

5 Dec 79

79-3468

IN THE  
UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW JERSEY

79-3468  
ORIGINAL FILED  
DEC - 5 1979  
ANGELO W. LOCASCIO, CLERK

\_\_\_\_\_)  
\_\_\_\_\_)  
UNITED STATES OF AMERICA, )  
\_\_\_\_\_)  
PLAINTIFF, )  
\_\_\_\_\_)  
V. )  
\_\_\_\_\_)  
TSCHERIM SOOBZOKOV, )  
\_\_\_\_\_)  
DEFENDANT. )  
\_\_\_\_\_)

COMPLAINT

Plaintiff, United States of America, by and through its attorneys, complains of defendant as follows:

COUNT I

1. This is an action pursuant to Section 340(a) of the Immigration and Nationality Act of 1952, as amended (hereinafter the "Act"), 8 U.S.C. §1451(a) to revoke the United States citizenship of TSCHERIM SOOBZOKOV (hereinafter "defendant") and to set aside the April 17, 1961 order of the Passaic County Court of Paterson, New Jersey, admitting defendant to citizenship and to cancel defendant's Certificate of Naturalization, No. 7872444.

2. Plaintiff is the United States of America in its sovereign capacity.

3. Jurisdiction is conferred upon the Court by 28 U.S.C. § 1345 (except as otherwise provided by Act of Congress, U.S. District Courts shall have original jurisdiction of all civil actions commenced by the United States), 8 U.S.C. §1421(a) (jurisdiction to naturalize persons as citizens is conferred on U.S. District Courts), and 8 U.S.C. § 1451 (a) (action to revoke citizenship to be brought in any court specified in 8 U.S.C. § 1421(a)).

4. Attached as Exhibit A is the affidavit of Arthur Sinai, showing good cause for this action as required by the Act, 8 U.S.C. § 1451(a).

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NAZI WAR CRIMES DISCLOSURE ACT  
DATE 2007

5. The defendant is a natural person whose last known address is 704 14th Avenue, Paterson, New Jersey, which is within the jurisdiction of this Court.

6. Defendant was born in Tachtamukai, U.S.S.R.

7. The defendant, on or about January 1945, became a member of the Die Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the SS) Waffen formation (hereinafter called "Waffen SS") with the rank of Obersturmführer (lieutenant) and continued as a member of that organization until approximately the end of World War II in Europe. The Waffen SS was an organization which was part of the German Military forces during World II. The Waffen SS was also declared to be a criminal organization by the Nuremberg Tribunal (1946) 2 FRD 140.

8. On April 6, 1955, defendant filed an Application for Immigration Visa and Alien Registration.

9. In that application, which was subscribed to and sworn before a Vice Counsel of the United States, the defendant in stating in reply to question 37 that he was not, except as hereinafter noted, a member of any classes of individuals excluded from the United States under the Act, willfully failed to note that he was a person seeking to enter the United States by fraud and willful misrepresentation of a material fact by concealing the fact of his membership in the German Waffen SS.

10. Defendant's membership in the German Waffen SS was material to his Application for Immigration Visa and Alien Register under Section 212(a) of the Act, 8 U.S.C. § 1182(a).

11. If defendant had disclosed the truth, as known to him, concerning his membership in the German Waffen SS, his application for visa would have been denied or would have been subjected to further investigation which might have revealed facts resulting in a denial of a visa.

12. On or about June 28, 1955 defendant entered the United States at the Port of New York. Defendant's concealment of his membership in the German Waffen SS, made him ineligible to receive a visa and excluded him from admission into the United States, 8 U.S.C. § 1182(a). Therefore, defendant's entry into the United States on June 28, 1955 was unlawful.

13. On December 2, 1960, defendant filed a Petition for Naturalization, No. 45623 (INS Form 405).

14. On April 17, 1961 the Passaic County Court at Paterson, New Jersey granted defendant's Petition for Naturalization and issued him a Certificate of Naturalization, No. 7872444.

15. Defendant's United States citizenship was illegally procured in violation of the Act, 8 U.S.C. §§ 1427(a)(1) and 1451(a) in that defendant was never lawfully admitted into the United States.

