



e. Each individual who applied to become a naturalized United States citizen had to complete Form N-400, titled “Application for Naturalization,” by herself or himself, or with the assistance of another person who was required to identify herself or himself on the Form N-400.

f. An individual who applied to become a naturalized citizen of the United States had to demonstrate, among other characteristics, that he or she knew the English language, including the ability to read, write, and speak words in ordinary usage in the English language, and that he or she had knowledge and an understanding of United States history and civics.

g. An individual who, because of a physical or mental impairment or combination of impairments, was unable to learn or demonstrate the required knowledge of the English language or United States civics and history was eligible for a waiver of those requirements to become a naturalized citizen.

h. Form N-648, titled “Medical Certification for Disability Exceptions,” had to be completed by a licensed medical doctor, licensed doctor of osteopathy, or licensed clinical psychologist in support of an applicant’s request for a physical or mental impairment exception to the English language and United States civics and history requirements to become a naturalized citizen.

i. Form N-648 required the licensed medical doctor, licensed doctor of osteopathy, or licensed clinical psychologist to certify that the information provided on the Form N-648 was true and correct.

j. In determining whether applicants for United States citizenship were entitled to an exception from the English language and United States civics and history requirements, USCIS relied upon information provided by medical doctors, doctors of osteopathy, or licensed clinical psychologists on Forms N-648.

2. Beginning in or about December 2010, and continuing to at least May 2011, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

MAREK WALCZYK, and  
KATARZYNA FERGEMANN,

defendants herein, conspired with each other, and with others known and unknown to the Grand Jury, to commit an offense against the United States, that is, to knowingly procure and attempt to procure, contrary to law, the naturalization of any person, in violation of Title 18, United States Codes, Section 1425(a).

MEANS AND METHODS OF THE CONSPIRACY

3. It was part of the conspiracy that:

a. Defendant WALCZYK operated a psychiatric medical practice and for some individuals seeking to apply for United States citizenship, he prepared a Medical Certification on Form N-648 that those individuals suffered from a physical or mental impairment that rendered them unable to learn or demonstrate the required knowledge of the English language and United States history and civics for naturalized United States citizenship. In some instances, defendant WALCZYK provided a Medical Certification on Form N-648 even though defendant WALCZYK knew that those individuals did not suffer from a physical or mental impairment

that rendered the individuals unable to learn or demonstrate the required knowledge of the English language and United States history and civics.

b. As part of defendant WALCZYK's psychiatric medical practice, he employed defendant FERGEMANN, whose duties included administration of various diagnostic testing procedures, such as the Mini Mental State Examination and the Repeatable Battery for the Assessment of Neuropsychological Status. For some individuals seeking to apply for United States citizenship, defendant FERGEMANN provided a written report stating that the diagnostic testing procedures she administered indicated that those individuals suffered from a physical or mental impairment that rendered them unable to learn or demonstrate the required knowledge of the English language and United States history and civics for naturalized United States citizenship. In some instances, defendant FERGEMANN provided such a written report even though defendant FERGEMANN knew that those individuals did not suffer from a physical or mental impairment that rendered the individuals unable to learn or demonstrate the required knowledge of the English language and United States history and civics. Some of the false reports written by defendant FERGEMANN were included with N-648 forms completed and signed by defendant WALCZYK.

c. For individuals seeking to apply for United States citizenship, defendants completed or assisted in the completion of N-648 forms that falsely stated that the individuals suffered from various permanent impairments that compromised their ability to learn English and United States history and civics,

including, among other impairments, social anxiety disorder, panic disorder, and major depressive disorder. Defendants also falsely represented on the N-648 forms that the applicants had received scores in diagnostic testing procedures that were consistent with the applicants being cognitively impaired.

#### OVERT ACTS

4. To effect the object of the conspiracy, defendants MAREK WALCZYK and KATARZYNA FERGEMANN committed and caused to be committed the following overt acts, among others, at Chicago, in the Northern District of Illinois, and elsewhere:

a. On or about April 11, 2011, at Chicago, defendant FERGEMANN signed a written report in which she stated that Individual A had undergone diagnostic testing procedures, the results of which indicated that Individual A's cognitive abilities were impaired, even though defendant FERGEMANN well knew at the time that Individual A did not suffer from any such cognitive impairments.

b. On or about May 5, 2011, at Chicago, defendant WALCZYK, without ever having performed an actual medical examination of Individual A, signed a second Form N-648 on behalf of Individual A, which form falsely stated that Individual A suffered from social anxiety disorder, panic disorder, and major depressive disorder, as well as learning impairments resulting from those conditions. The Form N-648 also falsely stated that Individual A had undergone diagnostic testing procedures, the results of which indicated that Individual A's cognitive abilities were impaired. The Form N-648 completed by defendant WALCZYK

included a report authored by defendant FERGEMANN that misrepresented the results of the diagnostic testing procedures, in that the report indicated that Individual A's cognitive abilities were impaired.

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

**COUNT TWO**

The SPECIAL AUGUST 2015 GRAND JURY further charges:

1. Paragraph 1 of Count One of this indictment is incorporated here.
2. In or about April 2011, at Chicago, in the Northern District of Illinois,

Eastern Division, and elsewhere,

MAREK WALCZYK, and  
KATARZYNA FERGEMANN,

defendants herein, knowingly attempted to procure, contrary to law, the naturalization of another person, namely, Individual A, by falsely completing for submission to United States Citizenship and Immigration Services a written report stating that Individual A had undergone diagnostic testing procedures, the results of which indicated that Individual A's cognitive abilities were impaired to an extent that Individual A had a disability or impairment to support a waiver of the English language and United States civics and history requirements of the naturalization process;

In violation of Title 18, United States Code, Sections 1425(a) and 2.

**COUNT THREE**

The SPECIAL AUGUST 2015 GRAND JURY further charges:

1. Paragraph 1 of Count One of this indictment is incorporated here.
2. On or about May 5, 2011, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

MAREK WALCZYK, and  
KATARZYNA FERGEMANN,

defendants herein, knowingly attempted to procure, contrary to law, the naturalization of another person, namely, Individual A, by falsely completing for submission to United States Citizenship and Immigration Services a Form N-648 that claimed Individual A suffered from social anxiety disorder, panic disorder, major depressive disorder, and a learning impairment that prevented Individual A from learning the English language and United States history and civics;

In violation of Title 18, United States Code, Sections 1425(a) and 2.

A TRUE BILL:

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
UNITED STATES ATTORNEY