

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

ORIGINAL FILED

OCT -9 2012

MADLINE COX ARLEO  
U.S. MAG. JUDGE

UNITED STATES OF AMERICA : Honorable Madeline Cox Arleo  
v. : Mag. No. 12-8172  
RUBEN ALVARADO : **CRIMINAL COMPLAINT**

I, Sean Smyth, being duly sworn, state the following is true and correct to the best of my knowledge and belief. In or about the specified dates, in Union County, in the District of New Jersey and elsewhere, defendant RUBEN ALVARADO did:

SEE ATTACHMENT A

I further state that I am a Special Agent of the Department of Homeland Security and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.



Sean Smyth, Special Agent  
U.S. Immigration & Customs Enforcement  
Office of Professional Responsibility  
Department of Homeland Security

Sworn to before me and subscribed in my presence,

October 9, 2012 at Newark, New Jersey

THE HONORABLE MADELINE COX ARLEO  
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

## ATTACHMENT A

### **COUNT ONE**

From at least as early as September 9, 2009 through May 2011, in Union County, in the District of New Jersey and elsewhere, defendant Ruben Alvarado falsely assumed and pretended to be an officer and employee acting under the authority of the United States or any department, agency or officer thereof, and acted as such, and in such pretended character demanded and obtained money, paper, documents, and things of value, in violation of Title 18, United States Code, Sections 912 and 2.

### **COUNT TWO**

From at least as early as September 9, 2009 through May 2011, in Union County, in the District of New Jersey and elsewhere, defendant Ruben Alvarado knowingly and without lawful authority produced, and caused to be produced, an identification document, authentication feature, or a false identification document that is or appears to be issued by or under the authority of the United States, in violation of Title 18, United States Code, Sections 1028(a)(1), 1028(b)(1)(A)(i) and 2.

## ATTACHMENT B

I, Sean Smyth, am a Special Agent for the United States Department of Homeland Security, Immigration and Customs Enforcement. I have been personally involved in the investigation of this matter. The information contained in this Complaint is based on my personal knowledge and on information obtained from other sources, including: a) statements made or reported by various witnesses with knowledge of relevant facts; b) my review of publicly available information relating to the defendant; and c) evidence obtained by other law enforcement agencies. Because this Complaint is being submitted for the limited purpose of establishing probable cause, it does not include every fact that I have learned during the course of the investigation. Where the content of documents and the actions, statements, and conversations of individuals are recounted herein, they are recounted in substance and in part.

1. At all times relevant to this Complaint, defendant RUBEN ALVARADO was a resident of New Jersey. At no time relevant to this Complaint was defendant ALVARADO an employee of the United States government.

2. From on or before September 9, 2009 through on or about May 2011, defendant ALVARADO falsely pretended to be an officer or employee acting under the authority of the United States, including but not limited to the Department of Homeland Security, Immigration and Customs Enforcement and the Transportation Security Administration. In such pretended character, defendant ALVARADO targeted victims (via Facebook and in person) who desired to obtain federal employment, legal status (or more permanent legal status), and/or work or travel authorization in the United States.

3. As described below, ALVARADO demanded and obtained payments from his victims totaling in excess of \$17,000.

### **Offers of Immigration Assistance**

4. Defendant ALVARADO falsely represented to numerous individuals that he worked for Immigration and Customs Enforcement in a capacity where he could help both legal and illegal aliens obtain more permanent legal status in the United States.

5. In meetings with these individuals, defendant ALVARADO often wore a shirt and/or jacket bearing the letters "ICE" as well as handcuffs and what appeared to be a holstered handgun. In certain meetings, defendant ALVARADO also wore false photo identification that he had produced or caused to be produced, which identified him as a "TSA AIR MARSHAL" and "Fugitive Recovery Agent." In other meetings, he falsely displayed a badge reading, "Official Court Officer."

6. From those that agreed to "hire" defendant ALVARADO, defendant ALVARADO demanded and obtained multiple and various fees for his "services."

7. In some instances, defendant ALVARADO would meet his victims at their homes, and elsewhere, to review and obtain their existing identification papers and complete or accept completed immigration applications that he would purportedly then process in his position

at Immigration and Customs Enforcement. In other instances, defendant ALVARADO would communicate with his victims via Facebook, telephone and facsimile.

8. Defendant ALVARADO would later provide his victims, either in person or via U.S. Mail, false approvals of their applications, often on forms inappropriate to the relief requested, that bore his signature as a purported officer of the United States. In some instances, the forms contained doctored federal insignias to burnish their "official" appearance.

9. At times, defendant ALVARADO would threaten victims who complained that the materials or information provided were not genuine, by saying, in sum and substance, that his position at Immigration and Customs Enforcement vested him with the power to have them and their children deported.

10. Defendant ALVARADO took no action to further his victims' legal status in the United States.

11. In exchange for the "services" described above, defendant ALVARADO demanded and obtained payments totaling in excess of \$15,000.

#### **Offer of Federal Employment**

12. Defendant ALVARADO offered to assist one of his victims with obtaining employment with Immigration and Customs Enforcement, demanding and obtaining in excess of \$2,000 for purported application fees and the purported cost of a firearm for use on the job. Defendant ALVARADO later provided this victim with a fake handgun and an identification document indicating the victim's name as an "Immigration Officer."

13. Defendant ALVARADO took no action to assist this victim to obtain federal employment and merely kept the money for his own personal use.