

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO. 08-430**

v. : **DATE FILED: March 18, 2009**

AKBAR KADIROV, : **VIOLATIONS:**
a/k/a “Akbar Kadyrov” : **18 U.S.C. § 371 (conspiracy - 1 count)**
 : **18 U.S.C. § 1546(a) (visa and asylum**
 : **fraud - 1 count)**
 : **18 U.S.C. § 1956(h) (conspiracy to commit**
 : **money laundering - 1 count)**
 : **18 U.S.C. § 1546(a) (possession of an**
 : **alien registration receipt card procured**
 : **by fraud - 1 count)**
 : **18 U.S.C. § 2 (aiding and abetting)**

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

THE ASYLUM PROCESS

1. Beginning on March 1, 2003, the United States Department of Homeland Security (“DHS”) was responsible for administering immigration matters. At DHS, Citizenship and Immigration Services (“CIS”) handled and adjudicated claims for asylum. Prior to March 1, 2003, the Immigration and Naturalization Service (“INS”) carried out these responsibilities.

2. To obtain asylum in the United States, an alien must show that he or she has suffered persecution or is likely to suffer persecution upon return to the alien’s homeland. This persecution must be on account of race, religion, nationality, political opinion, or membership in a particular social group. After one year, an individual who is granted asylum

may apply for lawful permanent resident status, signified by receipt of a “green card.”

3. The Application for Asylum and Withholding of Removal, Form I-589, is the application for asylum and is submitted to and adjudicated by CIS. The I-589 requires a “detailed and specific account of the basis of [the] claim to asylum.” The applicant and any person who assists the applicant in completing the application signs the application under penalty of perjury.

4. The I-589 is filed with the CIS Service Center having jurisdiction over the alien’s place of residence. The regional asylum office with jurisdiction to adjudicate the asylum claims of aliens living in Eastern Pennsylvania, Manhattan, New York, and the Bronx, New York, is in Lyndhurst, New Jersey. The regional office with jurisdiction to adjudicate claims of aliens living in Brooklyn and Queens, New York, is in Rosedale, New York.

5. After the submission of the I-589, CIS notifies the applicant to appear for an interview with an asylum officer by mailing notice to the address listed on the I-589. An asylum officer interviews the alien regarding the application. At the time of the interview, the alien must provide, under oath, truthful information regarding identity, date and place of birth, nationality, and the basis of the claim. The asylum officer has the authority to administer oaths, verify the identity of the applicant, and question the alien regarding the information provided by the alien. If the alien is not sufficiently versed in English, the alien must provide a competent interpreter fluent in English and the alien’s preferred language.

LYNN’S ORGANIZATION

6. Coconspirator David Lynn, charged in the original indictment, who at times falsely represented that he was an attorney specializing in immigration matters, directed

the operation of a business that promised to obtain asylum in the United States through false testimony and other fraudulent means. Lynn, with the assistance of defendant AKBAR KADIROV and coconspirators Yevgeny Zemlyansky, Ilya Zherelyev, Anatoly Zagranichny, and Nelly Katsman, all charged in the original indictment, prepared at least 380 false and fraudulent Form I-589 applications and presented those false applications to CIS. Lynn obtained at least \$3 million from the operation of his fraudulent asylum business.

7. On certain financial documents, David Lynn called his fraudulent asylum business “Lynn International,” which he identified as a translation service, to conceal the true nature of his business.

8. Defendant AKBAR KADIROV, who became a lawful permanent resident of the United States through fraudulent means with the assistance of David Lynn, began working for Lynn in approximately 1999. Defendant KADIROV acted as a driver for the immigrant clients, collected the fees from these clients, assured clients that Lynn would be successful in obtaining asylum for them based on his own fraudulent asylum application, and assisted in laundering the proceeds of the asylum fraud business.

9. Yevgeny Zemlyansky, David Lynn’s father-in-law, worked as a full-time assistant to Lynn, driving immigrant clients to various proceedings in connection with I-589 applications, contacting clients about upcoming proceedings, collecting money from clients, obtaining false addresses used on I-589 applications, instructing clients to conceal the fact that Lynn and others had coached them to give false testimony at hearings, picking up the letters CIS sent to various false addresses and false applications and supporting statements from Nelly Katsman, and assisting in laundering the proceeds of the asylum fraud business.

10. Anatoly Zagranichny, who is fluent in Eastern European languages, coached immigrant clients regarding, among other things, the Baptist and the Jehovah's Witness religions to assist them in presenting false testimony at their asylum interviews and acted as an interpreter during the presentation of their false testimony at the asylum interviews.

11. Ilya Zherelyev was initially employed as David Lynn's bodyguard, and accompanied Lynn to out-of-town meetings with immigrant clients and later acted as a full-time assistant, whose duties included preparing certain false I-589 applications, collecting money from clients, and assisting in laundering the proceeds of Lynn's asylum fraud business.

