

ALB:CNR/ADG
F. #2015R01698

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

INDICTMENT

- against -

Cr. No. **CR 20 486**
(T. 8, U.S.C., §§ 1324(a)(1)(A)(v)(I),
1324(a)(1)(B)(i), 1324(a)(2)(B)(ii) and
1324(b)(1); T. 18, U.S.C., §§ 371,
982(a)(6), 982(b)(1), 2 and 3551
et seq.; T. 21, U.S.C., § 853(p); T. 28,
U.S.C., § 2461(c))

DAT TAT HO,
also known as "Chris," and
MANH NGOC NGUYEN,
also known as "Peter,"

Defendants.

----- X

SEYBERT, J.

THE GRAND JURY CHARGES:

SHIELDS, M.J.

INTRODUCTION

At all times relevant to this Indictment, unless otherwise indicated:

I. Asylum Applications and C-1 Transit Visas

1. Asylum in the United States was a legal protection available to eligible foreign nationals permitting the foreign nationals to remain in the United States. Pursuant to Title 8, United States Code, Section 1158 and Title 8, Code of Federal Regulations, Section 1208, in order to obtain asylum, a foreign national had to show that he or she suffered, or had a well-founded fear of suffering, persecution in his or her country of origin on account of certain categories of characteristics, such as religion.

2. A person seeking asylum was required to file a Form I-589, Application for Asylum and for Withholding of Removal ("Asylum Application"), with a United States Immigration Court under the United States Department of Justice's Executive

Office of Immigration Review (“U.S. Immigration Court”) or the United States Department of Homeland Security’s U.S. Citizenship and Immigration Services (“USCIS”).

3. A C-1 Transit Visa was a non-immigrant visa issued to a foreign national traveling in immediate and continuous transit through the United States on the way to another country. A C-1 Transit Visa permitted a person to remain in the United States for a maximum of 29 days.

II. The Defendants, Co-conspirators and Related Entities

4. The defendant DAT TAT HO, also known as “Chris,” was a citizen of the Socialist Republic of Vietnam (“Vietnam”) and a lawful permanent resident of the United States since approximately May 2016.

5. The defendant MANH NGOC NGUYEN, also known as “Peter,” was a citizen of both the United States and Vietnam.

6. The defendants DAT TAT HO and MANH NGOC NGUYEN, along with NGUYEN’s wife, were the owners or operators of nail and hair salons located in New York, including on Long Island and in Bronx County (the “Subject Salons”). HO and NGUYEN, through business entities, family members and associates, owned or controlled multiple residential properties located in New York, including on Long Island and in Bronx County (the “Subject Properties”).

7. Co-conspirator #1, an individual whose identity is known to the Grand Jury, worked at a travel agency located in Manhattan, New York.

8. Co-conspirator #2, an individual whose identity is known to the Grand Jury, was a licensed attorney practicing law before the U.S. Immigration Courts.

III. The Defendants' Scheme to Provide Labor for the Subject Salons

9. In or about and between January 2017 and September 2020, both dates being approximate and inclusive, the defendants DAT TAT HO, also known as "Chris," and MANH NGOC NGUYEN, also known as "Peter," together with others, engaged in a scheme to provide labor for the Subject Salons. As part of the scheme, NGUYEN, HO and others conspired to bring foreign nationals from Vietnam to the United States and, once here, defraud U.S. Immigration Courts and USCIS so that the foreign nationals could remain in the United States in order to work in the Subject Salons for illegally low wages.

10. As part of the scheme, since at least January 2017, the defendants DAT TAT HO and MANH NGOC NGUYEN, together with Co-conspirator #1 and others, arranged for Vietnamese foreign nationals to enter the United States via illegal border crossings at the United States border with Mexico, as well as at designated ports of entry. For illegal border crossings, HO and NGUYEN, together with others, coordinated the foreign nationals' travel to and within Mexico, including directing Co-conspirator #1 to purchase airline tickets for the foreign nationals. Once through Mexican customs, upon arrival from Vietnam and other overseas transit locations, HO and NGUYEN arranged for the foreign nationals to be illegally smuggled over the border into the United States. After the foreign nationals crossed the border, HO and NGUYEN worked with Co-conspirator #1 and others, to facilitate the foreign nationals' travel to New York to work in the Subject Salons. To conceal the scheme, in instances where U.S. immigration authorities apprehended foreign nationals, HO and NGUYEN instructed those foreign nationals, in telephone calls occurring

from the detention facilities, not to mention to the authorities the help that they had received coming to the United States.

11. As part of the scheme, in addition to using illegal border crossings, the defendants DAT TAT HO and MANH NGOC NGUYEN, together with others, helped and encouraged Vietnamese nationals to come to the United States on, and then overstay, C-1 Transit Visas. Many of the individuals overstaying their C-1 Transit Visas resided at the Subject Properties and worked at the Subject Salons.

