

UNITED STATES DISTRICT COURT

for the

District of Massachusetts

United States of America
v.

Waad Alzerei

Defendant(s)

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)
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Case No.

19-6145-MPK

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 27, 2019 in the county of Suffolk in the
 District of Massachusetts, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 1546(a)	Visa Fraud
18 U.S.C. § 1001(a)(2)	False Statements



This criminal complaint is based on these facts:

See attached Affidavit of Special Agent Brian Goldsworthy.

Continued on the attached sheet.

[Handwritten Signature]

Complainant's signature

Brian Goldsworthy, Special Agent - HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/20/2019

City and state: Boston, Massachusetts

[Handwritten Signature]

Judge's signature

U.S. Magistrate Judge M. Page Kelley

Printed name and title

AFFIDAVIT OF SPECIAL AGENT BRIAN GOLDSWORTHY

I, Brian Goldsworthy, being duly sworn, depose and state as follows:

INTRODUCTION

1. I am a Special Agent with the Department of Homeland Security's Homeland Security Investigations ("HSI"), and have been so employed as a federal law enforcement agent for approximately 12 years. I began my career as a United States Customs Service Inspector in April 1999. In November 2016, I was assigned to the FBI's Joint Terrorism Task Force ("JTTF") and have been working on national security investigations in my capacity as a JTTF officer since that time.

2. Among other things, as a member of the JTTF, I am responsible for conducting national security investigations of potential violations of federal criminal laws. Over my 19 years working in federal law enforcement, I have participated in numerous criminal and national security investigations.

3. I have received training and gained experience in search and seizure, the use of confidential human sources, electronic and video surveillance, international and domestic terrorism, drug offenses, export control and espionage offenses, violent crimes, computer crimes, money laundering, fraud and various other crimes. As a result of my training and experience, I am familiar with the use of computers, cell phones, social media, email, and the internet in connection with criminal activity. I have executed numerous affidavits in support of federal search warrants and criminal complaints and have participated in the execution of numerous search warrants.

4. Along with other agents, I am currently investigating WAAD ALZEREI, a stateless national of the Palestinian Authority, for several federal criminal offenses stemming

from his fraudulent procurement of a U.S. visa, as well as false statements he made to federal officials regarding acts of violence he committed against the Israeli Defense Force (“IDF”) along the Gaza-Israel border. I have personally participated in this investigation and have been involved in all aspects of the investigation from its inception.

5. I am submitting this affidavit in support of an application for a criminal complaint charging ALZEREI with violations of 18 U.S.C. §§ 1546(a) (visa fraud) and 1001(a)(2) (making materially false statements in a matter within the jurisdiction of the Executive Branch of the United States).

6. As described below, based upon the evidence gathered to date in this ongoing investigation, I have probable cause to believe, and do in fact believe, that on February 27, 2019, ALZEREI did knowingly use and attempt to use a non-immigrant tourist visa in order to enter the United States, knowing that it had been procured by means of false claims and statements in violation of 18 U.S.C. § 1546(a). In addition, I have probable cause to believe, and do in fact believe, that on February 27, 2019, while attempting to enter the United States, ALZEREI did knowingly and willfully make a series of materially false, fictitious, and fraudulent statements to Customs and Border Protection (“CBP”) officials in violation of 18 U.S.C. § 1001(a)(2).

7. The information in this affidavit is based upon my training and experience, my personal knowledge of this investigation, and information conveyed to me by other agents and law enforcement officials who have assisted in this investigation and have experience investigating international terrorism matters. Because this affidavit is submitted for the sole purpose of seeking issuance of a criminal complaint, it does not include every fact known to me concerning the investigation. Instead, I only have included those facts that I believe are needed to establish the requisite probable cause to support the criminal complaint.

RELEVANT LEGAL AUTHORITY

9. 18 U.S.C. § 1546 makes it illegal to knowingly forge, alter, or falsely make any immigrant or non-immigrant visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into the United States. Section 1546 also makes it illegal to utter, use, attempt to use, possess, obtain, accept, or receive any immigrant or non-immigrant visa, permit, border crossing card, alien registration receipt card, or other card prescribed by statute or regulation for entry into the United States knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement.

10. Similarly, knowingly and willfully making a false statement or representation in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States violates 18 U.S.C. § 1001. *See* 18 U.S.C. § 1001(a)(2).

