

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon.
	:	
v.	:	Crim. No. 22-
	:	
STEVEN THOMAS, and	:	18 U.S.C. § 371
MARIA THOMAS	:	18 U.S.C. § 1546(a)
	:	18 U.S.C. § 2

INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting at Trenton, charges as follows:

COUNT ONE
Conspiracy to Commit Immigration Fraud
18 U.S.C. § 371

1. At all times relevant to this Indictment:

Individuals and Entities

a. Defendants STEVEN THOMAS and MARIA THOMAS were immigration attorneys who, at all times relevant to this Indictment, operated a law firm based in Montgomery Township, New Jersey (the “Thomas Firm”). The Thomas Firm assisted clients seeking asylum, citizenship, and other forms of legal status in the United States.

b. The Thomas Firm helped certain of its clients apply for asylum and then advance parole, more fully described below, under fraudulent pretenses. Among other things, STEVEN THOMAS and MARIA THOMAS advised clients regarding the manner in which they were most likely to obtain asylum, knowing that these clients did not legitimately qualify for asylum. For example, STEVEN THOMAS and MARIA THOMAS advised clients to falsely

claim that they were persecuted in their home countries when they understood that no such persecution actually took place.

c. STEVEN THOMAS and MARIA THOMAS also prepared, or caused to be prepared, fraudulent affidavits on behalf of the Thomas Firm clients, so that they could be submitted as part of clients' asylum applications. These affidavits, which were designed to support clients' persecution claims, conveyed purported aspects of clients' personal histories that were filled with falsehoods, including events and incidents of alleged persecution that were concocted by STEVEN THOMAS, MARIA THOMAS, or others at the Thomas Firm, under the direction of STEVEN THOMAS and MARIA THOMAS. Clients of the Thomas Firm were instructed to memorize the details of these false affidavits and coached to lie under oath during interviews conducted by the United States Citizenship and Immigration Services ("USCIS") asylum officers.

d. USCIS was an agency of the United States Department of Homeland Security responsible for receiving and adjudicating immigrant and non-immigrant applications and petitions, including, but not limited to, Form I-589, Application for Asylum and Withholding of Removal ("Form I-589"), and Form I-131, Application for Travel Document ("Form I-131").

Background on the Asylum Process and Advance Parole

e. Pursuant to federal immigration law, non-citizens seeking asylum are required to complete and present a form, Form I-589, to USCIS. The Form I-589 requires a detailed and specific account of the basis of the claim to asylum. Asylum applicants are permitted to append to the Form I-589

an affidavit (“Asylum Affidavit”), providing greater detail about the applicant’s background and basis for seeking asylum. The applicant must demonstrate that he or she is an “asylee,” meaning, in general terms, that he or she is unable to return to his or her country of origin because of persecution or a well-founded fear of persecution because of race, religion, nationality, membership in a particular social group, or political opinion.

f. If the Form I-589 is prepared by someone other than the applicant or a relative of the applicant, such as an attorney, the preparer is required to set forth his or her name and address on the form. The asylum applicant and preparer are required to sign the petition under penalty of perjury.

g. The asylum applicant must apply for asylum within one year of his or her arrival in the United States, absent changed or exceptional circumstances.

h. After the Form I-589 is submitted, the applicant is interviewed by a USCIS officer (the “Asylum Officer”) to determine whether the applicant qualifies for asylum. Following the interview, the Asylum Officer determines whether the applicant qualifies for asylum.

i. If an asylum applicant is granted asylum, the applicant receives a completed Form I-94 that reflects that USCIS has granted the applicant asylum status. The grant of asylum typically applies to the applicant’s spouse and children as well. A non-citizen who has been granted asylum can apply for, among other things, lawful permanent resident status.

j. Non-citizens with pending asylum applications may apply for permission to travel outside—and subsequently re-enter—the United States, by filing a Form I-131, Application for Travel Document. Applicants must demonstrate an urgent, humanitarian need to travel outside the United States. This is referred to as obtaining “advance parole.”

k. If USCIS approves a non-citizen’s advance parole request, the individual may depart the United States and then seek lawful entry (i.e., “parole”) back into the United States while his or her asylum application is pending. Once the non-citizen re-enters the United States—using the advance parole document—he or she would meet the inspected and admitted or paroled requirement necessary to be eligible for adjustment of status. Adjustment of status is the process non-citizens may use to apply for lawful permanent resident status (also known as applying for a “Green Card”).

The Conspiracy

2. From at least as early as in or around 2015 through in or around 2021, in the District of New Jersey and elsewhere, the defendants,

STEVEN THOMAS, and MARIA THOMAS,

did knowingly conspire and agree with each other and others to make under oath, and as permitted under penalty of perjury under section 1746 of Title 28, United States Code [Unsworn Declarations Under Penalty Of Perjury], subscribe as true, false statements with respect to a material fact in any application, affidavit, and other documents required by the immigration laws and regulations prescribed thereunder, and knowingly presented such

applications, affidavits, and other documents which contained such false statements and which failed to contain any reasonable basis in law and fact, contrary to Title 18, United States Code, Section 1546(a).

