

2011R00709 CR 11 00751 EJD E-FILING HRL

UNITED STATES DISTRICT COURT

2011 OCT 12 P 2:46

NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WICKING
CLERK, U.S. DISTRICT COURT
N.D. CA SAN JOSE

SAN JOSE DIVISION

THE UNITED STATES OF AMERICA

vs.

MOHAMMAD ALI RABBANI and ADEBA SULTANA

INDICTMENT

COUNT ONE:

18 U.S.C. § 1425(a) - Unlawful Attempt to
Procure Citizenship or Naturalization

A true bill.

Mary Elizabeth Sladek
Foreperson

Filed in open court this 12th day of October

A.D. 2011

Pao S. Ap

United States Magistrate Judge

Bail. \$ No bail arrest warrant as to each defendant.

1 MELINDA HAAG (CABN 132612)
2 United States Attorney

FILED

3 2011 OCT 12 P 2:46

4 RICHARD W. WIEKING
5 CLERK, U.S. DISTRICT COURT
6 N.D. CALIFORNIA
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 MOHAMMAD ALI RABBANI and
15 ADEBA SULTANA,

16 Defendants.

17 CR 11 00751 No.

18 VIOLATION: 18 U.S.C. §1425(a) –
19 Unlawful Attempt to Procure and
20 Procurement of Citizenship or
21 Naturalization

22 SAN JOSE VENUE

23 The Grand Jury Charges:

24 Background Information as to Mohammad Ali Rabbani

25 1. Defendant's true name is MOHAMMAD ALI RABBANI. He is married to a
26 woman whose true name is ADEBA SULTANA and who is a co-defendant in this case.
27 RABBANI was previously an Iranian citizen but received Swedish citizenship on November 9,
28 1994. On May 22, 1998, Defendant RABBANI flew to the United States. On April 8, 2009,
after filing several status-related applications with the United States Customs and Immigration
Service (USCIS), an agency of the executive branch of the United States Government within
the Department of Homeland Security (DHS) and its predecessor agency the Immigration and

INDICTMENT

1 Naturalization Service (INS), described in the following paragraphs, RABBANI applied for
2 naturalization in the United States.

3 2. On August 11, 1998, RABBANI completed Form I-589, Application for Asylum
4 and for Withholding of Removal, and filed it with USCIS. On this form, RABBANI indicated his
5 name was "Amanullah Arsalan," and indicated he was married to "Iren Arsalan." Question A.13
6 of the form asks for "Present Nationality (Citizenship)." RABBANI listed his country of
7 citizenship as Afghanistan, but did not disclose citizenship in Sweden. Question D.1 asks, "Do
8 you or your spouse or child(ren) now hold, or have you ever held, permanent residence, or other
9 permanent status or citizenship, in any country other than the one from which you are now
10 claiming asylum?" RABBANI answered in the negative, and did not disclose his citizenship in
11 Sweden. RABBANI was granted asylum.

12 3. On July 14, 2000, RABBANI completed Form I-485, Application to Register
13 Permanent Residence or Adjust Status, and filed it with USCIS. Defendant again falsely
14 indicated his name was "Amanullah Arsalan," and indicated his wife's name was "Iren Arsalan."
15 RABBANI listed his method of entry to the United States as a car passenger through California,
16 and did not disclose that he entered the United States by plane. Question 3.10 asks in relevant
17 part, "have you, by fraud or willful misrepresentation of a material fact, ever sought to procure,
18 or procured, a visa, other documentation, entry into the U.S., or any other immigration benefit?"
19 RABBANI answered the question in the negative, and did not disclose the false statements
20 elsewhere in the I-485 or contained in his I-589 Application filed in 1998.

21 4. On June 22, 2005, RABBANI completed Form I-602, Application by Refugee for
22 Waiver of Grounds of Excludability and filed it with USCIS. RABBANI falsely indicated his
23 name was "Amanullah Arsalan." RABBANI listed his country of citizenship as Afghanistan,
24 and did not disclose his citizenship in Sweden.

25 5. On April 8, 2009, RABBANI completed Form N-400, Application for
26 Naturalization, and filed it with USCIS. Question 23, states: "Have you ever given false or
27 misleading information to any U.S. government official while applying for any immigration
28 benefit or to prevent deportation, exclusion, or removal?" RABBANI responded in the negative,

1 but failed to disclose the false representations described in paragraphs 2–4, above. Question 24,
2 states: “Have you ever lied to any U.S. Government to gain entry or admission into the United
3 States?” RABBANI responded in the negative, and failed to disclose false representations
4 described in paragraphs 2–4, above.

5 Background Information as to Adeba Sultana

6 6. Defendant’s true name is ADEBA SULTANA. She is married to MOHAMMAD
7 ALI RABANNI, a co-defendant in this case. SULTANA was previously a citizen of
8 Afghanistan, but received Swedish citizenship in 1994. On June 2, 1995, SULTANA flew to the
9 United States. On May 22, 2007, after filing several status-related applications with the USCIS,
10 described in the following paragraphs, SULTANA applied for and was later granted
11 naturalization in the United States.