FACTS SUPPORTING PROBABLE CAUSE

11. On February 27, 2019, ALZEREI, a 19-year-old male, arrived at Boston's Logan International Airport ("Logan") on Delta flight 405 from Paris, France, which originated in Cairo, Egypt. Shortly after he had arrived at Logan, two CBP officers dressed in plain clothes interviewed him with the assistance of an Arabic translator in the baggage area. After introducing themselves as CBP officers, the officers asked ALZEREI several questions in order to determine whether he met the admissibility requirements to enter the United States. ALZEREI identified himself as a Palestinian citizen and presented a non-expired B1/B2 tourist visa. He claimed that he was coming to the United States in order to receive medical treatment, but was unable to produce any medical documentation to verify that he, in fact, had an appointment with a medical doctor, hospital or clinic. Instead, he presented medical paperwork

from 2018.

12. The CBP officers determined that ALZEREI had traveled to the United States in 2017 and stayed for a period of six months. During that trip, ALZEREI, who had his leg amputated above the knee, was fitted for and provided with a prosthetic leg.

13. During this initial secondary inspection interview on February 27, 2019, ALZEREI explained to the CBP officers that he lost his leg on October 23, 2015 when he was shot by a stray bullet from the Israeli Defense Force (“IDF”) while picking olives in an agriculture field near the Gaza-Israel border. ALZEREI told the CBP officers that, at the time he was shot, there were no protests going on and he was not involved in any type of riot, rally, or demonstration. The CBP officers asked ALZEREI if he had ever been “involved in any border riots, rallies, or demonstrations” in his life, or words to that effect. ALZEREI responded, “No.” The CBP officers asked ALZEREI whether there were any riots or people throwing rocks at the IDF when he was shot. ALZEREI again responded, “No.” As described below, these statements were false as ALZEREI was shot after hurling rocks at IDF soldiers and rioting with members of Fatah and Hamas.

14. The CBP officers then conducted a search of ALZEREI’s mobile phone pursuant to CBP’s border search authority. During this search, the CBP officers found numerous photographs, images, and videos demonstrating that ALZEREI has a possible affiliation with members of Popular Front for the Liberation of Palestine (“PFLP”) and Hamas, both of which have been designated by the U.S. Government as Foreign Terrorist Organizations (“FTOs”) since 1997. For example, the CBP officers found photographs of ALZEREI marching at demonstrations with members of PFLP and Hamas, as well as ALZEREI fighting alongside members of PFLP. CBP officers also found photographs of several Hamas parades, including a

parade mourning the death of one of its members, Thaer Alzerei, whom ALZEREI described as his cousin. ALZEREI advised the CBP officers that Thaer Alzerei died “in a tunnel.”

15. In addition, the CBP officers also found photographs that were taken of ALZEREI on October 23, 2015, the day he was shot in the leg near the Gaza-Israel border. These photographs (shown below) appear to show ALZEREI hurling large rocks at the IDF:





16. I have personally reviewed the contents of ALZEREI's phone and have confirmed that it contains the images and videos described in paragraph 14 as well as the photographs shown in paragraph 15 above.

17. After the CBP officers finished searching ALZEREI's phone, they conducted another interview of ALZEREI for purposes of obtaining a sworn statement. During this interview, all of the CBP officers' questions and ALZEREI's answers were translated and typed verbatim. The interview was conducted by two CBP officers, one of whom was a fluent Arabic speaker. This officer communicated directly with ALZEREI in Arabic and translated all of his answers to the other CBP officer. This interview took place in a secondary inspection room at Logan Airport. Prior to asking ALZEREI any questions, the CBP officers informed him that he did "not appear to be admissible" to enter the United States and that it was "very important that you [ALZEREI] tell the truth." They further advised him that "[i]f you lie or give misinformation, you may be subject to criminal or civil penalties" and that "[a]ny statement you

make must be given freely and voluntarily.” The CBP officers then asked ALZEREI whether he was willing to answer questions. ALZEREI agreed to answer their questions.

18. During this second interview, among other things, the CBP officers asked ALZEREI to explain the photographs shown above, which they had found on this phone. Described verbatim below, ALZEREI admitted that these images depicted him on October 23, 2015—hours before he was shot—slinging rocks at Israeli troops near the Gaza-Israel border. ALZEREI said that he lied to the U.S. Department of State in his visa application and to the U.S. Consulate about the circumstances surrounding his injured leg in order to obtain a B1/B2 tourist visa and gain entry into the United States. ALZEREI told the CBP officers that he lied because he did not want to get arrested by the Israelis, and also because he knew he would not get a U.S. visa if he told the truth about his activities on October 23, 2015.