WHEREFORE, plaintiff demands:

(1) Judgement revoking and setting aside the April 17, 1961 order of the Passaic County Court at Paterson, New Jersey, admitting defendant to United States citizenship and cancelling Certificate of Naturalization, No. 7872444.

(2) Judgement forever restraining and enjoining defendant from claiming any rights, privileges or advantages under any document evidencing United States citizenship.

(3) Judgement requiring defendant immediately to surrender and deliver his Certificate of Naturalization to the Attorney General of the United States.

(4) Judgement granting plaintiff such other relief as may be lawful and proper.

#### COUNT II

1-6. The plaintiff realleges and incorporates by reference paragraphs 1 through 6 of Count I of this Complaint as paragraph 1 through 6 of Count II.

7. The defendant, between approximately September/October 1942 and January 1945, was a voluntary member of the German Army, North Caucasion Legion, an organization that rendered military assistance to the German Army during World War II in the operations against the United Nations.

8. On April 6, 1955 the defendant filed an application for Immigration Visa and Alien Registration.

9. In that application, which was subscribed to and sworn before a Vice Counsel of the U.S.A., the dependant, in stating in reply to Question 37 that he was not, except as hereafter noted, a member of any classes of individuals excluded from the United States under the Act, willfully failed to note that he was a person seeking to enter the United States by fraud and willful misrepresentation of a material fact by concealing the fact of his membership in the German Army, North Caucasion Legion.

10. Dependants membership in the German Army, North Caucasion Legion was material to his application for Immigration Visa and Alien Registration under section 212(a) of the Act, 8 U.S.C. § 1182(a).

11. If the defendant had disclosed the truth, as known to him, concerning his membership in the German Army, North Caucasion Legion, his application for a visa would have been denied or would have been subjected to further investigation which might have revealed facts resulting in a denial of visa.

12. On or about June 28, 1955 defendant entered the United States at the Port of New York. Defendant's concealment of his membership in the German Army, North Caucasion Legion made him ineligible to receive a visa and excluded him from admission into the United States, 8 U.S.C. § 1182(a). Therefore, defendant's entry into the United States on June 28, 1955 was unlawful.

13. On December 2, 1960 defendant filed a Petition for Naturalization No. 45623 (INS Form 405)

14. On April 17, 1961, the Passaic County Court at Paterson, New Jersey granted dependant's Petition for Naturalization and issued him a Certificate of Naturalization No. 7072444.

15. Dependant's United States citizenship was illegally procured in violation of the Act 8 U.S.C. § 1427(a)(1) and 1451(a) in that the dependant was never lawfully admitted into the United States.

WHEREFORE, plaintiff demands:

(1) Judgement revoking and setting aside the April 17, 1961 order of the Passaic County Court at Paterson, New Jersey, admitting defendant to United States citizenship and cancelling Certificate of Naturalization, No. 7872444.

(2) Judgement forever restraining and enjoining defendant from claiming any rights, privileges or advantages under any document evidencing United States citizenship.

(3) Judgement requiring defendant immediately to surrender and deliver his Certificate of Naturalization to the Attorney General of the United States.

(4) Judgement granting plaintiff such other relief as may be lawful and proper.

### COUNT III

1-6. Plaintiff realleges and incorporates by reference paragraphs 1 through 6 of this complaint as paragraphs 1 through 6 of Count III.

7. The defendant, between approximately August 1942 and September/October 1942 was a voluntary member of the Tachtamukai Town Police in the U.S.S.R. This police department was established at the direction of the German Army to maintain order during the German occupation of the U.S.S.R. This police department was an organization which assisted the Germans in the prosecution of World War II against the United Nations and in persecuting civil populations of a member of the United Nations.

8. On April 6, 1955, defendant filed an Application for Immigration Visa and Alien Registration.

9. In that application, which was subscribed to and

sworn before a Vice Counsel of the United States, the defendant in stating in reply to question 37 that he was not, except as hereinafter noted, a member of any classes of individuals excluded from the United States under the Act, willfully failed to note that he was a person seeking to enter the United States by fraud and willful misrepresentation of a material fact by concealing the fact of his membership in Tachtamukai Police Department.