12 7. On May 11, 1996, SULTANA completed Form I-589, Application for Asylum
13 and Withholding of Removal, and filed it with USCIS. SULTANA falsely indicated her name
14 was “Iren Arsalan,” and indicated she was married to “Amanullah Arsalan.” In Question A.14,
15 SULTANA indicated she last arrived in the United States on April 2, 1996 by car and did not
16 disclose that she entered the United States via plane. On Question B.1, SULTANA indicated that
17 her husband, “Amanullah Arsalan,” had been killed, although her husband was and is alive.
18 Question D.1 asks, “Do you or your spouse or child(ren) now hold, or have you ever held,
19 permanent residence, or other permanent status or citizenship, in any country other than the one
20 from which you are now claiming asylum?” SULTANA answered in the negative, and did not
21 disclose her citizenship in Sweden. SULTANA was granted asylum.

22 8. On May 24, 2002, SULTANA completed Form I-485, Application to Register
23 Permanent Residence or Adjust Status, and filed it with USCIS. SULTANA again indicated her
24 name was “Iren Arsalan” and indicated her marital status as widowed. Question 3.10 asks in
25 relevant part, “have you, by fraud or willful misrepresentation of a material fact, ever sought to
26 procure, or procured, a visa, or other documentation, entry into the U.S., or any other immigration
27 benefit?” SULTANA answered the question in the negative, and did not disclose the false
28 statements elsewhere in the I-485 or in the I-589.

1 9. On July 7, 2003, SULTANA completed Form I-602, Application by Refugee for
2 Waiver of Grounds of Excludability and filed it with USCIS. SULTANA indicated her name
3 was "Iren Arsalan." When asked for her country of citizenship, she wrote Afghanistan and did
4 not disclose her Swedish citizenship.

5 10. On May 22, 2007, SULTANA completed Form N-400, Application for
6 Naturalization, and filed it with USCIS. Question 23, states: "Have you ever given false or
7 misleading information to any U.S. government official while applying for any immigration
8 benefit or to prevent deportation, exclusion, or removal?" SULTANA responded in the negative,
9 and failed to disclose the false representations described in paragraphs 7-9, above. Question 24,
10 states: "Have you ever lied to any U.S. Government to gain entry or admission into the United
11 States?" SULTANA responded in the negative, and failed to disclose the false representations
12 described in paragraphs 7-9, above. SULTANA's Application for Naturalization was approved
13 on April 24, 2008.

14
15 COUNT ONE: (18 U.S.C. § 1425(a) – Unlawful Attempt to Procure Citizenship or
Naturalization)

17 11. On or about April 8, 2009, in the Northern District of California, the defendant,
18 MOHAMMAD ALI RABBANI,
19 in a matter within the jurisdiction of the executive branch of the government of the United States,
20 did knowingly attempt to procure, contrary to law, naturalization for himself by applying for
21 naturalization using form N-400 and untruthfully asserting he had not lied previously to
22 immigration officials concerning his name, citizenship, and method of entry into the United
23 States.

24 All in violation of Title 18, United States Code, Section 1425(a).

26 COUNT TWO: (18 U.S.C. § 1425(a) – Unlawful Procurement of Citizenship or Naturalization)

27 12. On or about May 22, 2007, in the Northern District of California, the defendant,
28 ADEBA SULTANA,

INDICTMENT

1 in a matter within the jurisdiction of the executive branch of the government of the United States,
2 did knowingly procure, contrary to law, naturalization for herself by applying for naturalization
3 using form N-400 and untruthfully asserting she had not lied previously to immigration officials
4 concerning her name, citizenship, and method of entry into the United States.

5 All in violation of Title 18, United States Code, Section 1425(a).

6

7 DATED:

A TRUE BILL.

8 *October 12, 2011*

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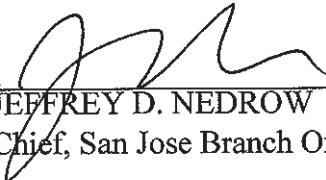
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12 MELINDA HAAG
United States Attorney

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JEFFREY D. NEDROW
Chief, San Jose Branch Office

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Mary Elizabeth Sladek
FOREPERSON

(Approved as to form: *JND for Ursini*
SAUSA Ursini

INDICTMENT

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

OFFENSE CHARGED

18 USC 1425(a)
UNLAWFUL PROCUREMENT OR ATTEMPTED PROCUREMENT
OF CITIZENSHIP OR NATURALIZATION

Petty
 Minor
 Misdemeanor
 Felony

PENALTY: 10 years prison
\$250,000 fine
3 years supervised release
\$100 special assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FILED

DEFENDANT - U.S.

OCT 12 P 2:46

Mohammad ali Rabbani and Adeba Sultana

DISTRICT COURT NUMBER

EJD

CR11 00751 HRL

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Wendell Wright, DHS - ICE

 person is awaiting trial in another Federal or State Court,
give name of court this person/proceeding is transferred from another district
per (circle one) FRCrp 20, 21, or 40. Show District this is a reprocsecution of
charges previously dismissed which were dismissed on motion
of: U.S. ATTORNEY DEFENSESHOW
DOCKET NO. this prosecution relates to a
pending case involving this same
defendantMAGISTRATE
CASE NO. prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
defendant were recorded under

{

Name and Office of Person
Furnishing Information on this form MELINDA HAAG U.S. Attorney Other U.S. AgencyName of Assistant U.S.
Attorney (if assigned) SAUSA Ann Marie Ursini

PROCESS:

 SUMMONS NO PROCESS* WARRANT

Bail Amount: No Bail

If Summons, complete following:

 Arraignment Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or
warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments: