naturalization because he procured his naturalization by concealment of a material fact or by willful misrepresentation.

79. As set forth above, Defendant concealed and willfully misrepresented on his Form N-400 and throughout his naturalization proceedings his criminal conduct against M.B., C.B., and G.R.

80. Defendant knew that his misrepresentations and concealment of these matters were false and misleading, and he made such representations willfully.

81. 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 the INS 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 the INS would not have approved his Form N-400 or administered the oath of allegiance.

82. Defendant thus procured his naturalization by willful misrepresentation and concealment of material facts. This Court must therefore revoke his naturalization 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 illegally procured his citizenship;
- (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. 22314082, effective as of the original date of the order and certificate, July 1, 1997.
- (4) Judgment forever restraining and enjoining the Defendant from claiming any rights, privileges, benefits, or advantages under any document which evidences U.S. citizenship obtained as a result of his July 1, 1997 naturalization;
- (5) Judgment requiring Defendant, within ten days of judgment, to surrender and deliver his Certificate of Naturalization, No. 22314082, 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 U.S. citizenship (including, but not limited to, any U.S. 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: December 9, 2019

JOHN R. LAUSCH JR.
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Counsel for the United States of America

UNITED STATES OF AMERICA)
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CHICAGO, ILLINOIS)
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In the Matter of the Revocation) **AFFIDAVIT OF GOOD CAUSE**
of the Naturalization of)
)
Jose Felix Vilchis Rojas)
also known as "Jose Felix Vilchis-Rojas")
also known as "Jose F. Vilchis")

I, Andrea Ficarella, declare under penalty of perjury as follows:

- I. I am a Special Agent with Homeland Security Investigations (HSI), a component of U.S. Immigration and Customs Enforcement (ICE), an agency with the U.S. Department of Homeland Security. In this capacity, I have access to the official records maintained by DHS/ICE, including the immigration file of Jose Felix Vilchis Rojas, a.k.a. Jose Felix Vilchis-Rojas, a.k.a. Jose F. Vilchis, A[REDACTED] 375 (Vilchis).
- II. I have examined the records relating Vilchis, including but not limited to his immigration file. Based upon my review of these records, I state, on information and belief, that the information set forth in this Affidavit of Good Cause is true and correct.
- III. Vilchis was born in Mexico on or about September [REDACTED] 1950. He entered the United States with an H-1B visa on or about January 3, 1991, near Chicago, Illinois.
- IV. On or about November 20, 1996, Vilchis, filed an Application for Naturalization, Form N-400, with the Immigration and Naturalization Service (INS)¹. Based on his written application and naturalization interview, the naturalization application of Vilchis was

¹ As of March 1, 2003, the INS ceased to exist and its functions were transferred to various agencies within DHS. See Homeland Security Act of 2002 §§ 441, 451, 471, Pub. L. No. 107-296, 116 Stat. 213 (2002) (codified at 6 U.S.C. §§ 251, 271, 291).

approved on April 24, 1997. Vilchis took the oath of allegiance on July 1, 1997, and on that date was admitted as a citizen of the United States. He was issued Certificate of Naturalization Number 22314082.

V. Vilchis illegally procured his naturalization because he was not lawfully admitted for permanent residence as he was ineligible for adjustment of status.

- A. On or about May 28, 1991, Vilchis, applied to adjust his status to permanent resident, pursuant to the Immigration and Nationality Act (INA) § 245A(b), 8 U.S.C. § 1255a(b).
- B. His application was approved, and Vilchis adjusted his status to that of permanent resident on or about October 8, 1991.
- C. 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.
- D. Among the INA provisions applicable at the time Vilchis adjusted his status to permanent resident was the requirement that he be admissible to the United States. INA § 245(a), 8 U.S.C. § 1255(a).
- E. Vilchis, however, was ineligible to adjust his status to that of a permanent resident.
- F. 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).