10. Defendant's membership in the Tachtamukai Police Department was material to his Application for Immigration Visa and Alien Register under Section 212(a) of the Act, 8 U.S.C. § 1182(a).

11. If defendant had disclosed the truth, as known to him, concerning his membership in the Tachtamukai Police Department, his application for visa would have been denied or would have been subjected to further investigation which might have revealed facts resulting in a denial of visa.

12. On or about June 28, 1955 defendant entered the United States at the Port of New York. Defendant's concealment of his membership in the Tachtamukai Police Department, made him ineligible to receive a visa and excluded him from admission into the United States, 8 U.S.C. § 1182(a). Therefore, defendant's entry into the United States on June 28, 1955 was unlawful.

13. On December 2, 1960, defendant filed a Petition for Naturalization, No. 45623 (INS Form 405).

14. On April 17, 1961 the Passaic County Court at Paterson, New Jersey granted defendant's Petition for Naturalization and issued him a Certificate of Naturalization No. 7872444.

15. Defendant's United States citizenship was illegally procured in violation of the Act, 8 U.S.C. §§ 1427(a)(1) and 1451(a) in that defendant was never lawfully admitted into the United States.

WHEREFORE, plaintiff demands:

(1) Judgment revoking and setting aside the April 17, 1961 order of the Passaic County Court at Paterson, New Jersey, admitting defendant to United States citizenship, and cancelling Certificate of Naturalization, No. 7872444.

(2) Judgment forever restraining and enjoining defendant from claiming any rights, privileges or advantages under any document evidencing United States citizenship.

(3) Judgment requiring defendant immediately to surrender and deliver his Certificate of Naturalization to the Attorney General of the United States.

(4) Judgment granting plaintiff such other relief as may be lawful and proper.

COUNT IV

1-6. Plaintiff realleges and incorporates by reference paragraphs 1 through 6 of Count I of this Complaint as paragraphs 1 through 6 of Count IV.

7. In the U.S.S.R. the defendant was sentenced to and served three years in prison in 1937 for a violation of Article 74 of the Penal Code of the U.S.S.R. Defendant also was sentenced to and served two years in prison in 1939 for a violation of Article 74 of the Penal Code. In addition, he was convicted under Article 90 of the RSFRF CC (Criminal Code). In 1942 defendant was arrested on four charges of violating Article 74 of the Penal Code. However, owing to the approach of the German Army, the charges were not pursued, and the defendant was released (arrest pending proceedings).

8. In his Application for Immigration Visa and Alien Registration, in response to statement of fact #32, namely that "I have never been: Arrested, convicted, in prison... except as hereinafter stated: the defendant stated "I was arrested

by the Soviet authorities in 1940 for about two months and a half under pretext of a political offense and later released and pronounced innocent of the charge in Smolensk."

9. In answer to Statement of Fact No. 37 in the aforementioned Application for Immigration Visa, defendant, in stating that he was not, except as hereinafter noted, a member of any of the classes of individuals excluded from the United States under the Act, willfully failed to note that he was a person convicted of two or more offenses for which the aggregate sentences to confinement actually imposed were five years or more.

10. Defendant's record of arrests, convictions and sentences was material to his Application for Immigration Visa and Alien Registration under Section 212(a) of the Act, 8 U.S.C. § 1182(a).

11. Defendant's aggregate sentences to confinement actually imposed of five years made him ineligible to receive a visa and excluded him from admission into the United States, 8 U.S.C. § 1182(a).

12. If defendant had disclosed the truth, as known to him, concerning his record of arrests, convictions and sentences his application for a visa would have been denied or would have been subjected to further investigation which might have revealed facts resulting in a denial of a visa.

13. On or about June 28, 1955, the defendant entered the United States at the Port of New York. The defendant's concealment of his record of arrests, convictions and sentences made him ineligible to receive a visa and excluded him from admission into the United States, 8 U.S.C. § 1182(a). Therefore, the defendant's entry into the United States on June 28, 1955 was unlawful.

14. On April 17, 1961 the Passaic County Court at Paterson, New Jersey granted defendant's Petition for Naturalization and issued him a certificate of Naturalization No. 7872444.



15. Dependant's U.S. citizenry was illegally processed in violation of the Act 8 U.S.C. §§ 1427(a)(1) and 1451(a) in that the defendant was never lawfully admitted into the United States.

WHEREFORE, plaintiff demands:

(1) Judgement revoking and setting aside the April 17, 1961 order of the Passaic County Court at Paterson, New Jersey, admitting defendant to United States citizenship and cancelling Certificate of Naturalization, No. 7372444.

(2) Judgement forever restraining and enjoining defendant from claiming any rights, privileges or advantages under any document evidencing United States citizenship.

(3) Judgement requiring defendant immediately to surrender and deliver his Certificate of Naturalization to the Attorney General of the United States.

(4) Judgement granting plaintiff such other relief as may be lawful and proper.

COUNT V

1-7. Plaintiff realleges and incorporates by reference paragraphs 1 through 6 and 13 of Count I of this Complaint as paragraphs 1 through 7 of Count V.

8. On or about August 19, 1960, defendant submitted to the Immigration and Naturalization Service at Paterson, New Jersey, an Application to File Petition for Naturalization (Immigration and Naturalization Service Form N-400).

9. Form N-400 contained a Question (No. 7) which required defendant to list each organization, club or society in the United States or in any other country that the defendant had been a member of at any time and the dates of membership in each, to which the defendant failed to list his membership between approximately January 1945 and May 1945 in the German Waffen SS, an organization as defined under the Act, 8 U.S.C. § 1101(a)(28), and an organization that had been declared by the Nuremberg Tribunal to be a criminal organization, 2 FRD 140.

10. On December 2, 1960, in connection with and to further the processing of defendant's Application to File Petition for Naturalization, the defendant stated to the Naturalization Examiner that he read the foregoing application and understood the contents thereof. Defendant then affirmed under oath before an officer of the Immigration and Naturalization Service that all the answers he gave to the questions on Form N-400 were true to the best of his knowledge and belief.

11. Defendant's membership in the German Waffen SS was material to defendant's Petition for Naturalization under Section 316 of the Act, 8 U.S.C. § 1427.

12. If defendant had disclosed the truth, as known to him, regarding his membership in the German Waffen SS, his Application to File Petition for Naturalization would have been denied or would have been subjected to further investigation that might have revealed facts resulting in the denial of such application to File for Naturalization.

13. On the basis of defendant's misrepresentation and nondisclosure of his membership in the German Waffen SS, the Immigration and Naturalization Service made a recommendation to the naturalization court that defendant's Petition for Naturalization be granted, thereby hindering the court's ability effectively to inquire into his qualifications and eligibility for citizenship.

14. Plaintiff realleges and incorporates by reference paragraph 14 of Count I of this Complaint as paragraph 14 of Count V.

15. Defendant, therefore, procured his naturalization by concealment of a material fact and by willful misrepresentation.

WHEREFORE, plaintiff demands:

(1) Judgement revoking and setting aside the April 17, 1961 order of the Passaic County Court at Paterson, New Jersey, admitting defendant to United States Citizenship and cancelling Certificate of Naturalization, No. 7872444.

(2) Judgement forever restraining and enjoining defendant from claiming any rights, privileges or advantages under any document evidencing United States citizenship.

(3) Judgement requiring defendant immediately to surrender and deliver his Certificate of Naturalization to the Attorney General of the United States.

(4) Judgement granting plaintiff such other relief as may be lawful and proper.

COUNT VI

1-7. Plaintiff realleges and incorporates by reference paragraphs 1 through 6 and paragraph 13 of Count I of the Complaint as Paragraph 1 through 7 of Count VI.

8. On or about August 19, 1960, defendant submitted to the Immigration and Naturalization Service at Paterson, New Jersey, an Application to File Petition for Naturalization (Immigration and Naturalization Service Form N-400)

9. Form N-400 contained a Question (No. 7) which required defendant to list each organization, club or society in the United States or in any other country that the defendant had been a member of at any time and the dates of membership in each, to which the defendant failed to list his membership between approximately September/October 1942 and January 1945 in the German Army, North Caucasian Legion, an organization as defined under the Act, 8 U.S.C. § 1101(a)(28).