19. I have reviewed the Record of the Sworn Statement (Form I-867A) ALZEREI made to the CBP officers on February 27, 2019. The following is a verbatim transcript of a portion the interview:

Q: Do you have an appointment to see a medical professional on this trip?

A: No.

Q: Can you explain what happened to your leg?

A: I was shot by a sniper. I wasn't doing nothing. I was walking.

Q: Your visa application stated that you were picking olives in a field and you caught a stray bullet from the Israeli forces, is that correct?

A: Yes.

Q: Can you explain these pictures of you at the Israeli-Gaza border rioting with your face covered?

A: (Smiles and laughs) That is me in the black and yellow.

Q: These pictures are dated October 23rd 2015 the same day you state you were shot by stray gunfire, is this correct?

A: Yes that is me I was shot by a sniper a few hours after that picture.

Q: Is it correct that you were shot by Israeli troops while rioting with Fatah and Hamas protesters at the border and not by a stray bullet while picking olives in a field as you originally claimed?

A: Yes.

Q: Is this a picture of you slinging rocks toward Israeli troops [showing first image above]?

A: Yes.

Q: Did you lie to the US Consulate about how you got shot?

A: Yes.

ALZEREI refused to sign the formal sworn statement at the conclusion of the interview.

Nonetheless, according to the CPD officers who conducted the interview, the questions and answers documented in the statement accurately reflect the CBP officers' questions and ALZEREI's answers.

20. I have also reviewed the Department of State's processing notes regarding ALZEREI's Visa Application. These notes indicate that on October 19, 2016, ALZEREI was interviewed about his injured leg in connection with his U.S. visa application. During this interview, ALZEREI falsely explained that he was shot by the IDF while picking olives. As explained above, however, ALZEREI admitted to CBP officers on February 27, 2019 that this was a lie. On this basis alone, I believe that ALZEREI's U.S. visa was procured by fraud, that ALZEREI *knew* he had fraudulently procured his visa by making numerous false statements to

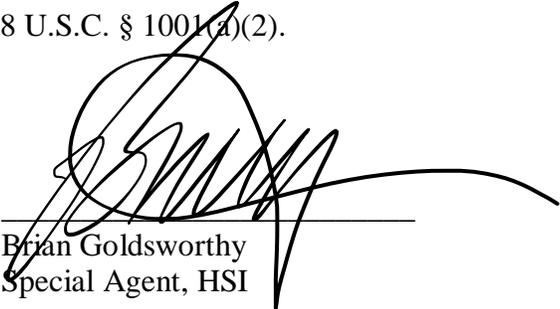
the U.S. Government, and that ALZEREI knowingly and willfully presented and used a fraudulent visa in order to gain entry into the United States on February 27, 2019.

21. During this investigation, I also reviewed a copy of ALZEREI's U.S. visa application. Based upon my review of the application, I believe he lied in response to one or more questions. In particular, the application asked whether ALZEREI ever "committed, ordered, incited, assisted, or otherwise participated in extrajudicial killings, political killings, or other acts of violence." ALZEREI answered "no" in response to this question. Based upon the images on ALZEREI's phone and his statements to CBP officers in February 2019, however, I believe that ALZEREI's answer to this question was untruthful. In fact, ALZEREI had engaged in acts of violence designed to injure or kill Israelis. Thus, I believe that ALZEREI's U.S. visa was procured by fraud, that ALZEREI *knew* he had fraudulently procured his visa by making numerous false statements to the U.S. Government, and that ALZEREI knowingly and willfully presented and used a fraudulent visa in order to gain entry into the United States on February 27, 2019.

CONCLUSION

22. Based on the foregoing facts, and on my experience, training and discussions with other individuals involved in this investigation, I believe there is probable cause that WAAD ALZEREI committed visa fraud in violation of 18 U.S.C. § 1546(a), and knowingly and willfully made materially false statements in a matter within the jurisdiction of the Executive

Branch of the United States, in violation of 18 U.S.C. § 1001(a)(2).



Brian Goldsworthy
Special Agent, HSI

Sworn and subscribed before me this 20th day of March 2019.



M. PAGE KELLEY
UNITED STATES MAGISTRATE JUDGE