- G. Vilchis willfully misrepresented material facts, specifically, he failed to disclose he committed crimes involving moral turpitude.
- H. On his Application for Lawful Permanent Residence, Form I-485, Part 26 Question (U) asks, "Have you committed or have you been convicted of a crime involving moral turpitude?" In response, the box marked "No" was checked.
- I. On or about May 14, 1991 and June 12, 1991, Vilchis signed the I-485, thereby certifying, under penalty of perjury, that the information was true and correct.
- J. Vilchis committed the offense of Criminal Sexual Abuse in violation of Ch. 38 § 12-15(b) of the Illinois Statutes Annotated 1985, a crime of moral turpitude.
 - 1. INS Form G-325 A, Biographic Information, was signed by Vilchis on May 14, 1991. In that document it is stated, from September 1986 through June 1988, Vilchis was employed as a gymnastics coach at the Beverly Gymnastics Center (BGC), located at 9900 S. Claremont, Chicago, Illinois.
 - 2. M.B., d.o.b. 12/ [REDACTED] /71, states she attended BGC and received gymnastic coaching from Vilchis. M.B. states while being coached by Vilchis, he would call M.B. his "girlfriend" and requested that she also say she was his "girlfriend." M.B. states, while being coached by Vilchis, and when she was approximately 14 years old, he would ask her about puberty and pull the crotch portion of her leotard aside and look to see if she had pubic hair. M.B. states, while being coached by Vilchis during the years 1985 to 1987, when she was between the ages of 14 and 16 years old, Vilchis touched her vagina approximately 10 times.

3. M.B. states, in 1987 when she was 15 years-old and while being coached by Vilchis, Vilchis took her to private, secluded area and massaged her calves, arms, legs, groin and labia.
4. C.B., d.o.b. 12/ [REDACTED] /1969, states that she attended BGC and received gymnastic coaching from Vilchis. C.B. states that in 1986 when she was 16 years old, Vilchis digitally penetrated her vagina with his finger during a private gymnastics lesson.
5. The INS Form, G-325 A, Biographic Information, signed by Vilchis, states, from June 1988 through the filing of the form in May of 1991, he was employed as a gymnastics coach at the American Academy of Gymnastics (AAG) located at 280 Palatine Road, Wheeling, Illinois.
6. G.R., d.o.b. 05/ [REDACTED] /78, states she attended AAG and received gymnastics coaching from Vilchis. G.R. states between the fall of 1990 until February of 1992, when G.R. was between the ages of 12 and 14 years old, Vilchis would take her to a studio in the gym, out of the view of her mother. While in this studio, Vilchis would tell G.R. to bend over to stretch and he would be behind her with his hands on her hips and press his penis against her buttocks. Vilchis would also open a folding chair and sit G.R. on the chair, cover her face with clothing and perform oral sex on her. G.R. states Vilchis was possessive of her and did not want other coaches working with her. G.R. states Vilchis gave her cards and notes and told her not to tell anyone about their "relationship."

7. During the summer of 1991, when G.R. was 13 years old, she received private training at the AAG. G.R. states, on at least three occasions, Vilchis offered to give her lunch at an apartment. G.R. states Vilchis would have her shower in the apartment and have her lay on the couch with her pelvis on the armrest and her legs on him. G.R. states Vilchis would cover her eyes, with a piece of clothing, and pull the crotch portion of her leotard to the side and perform oral sex on her.

K. Because Vilchis misrepresented, on his Application for Lawful Permanent Residence, Form I-485, whether he had ever committed a crime involving moral turpitude, specifically, the multiple times he committed the state offense of Criminal Sexual Abuse in violation of Ch. 38 § 12-15(b) of the Illinois Statutes Annotated 1985, he was inadmissible and not lawfully admitted for permanent residence to the United States. A person cannot be naturalized unless he has been lawfully admitted for permanent residence in accordance with all applicable provision of the INA. *See* INA § 318, 8 U.S.C. § 1429. Thus, Vilchis illegally procured his naturalization.

VI. Vilchis illegally procured his naturalization because he committed unlawful acts during the statutory period that reflect adversely on his moral character.

A. Vilchis could not have established that he was a person of good moral character during the statutory period because he committed unlawful acts that adversely reflect upon his good moral character.

1. As an applicant for naturalization pursuant to INA § 316(a), 8 U.S.C. § 1427(a), Vilchis was required to prove that he was a person of good moral

character from, on or about, November 20, 1991, five years before he filed his application, up to the time he was admitted to United States citizenship on July 1, 1997 (the statutory period).

2. Unless there are extenuating circumstances, an applicant for naturalization is precluded from establishing good moral character if, during the statutory period, he commits unlawful acts that adversely reflected upon his moral character. *See* 8 C.F.R. § 316.10(b)(3)(iii).
3. From on or about November 20, 1991 through February 1992, including during the statutory period, Vilchis committed the offense of Aggravated Criminal Sexual Abuse in violation of Ch. 38 § 12-16(f) of the Illinois Statutes Annotated 1991-1992.
4. The INS Form, G-325 A, Biographic Information, signed by Vilchis, states from June 1988 through the filing of the form in May of 1991, he was employed as a gymnastics coach at the AAG located at 280 Palatine Road, Wheeling, Illinois.
5. G.R. d.o.b. 05/ [REDACTED] 78 attended AAG and received gymnastics coaching from Vilchis. G.R. states between the fall of 1990 until February of 1992, when G.R. was between the ages of 12 and 14 years old, Vilchis would take her to a studio in the gym out of the view of her mother. Vilchis would tell G.R. to bend over to stretch and he would be behind her with his hands on her hips and press his penis against her buttocks. Vilchis would also open a folding chair and sit G.R. on the chair, cover her face with clothing and perform oral sex on her. G.R. states Vilchis was

possessive of her and did not want other coaches working with her. G.R. states Vilchis gave her cards and notes and told her not to tell anyone about their relationship.

6. Ch. 38 § 12-16 of the Illinois Statutes Annotated 1991-1992, Aggravated criminal sexual abuse (f) states, “The accused commits aggravated criminal sexual abuse if he or she commits an act of sexual conduct with a victim who was at least 13 years of age but under 18 years of age when the act was committed and the accused was 17 years of age or over and held a position of trust, authority or supervision in relation to the victim.”
7. Aggravated Criminal Sexual Abuse is an unlawful act that adversely reflects upon an individual’s moral character.
8. There were no extenuating circumstances that could have mitigated the effect of Vilchis’ actions on his ability to establish good moral character.
9. Because Vilchis committed unlawful acts that adversely reflect upon his moral character within the period of time in which he was required to establish good moral character, he was precluded from establishing good moral character, and was therefore ineligible for naturalization.

VII. Vilchis procured his naturalization by willful misrepresentation and concealment of a material fact.

- A. During the naturalization process, Vilchis willfully misrepresented and concealed the commission of his criminal conduct.

1. On or about June 12, 1991, Vilchis applied for adjustment of status to permanent resident. On or about October 8, 1991, his application was approved, and Vilchis was accorded permanent resident status.
2. On or about November 20, 1996, Vilchis filed an Application for Naturalization, Form N-400.
3. On his Application for Naturalization, Form N-400, Part 7, Question 15(a) asks, "Have you ever: . . . knowingly committed any crime for which you have not been arrested?" In response, the box marked "No" is checked. Vilchis represented that he had never knowingly committed any crime for which he had not been arrested.
4. In response to Part 7, Question 15b, Vilchis represented that he had "never been arrested, cited, charged, indicted, convicted, fined or imprisoned for breaking or violating any law or ordinance excluding traffic regulations."
5. Vilchis signed and dated his Application for Naturalization, Form N-400, on or about November 20, 1996, swearing that the contents of his naturalization application were true and correct. Vilchis filed his application with the INS on or about December 19, 1996.
6. These representations were not true.
 - a. INS Form G-325 A, Biographic Information, signed by Vilchis on May 14, 1991, states, from September 1986 through June 1988, Vilchis was employed as a gymnastics coach at the BGC, located at 9900 S. Claremont, Chicago, Illinois.