12. Nelly Katsman prepared I-589 applications and supporting statements, which contained materially false statements, including false claims of persecution and false addresses.

13. David Lynn maintained offices, where he and his coconspirators met with immigrant clients, at 1726 Welsh Road, Philadelphia, Pennsylvania, and 775 Second Street Pike, 541 Street Road, and 1300 Industrial Road, Suite 3-B, Southampton, Pennsylvania.

THE CONSPIRACY

14. From at least on or about January 1, 2003 through on or about March 8, 2007, in the Eastern District of Pennsylvania and elsewhere, defendant

**AKBAR KADIROV,
a/k/a "Akbar Kadyrov,"**

conspired and agreed, together with David Lynn, Yevgeny Zemlyansky, Ilya Zherelyev, Anatoly Zagranichny, and Nelly Katsman, and others known and unknown to the grand jury, to: (a) knowingly and willfully make materially false, fictitious, and fraudulent statements, and aid and

abet asylum applicants in making false, fictitious, and fraudulent statements, in matters within the jurisdiction of CIS, an agency of the executive branch of the United States, in violation of Title 18, United States Code, Sections 1001 and 2; and (b) knowingly make under oath, or under penalties of perjury, false statements with respect to material facts in applications, affidavits, and other documents required by the immigration laws and regulations prescribed thereunder, and present such applications, affidavits, and other documents which contained such false statements, in violation of Title 18, United States Code, Section 1546(a).

MANNER AND MEANS

It was part of the conspiracy that:

15. David Lynn guaranteed immigrant clients that he could obtain for them lawful permanent residence status in the United States, signified by receipt of a green card, within six months in exchange for a fee. For this service, Lynn charged approximately \$8,000 for an individual and \$10,000 to \$12,000 for a family.

16. David Lynn presented clients with the signature page of an I-589 application and requested that they sign it in blank.

17. David Lynn, Yevgeny Zemlyansky, Ilya Zherelyev, Anatoly Zagranichny, and defendant AKBAR KADIROV represented to clients that Lynn had been successful in assisting large numbers of immigrant clients to obtain “green cards” over many years. Specifically, defendant KADIROV gave testimonials about Lynn’s business, stating that Lynn had assisted defendant KADIROV in obtaining residency status in the United States.

18. David Lynn, Ilya Zherelyev, and Nelly Katsman prepared, and caused to be prepared, I-589 applications that contained materially false statements, including false claims

of persecution based on false claims that the alien followed the Baptist or Jehovah's Witness religions, was a Gypsy, or was a homosexual, that were submitted to CIS.

19. David Lynn and Yevgeny Zemlyansky paid third parties, including relatives and friends, to accept mail addressed to clients at the third parties' addresses, which were then used on the I-589 applications. At times, Zemlyansky, Ilya Zherelyev, and Nelly Katsman used their own addresses on I-589 applications.

20. David Lynn, Ilya Zherelyev, Yevgeny Zemlyansky, and Nelly Katsman used approximately twenty false addresses or "maildrops," located mainly in Philadelphia and Bucks County, Pennsylvania, on the I-589 applications prepared for their immigrant clients.

21. Yevgeny Zemlyansky regularly picked up from the maildrops CIS notices addressed to immigrant clients. David Lynn, Zemlyansky, and Ilya Zherelyev then called immigrant clients to notify them about upcoming asylum interviews and court hearings, and to request outstanding fees.

22. Defendant AKBAR KADIROV, and David Lynn and Yevgeny Zemlyansky drove and directed immigrant clients to submit fingerprints to CIS in Philadelphia and New York in support of their I-589 applications.

23. David Lynn, Anatoly Zagranichny, and Yevgeny Zemlyansky assisted immigrant clients in completing the necessary paperwork for the submission of fingerprints. This paperwork included false addresses.

24. David Lynn and Anatoly Zagranichny conducted "study sessions" with clients during which Lynn and Zagranichny provided false statements for the clients to make during the interview that would make their false persecution story more believable. At these

meetings, the coconspirators instructed clients about the nature of the persecution that the defendants had alleged on behalf of the clients in their respective I-589 applications.

25. Yevgeny Zemlyansky told clients that David Lynn was so effective that CIS officials would not know that the claims of persecution were false and instructed clients not to mention the fact that they had attended “study sessions” and been coached by the coconspirators.

26. Anatoly Zagranichny accompanied immigrant clients to their asylum interviews in Lyndhurst, New Jersey, and Rosedale, New York, and acted as their interpreter in orally presenting false claims of persecution and false addresses.

