

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CERTIFIED AS A TRUE COPY ON

THIS DATE DEC 14 2012

UNITED STATES OF AMERICA

SEALED BY
INDICTMENT

-v.-

12 Cr. ()

Clerk
Deputy

JOHN WANG,
JIAN EN WANG,
a/k/a "Big Glasses,"
a/k/a "Gao,"
DEJIN HUANG,
a/k/a "Old Man Huang,"
a/k/a "Uncle Huang," and
LIANNA CHEN,

Defendants.

12 CRIM 941

COUNT ONE

The Grand Jury charges:

BACKGROUND ON THE ASYLUM PROCESS

1. Pursuant to federal immigration law, to obtain asylum in the United States, an alien is required to show that he or she has suffered persecution in his or her country of origin on account of race, religion, nationality, political opinion, or membership in a particular social group, or has a well founded fear of persecution if he or she were to return to such country.

2. Alien applicants seeking asylum are required to complete a form called a Form I-589 to the United States Citizenship and Immigration Services ("USCIS"). The Form I-589 requires a detailed and specific account of the basis of the claim to asylum. If the Form I-589 is prepared by someone other than the applicant or a relative of the applicant, such as an attorney, the preparer is required to set forth his or her name and address on the form. The alien applicant and preparer are required to sign the petition under penalty of perjury. The

alien applicant must typically apply for asylum within one year of their arrival in the United States.

3. After the Form I-589 is submitted, the alien applicant is interviewed by a USCIS officer (the "Asylum Officer") to determine whether the applicant qualifies for asylum. At the interview, the applicant can present witnesses or documentation in support of his or her asylum claim. After the interview, the Asylum Officer determines whether the alien applicant qualifies for asylum, and that determination is then reviewed by a supervisory officer within USCIS.

4. If an alien applicant is granted asylum, he or she receives a completed Form I-94 that reflects that the USCIS has granted him or her asylum status. The grant of asylum typically applies to the applicant's spouse and children as well. An alien who has a Form I-94 can apply for, among other things, lawful permanent resident status. A grant of asylum status does not expire, although USCIS can terminate asylum status if, among other things, it is later discovered that the applicant obtained asylum through fraud or no longer has a well founded fear of persecution in his or her home country.

5. If the Asylum Officer determines that the applicant is ineligible for asylum status, and if the applicant is in the United States illegally, the matter is referred to an Immigration Judge at the Executive Office for Immigration Review. The Immigration Judge holds a hearing during which the alien applicant, and commonly an immigration lawyer, appear before the Immigration Judge and present evidence in support of the asylum

application. In New York City, all immigration hearings take place in New York, New York. After the hearing, the Immigration Judge renders a decision on the alien's asylum application. If the Immigration Judge denies the asylum application the applicant may appeal that decision to the Board of Immigration Appeals ("BIA"). If the applicant loses his or her appeal before the BIA the applicant may appeal to a federal court.

THE SCHEME TO DEFRAUD

6. This scheme involved the submission of fraudulent asylum applications on behalf of Chinese aliens by three law firms in the Chinatown area of New York City. Through the methods described herein, the defendants, lawyers and employees at law firms in the Chinatown area of New York City, and their co-conspirators, including translators, profited by creating and submitting asylum applications containing false stories of persecution purportedly suffered by alien applicants.

7. Typically, before a law firm involved in the fraud would take on a client, an employee of that firm conducted a screening interview of the potential client. One of the goals of that interview is to determine whether there was any information about the client -- that could be discovered by the USCIS -- that would bar the client from receiving asylum. For example, if the client had a passport that showed the client had been in the United States for more than one year the case would likely be rejected by the USCIS.

8. If the client did not have proof that he or she had been in the United States for less than one year an employee at

the firm would typically explain to the client that he or she needed to obtain a letter from a person stating that he or she saw the client in China within the last year (the "One Year Letter"). If the client could not obtain such a One Year Letter, often because he or she had been in the United States for longer than one year, the law firm would often help the client create a false letter or direct the client to somewhere he or she could purchase a false letter. The law firms involved in this fraud sometimes also helped clients find other fake documentation to support their asylum applications, such as fake birth certificates.

9. In many instances, the clients of the law firms described herein had not actually suffered persecution in China. In those cases, an employee at the law firm explained to the client that, in exchange for money, the law firm would make up a story of persecution and the client would need to memorize that story.

10. If the client did not have any barriers to asylum that could be discovered by the USCIS (such that the law firm had a reasonable chance at winning the case and receiving the most money possible) and if the law firm was satisfied that the client had the capacity to pay the law firm's fees, an employee at the law firm (the "Paralegal") drafted the narrative for the client's asylum application, most importantly making up the client's story of persecution.

11. The Paralegals made up stories of persecution that usually followed one of three fact patterns: (a) forced abortions

performed against woman clients pursuant to China's family planning policy; (b) persecution based on the client's belief in Christianity; or (c) political or ideological persecution, typically for membership in China's Democratic Party or followers of Falun Gong.