12. In furtherance of the scheme, the defendants DAT TAT HO and MANH NGOC NGUYEN, together with Co-conspirator #2 and others, caused Vietnamese foreign nationals to make false statements and submit Asylum Applications containing false statements to USCIS and U.S. Immigration Courts. Co-conspirator #2 represented many of these foreign nationals in U.S. Immigration Courts and was paid by NGUYEN for such representation.

COUNT ONE

(Conspiracy to Illegally Bring Aliens into the United States)

13. The allegations contained in paragraphs one through 12 are realleged and incorporated as if fully set forth in this paragraph.

14. In or about and between January 2017 and September 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants DAT TAT HO, also known as "Chris," and MANH NGOC NGUYEN, also known as "Peter," together with others, for the purpose of commercial advantage and private financial gain, did knowingly and intentionally conspire (a) knowing that one or more persons were aliens, to bring in any manner whatsoever such aliens into the United States, at

a place other than a designated port of entry or a place designated by the Commissioner of Immigration and Naturalization and the Commissioner of Customs and Border Protection, contrary to Title 8, United States Code, Section 1324(a)(1)(A)(i); (b) knowing and in reckless disregard of the fact that one or more aliens had come to, entered and remained in the United States in violation of law, to conceal, harbor and shield from detection such aliens in one or more places, including buildings and means of transportation, contrary to Title 8, United States Code, Section 1324(a)(1)(A)(iii); and (c) to encourage and induce one or more aliens to come to, enter and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry and residence was and would be in violation of law, contrary to Title 8, United States Code, Section 1324(a)(1)(A)(iv).

(Title 8, United States Code, Sections 1324(a)(1)(A)(v)(I) and 1324(a)(1)(B)(i); Title 18, United States Code, Sections 3551 et seq.)

COUNT TWO

(Conspiracy to Defraud U.S. Immigration Courts and USCIS)

15. The allegations contained in paragraphs one through 12 are realleged and incorporated as if fully set forth in this paragraph.

16. In or about and between March 2017 and September 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants DAT TAT HO, also known as “Chris,” and MANH NGOC NGUYEN, also known as “Peter,” together with others, did knowingly and willfully conspire to defraud the United States and agencies of the United States by impeding, impairing and obstructing the lawful government functions of the United States Immigration Courts and USCIS.

MANNER AND MEANS

17. The manner and means by which the conspiracy was sought to be accomplished, included, among others, the following: (a) instructing foreign nationals to make false representations to USCIS and U.S. Immigration Courts so that these foreign nationals would be granted asylum; (b) giving foreign nationals documents to support false and fraudulent asylum claims; and (c) causing false and fraudulent Asylum Applications to be submitted to the U.S. Immigration Courts and USCIS by others.

18. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, the defendants DAT TAT HO, also known as “Chris,” and MANH NGOC NGUYEN, also known as “Peter,” did commit and cause the commission of, among others, the following:

OVERT ACTS

(a) On or about April 24, 2017, NGUYEN instructed John Doe #1, an alien whose identity is known to the Grand Jury, to make false representations to USCIS based on a false story of persecution in Vietnam that NGUYEN directed John Doe #1 to memorize. NGUYEN also instructed John Doe #1 not to mention NGUYEN to USCIS.

(b) On or about October 1, 2018, NGUYEN instructed Jane Doe #1, an alien whose identity is known to the Grand Jury, to memorize a false personal background story so that her interview with USCIS matched her false Asylum Application. NGUYEN further instructed Jane Doe #1 not to mention NGUYEN to others.

(c) On or about January 7, 2019, HO instructed John Doe #2, an alien whose identity is known to the Grand Jury, to make false statements during proceedings

before a U.S. Immigration Court. HO practiced the false statements with John Doe #2 over the telephone. Additionally, HO directed John Doe #2 not to tell U.S. immigration officials that anyone helped him to enter the United States.

(d) On or about April 15, 2019, NGUYEN mailed a parcel to John Doe #3, an alien whose identity is known to the Grand Jury, containing, among other items, a false narrative of persecution to support an Asylum Application and a Vietnamese passport. On or about April 16, 2019, NGUYEN instructed John Doe #3 to memorize the false story of persecution inside the parcel and repeat that story in proceedings before the U.S. Immigration Court.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT THREE

(Illegally Bringing an Alien to the United States for Financial Gain)

19. The allegations contained in paragraphs one through 12 are realleged and incorporated as if fully set forth in this paragraph.

20. In or about and between August 2019 and September 2019, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MANH NGOC NGUYEN, also known as “Peter,” together with others, did knowingly and intentionally bring and attempt to bring, in any manner whatsoever, an alien, to wit: John Doe #4, an individual whose identity is known to the Grand Jury, to the United States, for the purpose of commercial advantage and private financial gain, knowing and in reckless disregard of the fact that such alien had not received prior official authorization to

come to, enter and reside in the United States, regardless of any official action which may later be taken with respect to such alien.

(Title 8, United States Code, Section 1324(a)(2)(B)(ii); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNTS FOUR THROUGH SIX

(Attempting to Illegally Bring Aliens to the United States for Financial Gain)

21. The allegations contained in paragraphs one through 12 are realleged and incorporated as if fully set forth in this paragraph.

22. In or about and between August 2019 and October 2019, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants DAT TAT HO, also known as “Chris,” and MANH NGOC NGUYEN, also known as “Peter,” together with others, did knowingly and intentionally attempt to bring, in any manner whatsoever, one or more aliens whose identities are known to the Grand Jury, as set forth below, to the United States, for the purpose of commercial advantage and private financial gain, knowing and in reckless disregard of the fact that such aliens had not received prior official authorization to come to, enter and reside in the United States, regardless of any official action which may later be taken with respect to such aliens:

COUNT	ALIEN
FOUR	John Doe #5
FIVE	Jane Doe #2
SIX	Jane Doe #3

(Title 8, United States Code, Section 1324(a)(2)(B)(ii); Title 18, United States Code, Sections 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS ONE AND THREE THROUGH SIX

23. The United States hereby gives notice to the defendants that, upon their conviction of any of the offenses charged in Counts One, and Three through Six, the government will seek forfeiture in accordance with (a) Title 8, United States Code, Section 1324(b)(1) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offenses to forfeit any conveyance, including any vessel, vehicle or aircraft, that has been or is being used in the commission of such offenses, the gross proceeds of such offenses and any property traceable to such conveyance or proceeds, and/or (b) Title 18, United States Code, Section 982(a)(6), which requires any person convicted of such offenses or a conspiracy to commit such offenses to forfeit any conveyance, including any vessel, vehicle or aircraft used in the commission of such offenses, any property, real or personal, that constitutes or is derived from or is traceable to proceeds obtained directly or indirectly from the commission of such offenses, or that is used to facilitate or is intended to be used to facilitate the commission of such offenses, including but not limited to:

- (a) all right, title and interest in the real property and premises located at 20 Lenox Avenue, Hicksville, New York 11801, and all proceeds traceable thereto;
- (b) all right, title and interest in the real property and premises located at 24 Lenox Avenue, Hicksville, New York 11801, and all proceeds traceable thereto;

- (c) all right, title and interest in the real property and premises located at 80 Willoughby Avenue, Hicksville, New York 11801, and all proceeds traceable thereto;
- (d) all right, title and interest in the real property and premises located at 190 W. John Street, Hicksville, New York 11801;
- (e) all right, title and interest in the real property and premises located at 268 Mill Road, Valley Stream, New York 11581, and all proceeds traceable thereto;
- (f) all right, title and interest in the real property and premises located at 68 Thorman Avenue, Hicksville, New York 11801, and all proceeds traceable thereto;
- (g) all right, title and interest in the real property and premises located at 87 James Street, Hicksville, New York 11801, and all proceeds traceable thereto;
- (h) all right, title and interest in the real property and premises located at 2423 Lodovick Avenue, Bronx, New York 10469, and all proceeds traceable thereto;
- (i) all right, title and interest in the real property and premises located at 3554 Kings Highway, Oceanside, New York 11572, and all proceeds traceable thereto;

- (j) all right, title and interest in the real property and premises located at 21 Rochelle Terrace, Farmingville, New York 11738, and all proceeds traceable thereto;
- (k) all right, title and interest in the real property and premises located at 54 Willoughby Avenue, Hicksville, New York 11801, and all proceeds traceable thereto;
- (l) all right, title and interest in the real property and premises located at 46 Lenox Avenue, Hicksville, New York, 11801, and all proceeds traceable thereto; and
- (m) all right, title and interest in the real property and premises located at 7 Deera Lane, Farmingville, New York 11738, and all proceeds traceable thereto.

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

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be

divided without difficulty;


it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United

States Code, Section 2461(c), to seek forfeiture of any other property of such defendants, up to the value of the forfeitable property described in this forfeiture allegation.

(Title 8, United States Code, Section 1324(b)(1); Title 18, United States Code, Sections 982(a)(6) and 982(b)(1); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL


FOREPERSON


SETH D. DUCHARME
ACTING UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK



No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK
CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

*MANH NGOC NGUYEN, also known as "Peter," and DAT TAT HO,
also known as "Chris,"*

Defendants.

INDICTMENT

(T. 8, U.S.C., §§ 1324(a)(1)(A)(v)(I), 1324(a)(1)(B)(i), 1324(a)(2)(B)(ii) and 1324(b)(1);
T. 18, U.S.C., §§ 371, 982(a)(6), 982(b)(1), 2 and 3551 et seq.;
T. 21, U.S.C., § 853(p); T. 28, U.S.C. § 2461(c))

A true



Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

*Allen L. Bode, Charlie N. Rose and Andrew D. Grubin, Assistant U.S.
Attorneys (718) 254-7000*