27. Defendant AKBAR KADIROV and David Lynn, Yevgeny Zemlyansky, and Ilya Zherelyev instructed immigrant clients who were paying by check to fill in the names of defendant KADIROV and Zherelyev and Zemlyansky as the payees. At other times, defendant KADIROV, and Lynn, Zemlyansky, and Zherelyev directed clients to leave the payee section blank and the names of defendant KADIROV, and Zherelyev and Zemlyansky were later inserted as payees.

28. David Lynn paid defendant AKBAR KADIROV and Yevgeny Zemlyansky and Ilya Zherelyev approximately \$50 for each client check in which their name was used as the payee.

29. Defendant AKBAR KADIROV and David Lynn, Yevgeny Zemlyansky and Ilya Zherelyev took a number of client checks to a check cashing agency in Philadelphia.

30. David Lynn and Ilya Zherelyev traveled from the Eastern District of Pennsylvania to, among other places, Cleveland, Ohio; Chicago, Illinois; New York; and

Connecticut, to solicit and meet with prospective immigrant clients.

OVERT ACTS

In furtherance of the conspiracy, defendant AKBAR KADIROV and David Lynn, Yevgeny Zemlyansky, Ilya Zherelyev, Anatoly Zagranichny, and Nelly Katsman, and others known and unknown to the grand jury, committed the following overt acts in the Eastern District of Pennsylvania and elsewhere:

1. RS's Asylum Application

_____ a. On or about May 3, 2004, David Lynn met with RS, a person known to the grand jury, at Lynn's office and received \$5,000 as partial payment for the filing of an asylum application.

b. In or about June 2004, Lynn met with RS at a train station in Trenton to coach RS regarding the habits of being a member of a particular social group in preparation for RS's asylum interview.

c. Between in or about June 2004 and in or about October 2004, defendant AKBAR KADIROV, while driving RS, reassured RS about Lynn. Defendant KADIROV stated that Lynn helps a lot of people and Lynn would help RS.

d. On a date prior to July 12, 2004, Nelly Katsman prepared RS's asylum application and supporting statement.

e. On or about July 12, 2004, Lynn mailed, or caused to be mailed, RS's asylum application to the CIS Eastern Service Center in Vermont.

f. On or about August 19, 2004, defendant KADIROV, accompanied by Anatoly Zagranichny, drove RS to his asylum interview in Lyndhurst, New Jersey.

g. On or about August 19, 2004, an individual who acted as an agent for Lynn accompanied RS during the trip to his asylum interview and received \$3,000 in cash and a \$4,000 check from RS prior to the asylum interview.

h. On or about October 26, 2004, defendant KADIROV took RS to a lawyer's office where RS met with Lynn and the lawyer.

2. RG's Asylum Application

a. In or about September 2004, David Lynn met with RG, a person known to the grand jury, at Lynn's office and discussed the filing of an asylum application for a fee of \$13,000.

b. In or about one week later in September 2004, Lynn met RG at Lynn's office and received \$2,000 as partial payment for the filing of RG's asylum application.

c. On a date prior to March 15, 2005, Nelly Katsman prepared RG's asylum application and supporting statement which falsely claimed that RG was a Baptist.

d. On or about March 15, 2005, Lynn mailed, or caused to be mailed, RG's asylum application to the CIS Eastern Service Center in Vermont.

e. Between in or about September 2004 and April 25, 2005, Lynn met with RG on several occasions and received additional payments totaling \$11,000 from RG.

f. On or about April 25, 2005, defendant AKBAR KADIROV, accompanied by Anatoly Zagranichny, drove RG and spouse to their asylum interview in Lyndhurst, New Jersey. During the trip, Zagranichny coached RG and spouse regarding the Baptist religion and what RG should say to the asylum officer conducting the interview.

g. On or about April 25, 2005, Zagranichny accompanied RG to his

asylum interview and acted as RG's interpreter during the interviews of RG and RG's spouse.

h. On or about April 25, 2005, after the asylum interview took place, Zagranichny and RG and spouse returned to defendant KADIROV's car. Defendant KADIROV questioned Zagranichny about how the interview had gone. Zagranichny responded that it had not gone well. Defendant KADIROV then told RG that RG should not worry because this was not the end of the case yet. Defendant KADIROV assured RG that they would have to go to court and they would get their "green card" for sure from the court.

I. On or about August 23, 2005, Zagranichny accompanied RG to a hearing before an immigration judge and acted as RG's interpreter in requesting a continuance.