12. After the Form I-589 asylum application was submitted, the Paralegal often prepared the client for his or her interview with the Asylum Officer. This training often included having the client do outside studying on the topic of persecution claimed in his or her application so that he or she had a better chance of convincing the Asylum Officer that his or her story of persecution was true.

13. On the day of the interview, the law firm often arranged for a translator (the "Translator") to accompany the client to the interview. The law firm typically had one or two Translators that they worked with. The Translator was often paid to provide two basic services. One, was to provide additional coaching and training to the client in advance of the interview (sometimes the translators were paid to train the clients days in advance of their interviews). The Translator, who often had seen hundreds of asylum interviews, advised the clients of questions they were likely to be asked and how to answer them.

14. The Translator was also paid to translate during the interviews. However, the Translator was often paid not merely to translate the client's answers from Chinese to English but to do so in a way that was favorable to the client. For example, if the client answered a question in a way that was

inconsistent with the fabricated story of persecution the Translator was expected to falsely translate the answer so that it conformed to the story.

15. If the Asylum Officer did not grant the client asylum, an immigration lawyer at the law firm (the "Lawyer"), would frequently argue the case before an Immigration Judge. In advance of the hearing, the Lawyer frequently met with the client to prepare him or her for the hearing. At these preparation sessions, the Lawyer often coached the client on what to say and tried to ensure that the client would not say anything that contradicted the story that the law firm had made up. At the hearing, the client testified, and the Lawyer questioned him or her, about the fictitious story of persecution.

THE DEFENDANT AND RELEVANT ENTITIES

16. At various times relevant to the charges in this Indictment, JIAN EN WANG, a/k/a "Big Glasses," a/k/a "Gao," the defendant worked as a Paralegal at a law Office located at 18 East Broadway, New York, New York (the "Law Firm"). Since 2011, the Law Firm has submitted at least 449 asylum applications.

17. At various times relevant to the charges in this Indictment, JIAN EN WANG, a/k/a "Big Glasses," a/k/a "Gao," and DEJIN HUANG, a/k/a "Old Man Huang," a/k/a "Uncle Huang," the defendants, worked as paralegals at a law firm known as Gao and Associates, located at 8 Chatham Square in New York, New York ("Gao and Associates"). In 2009 and 2010, Gao and Associates submitted at least 374 asylum applications.

18. At various times relevant to the charges in this

Indictment, JOHN WANG, the defendant, worked as a Lawyer at the Law Offices of John Wang located at 32 East Broadway, New York, New York (the "Wang Firm"). At various times relevant to the charges in this Indictment, DEJIN HUANG, a/k/a "Old Man Huang," "Uncle Huang," the defendant, worked as paralegal at the Wang Firm. Since 2011, the Wang Firm has submitted at least 1055 asylum applications.

19. At various times relevant to the charges in this indictment, LIANNA CHEN worked as a Translator for the Wang Firm and other law firms that submit fraudulent asylum applications.

STATUTORY ALLEGATIONS

20. From in or about 2009 through in or about December 2012, in the Southern District of New York and elsewhere, JIAN EN WANG, a/k/a "Big Glasses," a/k/a "Gao," and DEJIN HUANG, a/k/a "Old Man Huang," a/k/a "Uncle Huang," the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate and agree together and with each other to commit an offense against the United States, to wit, immigration fraud in violation of Title 18, United States Code, Section 1546(a).

21. It was a part and object of the conspiracy that JIAN EN WANG, a/k/a "Big Glasses," a/k/a "Gao," and DEJIN HUANG, a/k/a "Old Man Huang," a/k/a "Uncle Huang," the defendants, and others known and unknown, would and did knowingly and willfully forge, counterfeit, alter, and falsely make an immigrant and nonimmigrant visa, permit, border crossing card, alien registration receipt card, and other document prescribed by statute and regulation for entry into and as evidence of

authorized stay and employment in the United States, and would and did utter, use, attempt to use, possess, obtain, accept, and receive any such visa, permit, border crossing card, alien registration receipt card, and other document prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, knowing it to be forged, counterfeited, altered, and falsely made, and to have been procured by means of a false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained to wit, JIAN EN WANG, a/k/a "Big Glasses," a/k/a "Gao," and DEJIN HUANG, a/k/a "Old Man Huang," a/k/a "Uncle Huang," the defendants, and others, wrote and submitted asylum applications to United States Citizenship and Immigration Services on behalf of clients that contained made up stories of persecution purportedly suffered by clients in China which resulted in those clients receiving Form I-94's, in violation of Title 18, United States Code, Section 1546(a).

Overt Acts

22. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about 2009, DEJIN HUANG, a/k/a "Old Man Huang," a/k/a "Uncle Huang," the defendant, wrote an asylum application containing a made up story of persecution on behalf of a client of Gao and Associates.

b. In or about 2009, JIAN EN WANG, a/k/a "Big

Glasses," a/k/a "Gao," the defendant, coached a client of Gao and Associates to lie about being persecuted in China during an asylum interview with United States Citizenship and Immigration Services.

c. In or about October 2012, JIAN EN WANG, a/k/a "Big Glasses," a/k/a "Gao," the defendant, coached a client of the Idowu Firm to lie about being persecuted in China during an asylum interview with United States Citizenship and Immigration Services.

(Title 18, United States Code, Section 371)

COUNT TWO

The Grand Jury further charges:

23. From in or about 2010 through in or about December 2012, in the Southern District of New York and elsewhere, JOHN WANG, DEJIN HUANG, a/k/a "Old Man Huang," a/k/a "Uncle Huang," and LIANNA CHEN, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate and agree together and with each other to commit an offense against the United States, to wit, immigration fraud in violation of Title 18, United States Code, Section 1546(a).

24. It was a part and object of the conspiracy that JOHN WANG, DEJIN HUANG, a/k/a "Old Man Huang," a/k/a "Uncle Huang," and LIANNA CHEN, the defendants, and others known and unknown, would and did knowingly and willfully forge, counterfeit, alter, and falsely make an immigrant and nonimmigrant visa, permit, border crossing card, alien registration receipt card, and other document prescribed by

statute and regulation for entry into and as evidence of authorized stay and employment in the United States, and would and did utter, use, attempt to use, possess, obtain, accept, and receive any such visa, permit, border crossing card, alien registration receipt card, and other document prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, knowing it to be forged, counterfeited, altered, and falsely made, and to have been procured by means of a false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained to wit, JOHN WANG, DEJIN HUANG, a/k/a "Old Man Huang," a/k/a "Uncle Huang," and LIANNA CHEN, the defendants, and others, wrote and submitted asylum applications to United States Citizenship and Immigration Services on behalf of clients of the law firm John Wang and Associates that contained made up stories of persecution purportedly suffered by clients in China which resulted in clients receiving Form I-94s, in violation of Title 18, United States Code, Section 1546(a).

Overt Acts

25. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about December 2010, JOHN WANG, the defendant, coached a client of the Wang Firm to lie about being persecuted in China during asylum interviews with officers of the United States Citizenship and Immigration Services.

b. In or about December 2010, DEJIN HUANG, a/k/a "Old Man Huang," a/k/a "Uncle Huang," the defendant, coached a client of the Wang Firm to lie about being persecuted in China during an asylum interview with an officer of the United States Citizenship and Immigration Services.

c. In or about 2011, LIANNA CHEN, the defendant, coached clients to lie about being persecuted in China during asylum interviews with officers of the United States Citizenship and Immigration Services.

(Title 18, United States Code, Section 371)

COUNT THREE

The Grand Jury further charges:

26. In or about June 2011, in the Southern District of New York and elsewhere, LIANNA CHEN, the defendant, knowingly and willfully transferred an identification document, authentication feature, and a false identification document, that was and appeared to be a birth certificate, knowing that such document and feature was stolen and produced without lawful authority, to wit, CHEN sold a fake Chinese birth certificate to another person in exchange for cash.

(Title 18, United States Code, Sections 1028(a)(2) &
(b)(1)(A)(ii))

COUNT FOUR

The Grand Jury further charges:

27. In or about February 2012, in the Southern District of New York and elsewhere, DEJIN HUANG, a/k/a "Old Man Huang," a/k/a "Uncle Huang," the defendant, knowingly and

willfully transferred an identification document, authentication feature, and a false identification document, that was and appeared to be a birth certificate, knowing that such document and feature was stolen and produced without lawful authority, to wit, HUANG sold a fake Chinese birth certificate to another person in exchange for cash.

(Title 18, United States Code, Sections 1028(a)(2) &
(b)(1)(A)(ii))

FORFEITURE ALLEGATIONS

28. As a result of committing the offenses alleged in Count One of this Indictment, JIAN EN WANG, a/k/a "Big Glasses," a/k/a "Gao," and DEJIN HUANG, a/k/a "Old Man Huang," a/k/a "Uncle Huang," the defendants, and as result of committing the offense alleged in Count Two of this Indictment, DEJIN HUANG, a/k/a "Old Man Huang," a/k/a "Uncle Huang," JOHN WANG, and LIANNA CHEN, the defendants, and as a result of committing the offense alleged in Count Three of this Indictment, LIANNA CHEN, the defendant, and as a result of committing the offense alleged in Count Four of this Indictment, DEJIN HUANG, a/k/a "Old Man Huang," a/k/a "Uncle Huang," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses, including but not limited to a sum in United States currency representing the amount of proceeds obtained as a result of the offenses.

Substitute Assets Provision

29. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981 and
Title 28, United States Code, Section 2461)


FOREPERSON


PREET BHARARA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

JIAN EN WANG, a/k/a "Big Glasses," a/k/a
"Gao," DEJIN HUANG, a/k/a "Old Man
Huang," a/k/a "Uncle Huang," JOHN WANG,
and LIANNA CHEN,

Defendants.

INDICTMENT

12 Cr.

(18 U.S.C. §§ 371, 1028(a)(2) &
(b)(1)(A)(ii))

PREET BHARARA
United States Attorney.