10. On December 2, 1960, in connection with and to further the processing of defendant's Application to File Petition for Naturalization, the defendant stated to the Naturalization Examiner that he read the foregoing application

and understood the contents thereof. Defendant then affirmed under oath before an officer of the Immigration and Naturalization Service that all the answers he gave to the questions on Form N-400 were true to the best of his knowledge and belief.

11. Defendant's membership in the German Army, North Caucasian Legion was material to defendant's Petition for Naturalization under Section 316 of the Act, 8 U.S.C. § 1427.

12. If defendant had disclosed the truth, as known to him, regarding his membership in the German Army, North Caucasian Legion, his Application to File Petition for Naturalization would have been denied or would have been subjected to further investigation that might have revealed facts resulting in the denial of such application to File for Naturalization.

13. On the basis of defendant's misrepresentation and nondisclosure of his membership in the German Army, North Caucasian Legion, the Immigration and Naturalization Service made a recommendation to the naturalization court that defendant's Petition for Naturalization be granted, thereby hindering the court's ability effectively to inquire into his qualifications and eligibility for citizenship.

14. Plaintiff realleges and incorporates by reference paragraph 14 of Count I of this Complaint as paragraph 14 of Count VI.

15. Defendant, therefore, procured his naturalization by concealment of a material fact and by willful misrepresentation.

WHEREFORE, plaintiff demands:

(1) Judgement revoking and setting aside the April 17, 1961 order of Passaic County Court at Paterson, New Jersey, admitting defendant to United States Citizenship and cancelling Certificate of Naturalization, No. 7872444.

(2) Judgement forever restraining and enjoining defendant from claiming any rights, privileges or advantages under any document evidencing United States citizenship.

(3) Judgement requiring defendant immediately to surrender and deliver his Certificate of Naturalization to the Attorney General of the United States.

(4) Judgement granting plaintiff such other relief as may be lawful and proper.

COUNT VII

1-7. Plaintiff realleges and incorporates by reference paragraphs 1 through 6 of Count I and paragraph 13 of Count I of this Complaint as paragraphs 1 through 7 of Count VII.

8. On or about August 19, 1960, defendant submitted to the Immigration and Naturalization Service at Paterson, New Jersey, an Application to File Petition for Naturalization (Immigration and Naturalization Service Form N-400).

9. Form N-400 contained a Question (No. 7) which required defendant to list each organization, club or society in the United States or in any other country that the defendant had been a member of at any time and the dates of membership in each, to which the defendant failed to list his membership between approximately August 1, 1942 and September/October 1942 in the Tachtamukai Town Police, an organization as defined under the Act, 8 U.S.C. § 1101(a)(28).

10. On December 2, 1960, in connection with and to further the processing of defendant's Application to File Petition for Naturalization, the defendant stated to the Naturalization Examiner that he read the foregoing application and understood the contents thereof. Defendant then affirmed under oath before an officer of the Immigration and Naturalization Service that all the answers he gave to the questions on Form N-400 were true to the best of his knowledge and belief.

11. Defendant's membership in the Tachtamukai Town Police was material to defendant's Petition for Naturalization under

Section 316 of the Act, 8 U.S.C. § 1427.

12. If defendant had disclosed the truth, as known to him, regarding his membership in the Tachtamukai Town Police his Application to File Petition for Naturalization would have been denied or would have been subjected to further investigation that might have revealed facts resulting in the denial of such application to File for Naturalization.

13. On the basis of defendant's misrepresentation and nondisclosure of his membership in the Tachtamukai Town Police, the Immigration and Naturalization Service made a recommendation to the naturalization court that defendant's Petition for Naturalization be granted, thereby hindering the court's ability effectively to inquire into his qualifications and eligibility for citizenship.

14. Plaintiff realleges and incorporates by reference paragraph 14 of Count I of this Complaint as paragraph 14 of Count VII.

15. Defendant, therefore, procured his naturalization by concealment of a material fact and by willful misrepresentation.