3. GS's Asylum Application

_____ a. In or about September 2004, David Lynn met with GS, a person known to the grand jury, at Lynn's office and discussed the filing of GS's asylum application for a fee of \$10,000.

b. On or about October 7, 2004, Lynn met with GS at Lynn's office and received a \$5,000 check as partial payment for the filing of GS's asylum application.

c. On a date prior to November 12, 2004, Nelly Katsman prepared GS's asylum application and supporting statement, which falsely claimed that GS had been severely burned when GS was struck by a bottle containing gasoline for being a Baptist.

d. On or about November 12, 2004, Lynn mailed, or caused to be mailed to the CIS Eastern Service Center in Vermont, GS's asylum application.

e. In or about November 2004, defendant AKBAR KADIROV and Lynn took GS to submit fingerprints at the CIS Support Application Center in Philadelphia.

f. Between in or about October and December 14, 2004, Lynn met with GS, who is not a Baptist, at Lynn's office on several occasions and coached GS regarding the Baptist religion in preparation for GS's asylum interview.

g. On or about December 14, 2004, Yevgeny Zemlyansky drove an individual paid by Lynn to Lyndhurst, New Jersey to act as the interpreter for GS during the asylum interview and received a \$3,000 check from GS.

h. On July 7, 2005, Zemlyansky took GS to a hearing before an immigration judge in Philadelphia and requested a postponement from the judge on GS's behalf.

4. SP's Asylum Application

a. On or about October 10, 2004, David Lynn met with SP, a person known to the grand jury, at Lynn's office and received \$5,000 as partial payment for the filing of an asylum application.

b. In or about November 2004, Lynn met with SP and gave SP, who is not a member of a particular social group, a list of questions and answers to study regarding the practices of that social group in preparation for SP's asylum interview.

c. On a date prior to December 23, 2004, Nelly Katsman prepared SP's asylum application and supporting statement, which falsely claimed that SP sustained injuries to SP's head and ribs following several attacks for being a member of a particular social group.

d. On or about December 23, 2004, Lynn mailed, or caused to be mailed, to the CIS Eastern Service Center in Vermont, SP's asylum application.

e. On or about January 18, 2005, Lynn met with SP and received an

additional \$5,000 from SP.

f. On or about January 18, 2005, defendant AKBAR KADIROV, accompanied by Anatoly Zagranichny, drove SP to SP's asylum interview in Rosedale, New York. During the trip Zagranichny coached SP regarding his story of persecution for being a member of a particular social group.

g. On or about March 22, 2005, Yevgeny Zemlyansky picked up SP at SP's residence, drove SP to a hearing before an immigration judge in New York and requested a postponement from the judge.

5. VS's Asylum Application

a. In or about December 2004, defendant AKBAR KADIROV traveled to the residence of VS, a person known to the grand jury, and received \$6,000 in cash from VS as partial payment for the filing of an asylum application.

b. In or about December 2004, David Lynn met with VS's spouse at Lynn's office and discussed the filing of their asylum application.

c. Between in or about December 2004 and March 21, 2005, Nelly Katsman prepared VS's asylum application, which falsely claimed VS's life was in danger for being a Jehovah's Witness. Katsman used her own address as VS's residence on this asylum application.

d. On or about March 21, 2005, Lynn mailed, or caused to be mailed to CIS VS's false asylum application.

e. Between in or about December 2004 and April 2005, Lynn met with VS and VS's spouse at Lynn's office on several occasions and coached them regarding the

Jehovah's Witness religion in preparation for their asylum interview.

f. On or about April 2, 2005, Yevgeny Zemlyansky met with VS and VS's spouse at Lynn's office, received an additional \$3,000 in cash, and drove them to submit fingerprints at CIS in Philadelphia.

g. Between in or about May and June 2005, Lynn met with VS and VS's spouse at Lynn's office and coached them regarding the Jehovah's Witness religion in preparation for their asylum interview.

h. Between on or about March 21, 2005 and June 21, 2005, Katsman prepared VS's supporting statement, which falsely claimed that on one occasion VS's home had been firebombed and, on another occasion VS was beaten as she left a Jehovah Witness prayer service.

i. On or about June 21, 2005, Zemlyansky drove VS and VS's spouse from Lynn's office to their asylum interview in Lyndhurst, New Jersey.

j. On or about August 31, 2005, Anatoly Zagranichny accompanied VS and VS's spouse to a hearing before an immigration judge in Philadelphia and requested a change of venue from Philadelphia to New York.

6. PT's Asylum Application

a. In or about February 2005, David Lynn met with PT, a person known to the grand jury, and PT's spouse at Lynn's office and received \$2,000 in cash as partial payment towards a \$12,000 fee for the filing of an asylum application.

b. In or about February 2005, defendant AKBAR KADIROV traveled to PT's residence in New Jersey and collected an additional \$2,000 in cash from PT.

c. On or about April 25, 2005, Lynn mailed, or caused to be mailed, to CIS PT's asylum application, which falsely claimed that PT was a Baptist.

d. In or about May 2005, Lynn met with PT and PT's spouse at Lynn's office, gave them fingerprint notices, and received a \$4,000 check from them.

e. In or about May 2005, Yevgeny Zemlyansky drove PT and PT's spouse to submit fingerprints at CIS in Philadelphia. During the trip, Zemlyansky assured them everything would work out well.

f. Between on or about April 25, 2005 and June 6, 2005, Nelly Katsman prepared PT's supporting statement, which falsely claimed that PT had been struck with a baseball bat and suffered two broken ribs for being a Baptist.

g. On or about June 6, 2005, defendant AKBAR KADIROV met PT and PT's spouse outside the asylum office in Lyndhurst, New Jersey, and introduced them to an individual paid by Lynn who was to act as their interpreter at the asylum interview.

h. On or about June 6, 2005, the individual paid by Lynn coached PT and PT's spouse, both of whom are not Baptists, regarding the Baptist religion prior to their asylum interview on that day. This individual told PT and PT's spouse that she could not "help" them during the interview because the interview was being recorded.

7. DS's Asylum Application

_____ a. On or about March 1, 2005, David Lynn met with DS, a person known to the grand jury, and DS's spouse at Lynn's office and received a \$4,000 check as partial payment towards the \$10,000 fee for the filing of an asylum application. Lynn instructed DS to make the check payable to defendant AKBAR KADIROV.

b. In or about early May 2005, Lynn met with DS and DS's spouse at Lynn's office and coached DS, who is not a Baptist, regarding the Baptist religion in preparation for DS's asylum interview.

c. Between on or about March 1, 2005 and May 20, 2005, Nelly Katsman prepared DS's asylum application, which falsely claimed that DS was a Baptist.

d. On or about May 20, 2005, Lynn mailed, or caused to be mailed, to CIS DS's false asylum application.

e. On or about June 10, 2005, defendant KADIROV drove DS and DS's spouse to New York to submit fingerprints to CIS and collected a \$4,000 check from DS. Defendant KADIROV directed DS to make the check payable to him.

f. Between on or about June 10 and 13, 2005, Lynn met DS and DS's spouse and received a \$2,000 check from DS.

g. Between on or about May 20, 2005 and June 13, 2005, Katsman prepared DS's supporting statement, which falsely claimed that, on one occasion, she was stabbed in the back and, on another occasion, she was pushed to the ground and sustained a broken arm for being a Baptist.

h. On or about June 13, 2005, Yevgeny Zemlyansky drove DS and DS's spouse to their asylum interview in Rosedale, New York.

8. MF's Asylum Application

a. In or about October 2005, Yevgeny Zemlyansky picked up MF's spouse, a person known to the grand jury, at the airport in Philadelphia and drove MF's spouse to Lynn's office.

b. In or about October 2005, Lynn met with MF's spouse and received three checks totaling \$5,000 as partial payment for the filing of an asylum application for MF and spouse.

c. In or about October 2005, following the meeting with Lynn, Zemlyansky drove MF, a person known to the grand jury, from Lynn's office to the airport in Philadelphia.

d. On or about March 23, 2006, Lynn mailed, or caused to be mailed, MF's asylum application, which falsely claimed that MF was a Jehovah's witness, to the CIS Eastern Service Center in Vermont.

e. On or about April 13, 2006, Zemlyansky picked up MF and spouse at the airport in Philadelphia, gave them paperwork in connection with their case, and received a \$4,000 check from them.

f. On or about May 1, 2006, Zemlyansky picked up MF and spouse at the airport in Philadelphia and drove them to Lynn's office.

g. On or about May 1, 2006, Lynn met with MF and spouse, gave them their supporting statement to study in preparation for their interview, and received an additional \$3,000 in cash from them.

h. On or about May 1, 2006, Zemlyansky drove MF and spouse from Lynn's office to a hotel.

i. On or about May 2, 2006, defendant AKBAR KADIROV, accompanied by Anatoly Zagranichny, drove MF and spouse from the hotel to their asylum interview in Lyndhurst, New Jersey. During the trip, Zagranichny coached them regarding the

Jehovah's Witness religion in preparation for their asylum interview.

9. KD's Asylum Application

a. In or about January 2006, David Lynn and Ilya Zherelyev traveled to Baltimore and then flew to Cleveland to meet with immigrant clients, including KD, a person known to the grand jury.

b. In or about January 2006, in Cleveland, Lynn met with KD and discussed the filing of an asylum application for KD.

c. In or about January 2006, at coconspirator Lynn's direction, KD mailed a check to Lynn.

d. On or about March 29, 2006, Lynn mailed, or caused to be mailed, KD's asylum application, which falsely claimed that KD was a Baptist, to the CIS Eastern Service Center in Vermont.

e. On or about April 20, 2006, defendant AKBAR KADIROV picked up KD at the airport in Philadelphia, drove KD to submit fingerprints at the CIS Application Support Center in Brooklyn, and collected a \$4,000 check, which was made payable to cash.

f. On or about April 21, 2006, defendant KADIROV met KD at the CIS Application Support Center in New York and thereafter drove KD to the airport in Philadelphia.

g. On or about May 1, 2006, Lynn met KD at Lynn's office and provided KD information regarding the Baptist religion in preparation for her asylum interview.

h. On or about May 2, 2006, defendant KADIROV, accompanied by Anatoly Zagranichny, drove KD from Philadelphia to Rosedale, New York, for her asylum

interview. During the trip, Zagranichny provided KD with a copy of KD's supporting statement, claiming that KD had been seriously injured for being a Baptist, and coached KD regarding the Baptist religion in preparation for her asylum interview.

i. On or about June 29, 2006, defendant KADIROV and Zagranichny met KD in New York City and Zagranichny accompanied KD to a hearing before an immigration judge and requested a postponement from the judge.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 13 and 15 through 30 of Count One are incorporated here.
2. On or about April 25, 2005, in the Eastern District of Pennsylvania, and elsewhere, defendant

**AKBAR KADIROV,
a/k/a “Akbar Kadyrov,”**

under penalty of perjury, knowingly subscribed as true, and aided and abetted and wilfully caused the subscription of, false statements with respect to material facts in the Application for Asylum and Withholding of Removal, Form I-589, including the supporting statement, for PT, which application was required by the immigration laws and regulations prescribed thereunder, and presented, and aided and abetted and wilfully caused the presentation of, such application which contained false statements, including that PT had been persecuted for being a practicing Baptist in Poland, and a false address, and which failed to contain any reasonable basis in law and fact.

In violation of Title 18, United States Code, Sections 1546(a) and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 13 and 15 through 30 of Count One are incorporated here.

2. From in or before January 2003, to on or about March 8, 2007, in the Eastern District of Pennsylvania, and elsewhere, defendant

**AKBAR KADIROV,
a/k/a “Akbar Kadyrov,”**

conspired and agreed, together with David Lynn, Yevgeny Zemlyansky and Ilya Zherelyev, all charged in the original indictment, and with others known and unknown to the grand jury, to: (a) conduct, and attempt to conduct, financial transactions affecting interstate and foreign commerce which involved the proceeds of specified unlawful activity, that is, visa and asylum fraud, in violation of Title 18, United States Code, Section 1546(a), knowing that property involved in the financial transactions represented the proceeds of some form of unlawful activity, and knowing that the transactions were designed in whole or in part to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(I); (b) transport, transmit, and transfer, and attempt to transport, transmit, and transfer funds from a place in the United States to and through a place outside the United States, knowing that the funds represent the proceeds of specified unlawful activity, that is, visa and asylum fraud, in violation of Title 18, United States Code, Section 1546(a), in violation of Title 18, United States Code, Section 1956(a)(2)(B)(I); and (c) knowingly engage and attempt to engage in monetary transactions affecting interstate and

foreign commerce in criminally derived property of a value greater than \$10,000 and derived from specified unlawful activity, that is, visa/asylum fraud, in violation of Title 18, United States Code, Section 1546(a), in violation of Title 18, United States Code, Section 1957.

MANNER AND MEANS

3. David Lynn received at least \$3 million in criminally derived proceeds from operating an asylum fraud business.

4. To conceal and disguise the nature of their illegal activities and the receipt and location of money from the asylum fraud business:

(a) defendant AKBAR KADIROV and David Lynn, Yevgeny Zemlyansky, and Ilya Zherelyev directed immigrant clients to make checks payable to defendant KADIROV and Zemlyansky and Zherelyev, and MW, an individual known to the grand jury. Defendant KADIROV, and Zemlyansky and Zherelyev directed immigrant clients to leave the payee section of their checks blank, and later filled in the names of defendant KADIROV and Zemlyansky and Zherelyev, and MW;

(b) defendant KADIROV and Lynn, Zemlyansky, and Zherelyev cashed more than 100 checks from immigrant clients described above at Nikki's Check Cashing Agency in Philadelphia;

(c) Lynn, Zemlyansky, Zherelyev, and persons known and unknown to the grand jury purchased numerous money orders and bank checks in amounts less than \$10,000 from various banks with cash;

(d) Lynn maintained a bank account in Switzerland;

(e) Zemlyansky and Zherelyev assisted Lynn in removing and concealing

profits from the asylum fraud business by traveling out of the United States and depositing cash and money orders into an account at Credit Suisse in Zurich, Switzerland;

(f) Lynn and Zemlyansky maintained safe deposit boxes at various banks in the Philadelphia area into which they deposited cash from the asylum fraud business;

(g) Lynn invested in real property in Florida and in the Eastern District of Pennsylvania; and

(h) Lynn enlisted the assistance of Zherelyev to sell the property in Florida at a profit and then invested the profits from the sale in securities.

OVERT ACTS

In furtherance of the conspiracy, defendant AKBAR KADIROV, and David Lynn, Yevgeny Zemlyansky, and Ilya Zherelyev, and others known and unknown to the grand jury, committed the following overt acts in the Eastern District of Pennsylvania and elsewhere:

1. Between in or about August 2004 and in or about January 2007, defendant AKBAR KADIROV, and David Lynn, Yevgeny Zemlyansky and Ilya Zherelyev, cashed at least 112 checks, three money orders, and four official bank checks, totaling \$370,953, at Nikki's Check Cashing Agency in Philadelphia.

2. On or about March 19, 2005, David Lynn opened a safe deposit box at the Beneficial Savings Bank in Langhorne, Pennsylvania.

3. Between on or about March 19, 2005 through on or about March 7, 2007, David Lynn deposited, and caused to be deposited, at least \$396,190 in currency into his safe deposit box described in paragraph 2 above.

4. On or about April 10, 2002, David Lynn opened a safe deposit box at

Wachovia Bank located in Newtown, Pennsylvania.

5. Between at least on or about April 10, 2002 and on or about March 7, 2007, David Lynn deposited, and caused to be deposited, at least \$219,000 in currency into his safe deposit box described in paragraph 4 above.

6. On or about January 30, 2007, David Lynn opened a safe deposit box at Univest National Bank located in Newtown, Pennsylvania.

7. Between on or about January 30, 2007 and March 7, 2007, David Lynn deposited, and caused to be deposited, at least \$74,906 in currency into his safe deposit box described in paragraph 6 above.

8. On or about August 21, 2006, David Lynn and Yevgeny Zemlyansky opened a safe deposit box at Fox Chase Bank, 815 Bustleton Avenue, Philadelphia, Pennsylvania.

9. Between on or about August 21, 2006 and on or about March 7, 2007, David Lynn and Yevgeny Zemlyansky deposited, and caused to be deposited, at least \$56,000 in currency into the safe deposit box described in paragraph 8 above.

10. On or about March 28, 2006, David Lynn traveled to Switzerland and opened an account at Credit Suisse in Zurich.

11. Between on or about July 12, 2005 and on or about August 31, 2006, Yevgeny Zemlyansky purchased approximately ten money orders, in amounts ranging from \$3,000 to \$9,500, at either the Hatboro, Pennsylvania or Richboro, Pennsylvania branch of Fox Chase Bank, with currency.

12. Between on or about July 12, 2005 and on or about August 31, 2006, SZ,

a person known to the grand jury, purchased approximately nine money orders, in amounts ranging from \$3,000 to \$9,500, at the Hatboro, Pennsylvania branch of Fox Chase Bank, with currency.

13. On or about April 19, 2006, Ilya Zherelyev traveled to Zurich, Switzerland, and subsequently deposited three money orders, each in the amount of \$9,000, including Fox Chase Bank money order, which had a number ending in the last four digits 0480, and \$7,000 in currency for a total deposit of \$34,000, into David Lynn's bank account at Credit Suisse, in Zurich, Switzerland.

14. On or about June 22, 2006, Yevgeny Zemlyansky traveled to Zurich, Switzerland, and subsequently deposited four money orders, each in the amount of \$9,000, including Fox Chase Bank money order, which had a number ending in the last four digits 0594, and \$14,000 in currency, for a total deposit of \$50,000, into David Lynn's bank account at Credit Suisse.

15. On or about September 7, 2006, Yevgeny Zemlyansky traveled to Zurich, Switzerland, and subsequently deposited \$12,300 in cash and two money orders, in the amount of \$9,500 each, including one Fox Chase Bank money order, which had a number ending in the last four digits 1625; one Fox Chase Bank money order, which had a number ending in the last four digits 2554, in the amount of \$8,000; one Fox Chase Bank money order, which had a number ending in the last four digits 1639, in the amount of \$6,000; and nine money orders, in the amount of \$300 each, for a total deposit of \$48,000, into David Lynn's bank account at Credit Suisse.

16. On or about October 26, 2006, Ilya Zherelyev traveled to Zurich,

Switzerland, and subsequently deposited \$4,300 in cash, a money order in the amount of \$7,000, thirteen money orders in the amount of \$500 each, a money order in the amount of \$400, and 21 money orders in the amount of \$300 each, for a total deposit of \$24,500 into coconspirator David Lynn's bank account at Credit Suisse.

17. On or about, December 26, 2006, Ilya Zherelyev traveled to Zurich, Switzerland, and subsequently deposited six money orders in the amount of \$700 each and 20 money orders in the amount of \$300, for a total deposit of \$10,200, into David Lynn's bank account at Credit Suisse.

All in violation of Title 18, United States Code, Section 1956(h).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

At all times material to this indictment:

1. Defendant AKBAR KADIROV, a native of the U.S.S.R. and a citizen of Uzbekistan, was born in Tashkent, Uzbekistan, on or about February 20, 1954.

DEFENDANT KADIROV'S UNDISCLOSED ENTRIES INTO THE UNITED STATES

2. On or about March 27, 1994, pursuant to a visa issued and approved by the United States Department of State, defendant AKBAR KADIROV, using the name "Akbar Kadyrov," traveled to the United States.

3. On or about March 27, 1994, defendant AKBAR KADIROV, using the name "Akbar Kadyrov," entered the United States at John F. Kennedy Airport, New York, New York, and remained in the United States until on or about June 22, 1994.

4. On or about July 20, 1994, pursuant to a visa issued and approved by the United States Department of State, defendant AKBAR KADIROV, using the name "Akbar Kadyrov," traveled to the United States.

5. On or about July 20, 1994, defendant AKBAR KADIROV, using the name "Akbar Kadyrov," entered the United States at John F. Kennedy Airport and remained in the United States until on or about September 16, 1994.

6. On or about October 2, 1994, pursuant to a visa issued and approved by the United States Department of State, defendant AKBAR KADIROV, using the name "Akbar Kadyrov," traveled to the United States.

7. On or about October 2, 1994, defendant AKBAR KADIROV, using the

name “Akbar Kadyrov,” entered the United States at John F. Kennedy Airport and remained in the United States for an unknown period of time.

8. On or about May 12, 1995, pursuant to a visa issued and approved by the United States Department of State, defendant AKBAR KADIROV, using the name “Akbar Kadyrov,” traveled to the United States.

9. In or about May 12, 1995, defendant AKBAR KADIROV, using the name “Akbar Kadyrov,” entered the United States at John F. Kennedy Airport and remained in the United States until on or about October 6, 1995.

DEFENDANT KADIROV FRAUDULENTLY OBTAINS ASYLUM

10. On or about April 18, 1997, pursuant to a visa issued and approved by the United States Department of State, defendant AKBAR KADIROV, using the name “Akbar Kadirov,” traveled to the United States.

11. On or about June 8, 1998, defendant AKBAR KADIROV, submitted an Application for Asylum and Withholding of Removal (Form I-589) to the Immigration and Naturalization Services to obtain asylum status. Defendant KADIROV signed the application and swore, under penalty of perjury, all of the statements in the application and attachments were true and correct. Defendant KADIROV made several false statements in this application, including, among others:

- a. falsely claiming that his first date of entry into the United States was April 18, 1997;
- b. falsely claiming that he resided at an address in Brooklyn, New York;

c. falsely claiming that he was a member of the Congregation of the New Brighton Jewish Center in Brooklyn, New York;

d. falsely claiming that his wife was beaten and raped by Uzbekistan nationals for being a Jewish woman; and

e. falsely claiming that his wife resigned from work after the alleged rape.

In this application defendant KADIROV failed to disclose that he had previously entered the United States on at least four occasions.

12. On or about July 23, 1998, in connection with defendant AKBAR KADIROV's asylum application, defendant KADIROV appeared for an interview before an asylum officer and again swore, under penalty of perjury, that the contents of his application were true and correct.

13. On or about September 4, 1998, on the basis of his statements in his asylum application and at his interview, defendant AKBAR KADIROV was granted asylum.

DEFENDANT KADIROV FRAUDULENTLY OBTAINS "GREEN CARD"

14. On or about November 24, 1999, defendant AKBAR KADIROV applied to become a lawful permanent resident by submitting an Application to Register Permanent Residence or Adjust Status (Form I-485). Defendant KADIROV falsely denied that he had ever "by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the United States or any other immigration benefit."

15. On or about October 18, 2004, defendant AKBAR KADIROV was

granted lawful permanent residence status and was issued an alien registration card, which is commonly known as a “green card.”

16. On or about October 18, 2004, in the Eastern District of Pennsylvania and elsewhere, defendant

**AKBAR KADIROV,
a/k/a “Akbar Kadyrov,”**

knowingly possessed, obtained, accepted, and received a document required for entry into and as evidence of authorized stay and employment in the United States, that is, an alien registration receipt card issued in the name of Akbar Kadirov, which defendant knew to be procured by means of a materially false claim and statement, and otherwise procured by fraud and unlawfully obtained, in that, defendant KADIROV fraudulently denied in his Application to Register Permanent Residence or Adjustment Status that he, by fraud and willful misrepresentation of a material fact, had sought to procure, and procured, asylum status, when in fact, as defendant KADIROV knew, he had made false representations of a material fact on his Application for Asylum and Withholding of Removal.

In violation of Title 18, United States Code, Section 1546(a).

A TRUE BILL:

GRAND JURY FOREPERSON

**LAURIE MAGID
United States Attorney**