- b. M.B., d.o.b. 12/ [REDACTED] /71, states she attended BGC and received gymnastic coaching from Vilchis. M.B. states while being coached by Vilchis, he would call M.B. his “girlfriend” and request that she also say she was his “girlfriend.” M.B. states, while being coached by Vilchis, he would ask her about puberty and pull the crotch portion of her leotard aside and look to see if she had pubic hair. M.B. states that during the years 1985 to 1987, when she was between the ages of 14 and 16 years old, while being coached by Vilchis, Vilchis touched her vagina approximately 10 times.
- c. M.B. also states in 1987 when M.B. was 15 years-old, while being coached by Vilchis, he took her to a secluded area and massaged her calves, arms, legs, groin and labia.
- d. C.B., d.o.b. 12/ [REDACTED] /1969, states that she attended BGC and received gymnastic coaching from Vilchis. C.B. states that in 1986 when she was 16 years old, Vilchis digitally penetrated her vagina with his finger during a private gymnastics lesson.
- e. Ch. 38 § 12-15(b) of the Illinois Statutes Annotated 1985, Criminal sexual abuse (b)(1) states: “The accused commits criminal sexual abuse if the accused was 17 years of age or over and commits an act of sexual penetration or sexual conduct with a victim who was at least 13 years of age but under 16 years of age when the act was committed.” Ch. 38 § 12-12(e) of the Illinois Statutes Annotated 1985 states: “Sexual conduct means any intentional or knowing

touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus or breast of the victim or the accused, or any part of the body of a child under 13 years of age, for the purpose of sexual gratification or arousal of the victim or the accused.”

- f. The INS Form G-325 A, Biographic Information, signed by Vilchis, states, from June 1988 through the filing of the form in May of 1991, he was employed as a gymnastics coach at the AAG located at 280 Palatine Road, Wheeling, Illinois.
- g. G.R., d.o.b. 05/ [REDACTED] /78, states she attended AAG and received gymnastics coaching from Vilchis. G.R. states between the fall of 1990 until February of 1992, when G.R. was between the ages of 12 and 14 years old, Vilchis would take her to a studio in the gym out of the view of her mother. Vilchis would tell G.R. to bend over to stretch and he would be behind her with his hands on her hips and press his penis against her buttocks. Vilchis would also open a folding chair and sit G.R. on the chair, cover her face with clothing and perform oral sex on her. G.R. states Vilchis was possessive of her and did not want other coaches working with her. G.R. states Vilchis gave her cards and notes and told her not to tell anyone about their relationship.
- h. Ch. 38 § 12-16 of the Illinois Statutes Annotated 1990, Aggravated criminal sexual abuse (c) states, “The accused commits aggravated

criminal sexual abuse if (1) the accused was 17 years of age or over and (i) commits an act of sexual conduct with a victim who was under 13 years of age when the act was committed.” In addition, Ch. 38 § 12-16 of the Illinois Statutes Annotated 1990-1992, Aggravated criminal sexual abuse (f) states, “The accused commits aggravated criminal sexual abuse if he or she commits an act of sexual conduct with a victim who was at least 13 years of age but under 18 years of age when the act was committed and the accused was 17 years of age or over and held a position of trust, authority or supervision in relation to the victim.”

- i. During the summer of 1991, when G.R. was 13 years old, she received private training at the AAG. G.R. states on at least three occasions Vilchis offered to give her lunch at an apartment. G.R. states Vilchis would have her shower in the apartment and have her lay on the couch with her pelvis on the armrest and her legs on him. G.R. states Vilchis would cover her eyes with a piece of clothing and pull the crotch portion of her leotard to the side and perform oral sex on her.
- j. Ch. 38 § 12-16 of the Illinois Statutes Annotated 1991, Aggravated criminal sexual abuse (f) states, “The accused commits aggravated criminal sexual abuse if he or she commits an act of sexual conduct with a victim who was at least 13 years of age but under 18 years of age when the act was committed and the accused was 17 years

of age or over and held a position of trust, authority or supervision in relation to the victim.”

7. Vilchis misrepresented and concealed his criminal conduct knowing his misrepresentations were false and misleading.

B. Vilchis’ misrepresentations and concealment of his criminal conduct were material to determining his eligibility for naturalization because they would have had the natural tendency to influence INS’s decision whether to approve his naturalization application.

C. By concealing and misrepresenting material facts regarding his criminal conduct, Vilchis was able to procure his naturalization.

VIII. Based on the facts outlined in the foregoing paragraphs, good cause exists to institute proceedings pursuant to INA § 340(a), 8 U.S.C. § 1451(a), to revoke Vilchis’ citizenship and to cancel his certificate of naturalization.

IX. The last known address for Vilchis is [REDACTED] Channahon, IL 60410.

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 November 1, 2019.



Andrea Ficarella
Special Agent
U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement