

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

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|---------------------------------|----------|---|
| UNITED STATES OF AMERICA | : | CRIMINAL NO: |
| v. | : | DATE FILED: |
| HAYATULLAH DAWARI | : | VIOLATIONS: |
| | : | 18 U.S.C. § 1425(a) (naturalization |
| | : | fraud - 1 count) |
| | : | 18 U.S.C. § 1546 (fraud in immigration |
| | : | documents - 1 count) |

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Hezb-e-Islami Gulbuddin (“HIG”) is an anti-western insurgent group active in Afghanistan and Pakistan. HIG’s stated mission includes forcing the west out of Afghanistan, overthrowing the Afghan government, and establishing a fundamentalist Islamic state. HIG has long-established ties with al-Qaida, and it has served as an associated force of al-Qaida in hostilities against the United States and its coalition partners.

2. In recent years, HIG has claimed responsibility for many attacks against United States and coalition forces in Afghanistan. In May 2013, a HIG spokesperson announced that HIG planned to increase its efforts in furtherance of violent jihad, including efforts to plan and choose targets for more suicide attacks.

3. Defendant HAYATULLAH DAWARI was an citizen of Afghanistan, residing in the Eastern District of Pennsylvania. Defendant DAWARI became a lawful permanent resident of the United States on or about November 11, 2008.

4. Prior to entering the United States, defendant HAYATULLAH DAWARI joined and maintained an association with HIG in Afghanistan and Pakistan.

5. Since entering the United States, defendant HAYATULLAH DAWARI continued associating with HIG.

6. On or about November 26, 2013, defendant HAYATULLAH DAWARI made application for United States citizenship by submitting a U.S. Citizenship and Immigration Services Form N-400 (“Application for Naturalization”).

7. The Form N-400 is a required step for someone seeking United States citizenship. It sets forth a series of background questions and, at the end of the Form N-400, the applicant must certify under penalty of perjury that its contents are all true and correct.

8. On his Form N-400, defendant HAYATULLAH DAWARI certified “under penalty of perjury under the laws of the United States of America, that this application, and the evidence submitted with it, are all true and correct.”

9. Defendant HAYATULLAH DAWARI’s certification encompassed his false, misleading, and fraudulent response to Question 8a on the Form-400. Question 8a asked, “Have you ever been a member of or associated with any organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place?” Defendant DAWARI responded to this question by placing an “X” in the box marked “No.”

10. On or about November 26, 2013, defendant HAYATULLAH DAWARI submitted his Form-400 to the United States Citizenship and Immigration Services for processing.

11. On or about November 26, 2013, in the Eastern District of Pennsylvania and elsewhere, defendant

HAYATULLAH DAWARI

knowingly attempted to procure and obtain, contrary to law, naturalization as a United States citizen for himself, by knowingly providing false and fraudulent information as to material fact, and by omitting material fact, in his Application for Naturalization, Form N-400, in that the defendant knew his response to question 8a on his Form N-400, Application for Naturalization, failed to disclose his membership in, and association with, HIG.

In violation of Title 18, United States Code, Section 1425(a).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs One through Ten of Count One of this indictment are incorporated here.
2. On or about November 26, 2013, in the Eastern District of Pennsylvania and elsewhere, defendant

HAYATULLAH DAWARI

knowingly made under oath, and knowingly subscribed as true under penalty of perjury, a false statement with respect to a material fact in an application and document required by the immigration laws and regulations prescribed thereunder, that is, a Form N-400, Application for Naturalization, by which the defendant applied to become a United States citizen, and knowingly presented such document which contained such a false statement, in that the defendant knew his response to question 8a on his Form N-400, Application for Naturalization, was false for failing to disclose his membership in, and association with, HIG.

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

A TRUE BILL:

GRAND JURY FOREPERSON



ZANE DAVID MEMEGER
UNITED STATES ATTORNEY