WHEREFORE, plaintiff demands:

(1) Judgement revoking and setting aside the April 17, 1961 order of Passaic County Court at Paterson, New Jersey, admitting defendant to United States Citizenship and cancelling Certificate of Naturalization, No. 7872444.

(2) Judgement forever restraining and enjoining defendant from claiming any rights, privileges or advantages under any document evidencing United States citizenship.

(3) Judgement requiring defendant immediately to surrender and deliver his Certificate of Naturalization to the Attorney General of the United States.

(4) Judgement granting plaintiff such other relief as may be lawful and proper.

COUNT VIII

1-8. Plaintiff realleges and incorporates by reference paragraphs 1 through 6 of Count I, paragraph 7 of Count IV, and paragraph 8 of Count V of this Complaint as paragraphs 1 through 8 of Count VIII.

9. Form N-400 contained a Question (No. 6) which required defendant to state whether he had ever, in the United States or in any other country, committed any crime or offense or been arrested, charged with violation of any law or ordinance, summoned into court as a defendant, convicted, fined, imprisoned or placed on probation or parole. Defendant responded that he had been convicted in 1941 in Tachtamukai, Caucasus, U.S.S.R., for the offense of disobeying police (political arrest) the outcome of which was one year in prison; the defendant further responded that in 1956 he was convicted of speeding and was fined \$15; he further responded there was "no other".

10. Plaintiff realleges and incorporates by reference paragraph 10 of Count V of this Complaint as paragraph 10 of Count VIII.

11. Defendant's record of arrests, convictions and sentences was material to the good moral character requirement for naturalization contained in Section 316 of the Act, 8 U.S.C. § 1427.

12. If defendant had disclosed the truth regarding his prior arrest, conviction and sentence record, as known to him, his application to File Petition for Naturalization would have been denied, or would have been subjected to further investigation that might have revealed facts resulting in denial of such application to File for Naturalization.

13. On the basis of defendant's misrepresentation and nondisclosure of his prior arrest, conviction and sentence record, the Immigration and Naturalization Service made a recommendation to the naturalization court that defendant's Petition

for Naturalization be granted, thereby hindering the court's ability effectively to inquire into his qualifications and eligibility for citizenship.

14. Plaintiff realleges and incorporates by reference paragraph 14 of Count I of this Complaint as paragraph 14 of Count VIII.

15. Defendant, therefore, procured his naturalization by concealment of a material fact or by willful misrepresentation.

WHEREFORE, plaintiff demands:

(1) Judgement revoking and setting aside the April 17, 1961 order of the Passaic County Court at Paterson, New Jersey, admitting defendant to United States citizenship, and cancelling Certificate of Naturalization, No. 7872444.

(2) Judgement forever restraining and enjoining defendant from claiming any rights, privileges or advantages under any document evidencing United States Citizenship.

(3) Judgement requiring defendant immediately to surrender and deliver his Certificate of Naturalization to the Attorney General of the United States.

(4) Judgement granting plaintiff such other relief as may be lawful and proper.

#### COUNT IX

1-27. Plaintiff realleges and incorporates paragraphs 1 through 6 of Count I, paragraphs 7 through 11 of Count IV, paragraphs 8 through 10 of Count V and paragraphs 9 through 13 of Count VI and paragraphs 9 through 13 of Count VII and paragraphs 9 through 11 of Count VIII of this Complaint as paragraphs 1 through 27 of Count IX.

28. When defendant swore to the truth of all statements contained in his Application for Immigration Visa and Alien Registration, his Application to File Petition for Naturalization, he gave false testimony as to any and all of the following facts:



his membership in the German Waffen SS; his membership in the German Army, North Caucasion Legion; his membership in the Tachtamukai Town Police Department, his prior record of arrests, convictions and sentences, and his moral character.

29. Defendant lacked the good moral character required for naturalization under Section 316 of the Act, 18 U.S.C. § 1427, as defined in Section 101(f)(6) of the Act, 8 U.S.C. 101(f)(6), because of such false testimony. Therefore, defendant's Application for Naturalization was legally insufficient and the order granting citizenship was illegally procured.

WHEREFORE, plaintiff demands:

(1) Judgement revoking and setting aside the April 17, 1961 order of the Passaic County Court at Paterson, New Jersey, admitting defendant to United States citizenship, and cancelling Certificate of Naturalization, No. 7872444.

(2) Judgement forever restraining and enjoining defendant from claiming any rights, privileges or advantages under any document evidencing United States Citizenship.

(3) Judgement requiring defendant immediately to surrender and deliver his Certificate of Naturalization to the Attorney General of the United States.

(4) Judgement granting plaintiff such other relief as may be lawful and proper.

COUNT X

1-6. The plaintiff realleges and incorporates by reference paragraphs 1 through 6 of Count I of this complaint as paragraphs 1 through 6 of Count X.

7. The defendant served in the German Army, North Caucasion Legion between approximately September/October 1942 and January 1945. The defendant also served in the German Waffen SS formation between approximately January 1945 and May 1945.

8. On April 6, 1955, the defendant filed an application for immigration, visa and alien registration.

9. In that affidavit, which was subscribed to and sworn

before a Vice Counsel of the United States, an applicant is required in response to question 31, to furnish to the consular officer with his application two(2) certified copies of any existing military record. In the event that the applicant establishes to the satisfaction of the consular officer that any document or record required by Section 222(b) of the Act, 8 U.S.C. § 1202(b) is unobtainable, the consular offices may permit the applicant to submit in lieu of such document or record other satisfactory evidence of the fact to which such document or record would, if obtained, pertain. The defendant, in response to question 31, failed to submit his German Army, North Caucasion Legion and his German Waffen SS military records or in lieu thereof, with the permission of the consular offices he failed to submit any other satisfactory evidence of the facts to which such military records would, if obtainable, pertain.

10. The furnishing of the defendant's military records or in lieu thereof, with the permission of the consular office, the submission of other satisfactory evidence of the facts to which such military records would, if obtained, pertain, with his application is required under Section 222(b) of the Act, 8 U.S.C. § 1202(b).

11. On or about June 28, 1955 the defendant entered the United States at the Port of New York. By his failure to furnish his military records or in lieu thereof, the submission of other satisfactory evidence of the facts to which such military records would, if obtainable, pertain, the defendant failed to comply with the provisions Section 221 of the Act 8 U.S.C. § 1201(g) and made him ineligible to be issued a visa. Therefore the defendant's entry into the United States on June 28, 1955 was unlawful.

12. On December 2, 1960, the defendant filed a Petition for Naturalization No. 45623 (INS Form 405).

13. On April 17, 1961 the Passaic County Court at Paterson, New Jersey granted defendant's Petition for Naturalization and issued him a Certificate of Naturalization No. 7872444.

14. The defendant's United States citizenship was illegally procured in violation of the Act, 8 U.S.C. § 1427(a)(1) and 1451(a) in that the defendant was never lawfully admitted into the United States.

WHEREFORE, plaintiff demands:


(1) Judgement revoking and setting aside the April 17, 1961 order of the Passaic County Court at Paterson, New Jersey, admitting defendant to United States citizenship, and cancelling Certificate of Naturalization, No. 7872444.

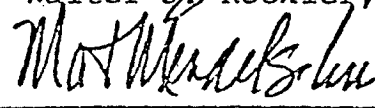
(2) Judgement forever restraining and enjoining defendant from claiming any rights, privileges or advantages under any document evidencing United States Citizenship.

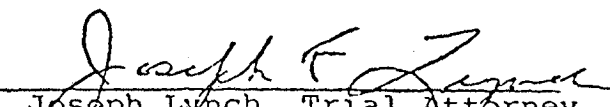
(3) Judgement requiring defendant immediately to surrender and deliver his Certificate of Naturalization to the Attorney General of the United States

(4) Judgement granting plaintiff such other relief as may be lawful and proper.

Robert J. Del Tufo  
United States Attorney  
District of New Jersey

  
  
Walter J. Rockler, Director

  
Martin Mendelsohn, Deputy Director

  
Joseph Lynch, Trial Attorney

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