Object of the Conspiracy

3. The object of the conspiracy was for STEVEN THOMAS and MARIA THOMAS to enrich themselves by making and supporting fraudulent claims for asylum on behalf of individuals who were not United States citizens.

Manner and Means of the Conspiracy

4. In furtherance of the conspiracy, STEVEN THOMAS and MARIA THOMAS concocted false and fraudulent stories that would purport to satisfy the criteria for asylum, prepared and submitted asylum applications containing those false and fraudulent assertions, and coached their clients to repeat these false and fraudulent stories during asylum interviews.

5. A review of the affidavits filed by the Thomas Firm in support of asylum between 2015 and 2021 revealed that many affidavits contained identical language. For example, a review of 100 randomly-selected asylum applications filed by the Thomas Firm between 2015 and 2021 revealed that at least 13 of the affidavits filed by the Thomas Firm contained the following identical language:

[W]e lived together cramped in one room built out of a combination of mud, wood and cardboard. There was no kitchen, bathroom, electricity nor any running water. When it rained, the water would pour in through the cardboard roof and soak us. Our living conditions were so bad that we were constantly contracting different illnesses which we had to endure because we had no access even to the most basic forms of medical care.

There is no indication that the affiants associated with those 13 applications had any relation to one another such that they would have endured identical circumstances.

6. The fraudulent Form I-589s were signed under penalty of perjury by STEVEN THOMAS or MARIA THOMAS and filed with USCIS. Most of the fraudulent Form I-589s that were filed with USCIS by STEVEN THOMAS and MARIA THOMAS were accompanied by an affidavit containing additional false statements that were signed by the clients.

7. Following the filing of these false and fraudulent asylum applications, STEVEN THOMAS and MARIA THOMAS would commonly file a Form I-131, Application for Travel Document, with USCIS. The purpose of filing the Form I-131 on their clients' behalf was, among other things, to gain the benefits of advanced parole (as described above) and to bypass the consequences of their clients' illegal entry into the United States more than a year prior to the filing of an asylum claim. Defendants would also assist their clients in delaying their asylum interviews while waiting for their Form-131 to be approved.

8. Specific examples of the fraudulent conduct of STEVEN THOMAS AND MARIA THOMAS are set forth below.

Individual-1

9. In furtherance of the scheme, in or around 2015, STEVEN THOMAS met with an individual (“Individual-1”), who had entered the United States unlawfully approximately 20 years earlier for the purpose of making additional money and experiencing a new country. Individual-1 told STEVEN THOMAS that he did not fear violence or persecution in his/her home country. Nevertheless, STEVEN THOMAS informed Individual-1 that he/she could seek asylum. The Thomas Firm charged Individual-1 approximately \$15,000 for this asylum application.

10. The Thomas Firm subsequently prepared a Form I-589 asylum application on behalf of Individual-1, indicating that Individual-1 was seeking asylum based on multiple factors, including membership in a particular group, and having political opinions that would subject him/her to persecution in his/her home country. An affidavit was appended to the application that contained multiple false and fraudulent assertions, including falsely asserting that Individual-1 was a target for persecution, torture and assassination in his/her home country and faced near starvation, gang violence, and the threat of disease. None of these things were true, and all were contrary to representations Individual-1 made to STEVEN THOMAS and/or MARIA THOMAS during their meetings.

11. In or around August 2017, USCIS received a Form I-589 asylum application on behalf of Individual-1. The Form I-589 listed MARIA THOMAS as the preparer of the document, and was dated August 3, 2017. Immediately

above MARIA THOMAS's signature was the statement: "I am aware that the knowing placement of false information on the Form I-589 may [] subject me to civil penalties under 8 U.S.C. 1324c and/or criminal penalties under 18 U.S.C. 1546(a)."

Individual-2

12. In furtherance of the scheme, in or around 2015, STEVEN THOMAS met with another individual ("Individual-2"), who had entered the United States unlawfully approximately 10 years earlier for the purpose of making additional money and experiencing a new country. Individual-2 told STEVEN THOMAS that he/she did not fear violence or persecution in his/her home country. Nevertheless, STEVEN THOMAS informed Individual-2 he/she could seek asylum. STEVEN THOMAS charged Individual-2 approximately \$16,000 for the asylum application.

13. The Thomas Firm subsequently prepared a Form I-589 asylum application on behalf of Individual-2, indicating that Individual-2 was seeking asylum based on multiple factors, including membership in a particular group and having political opinions that would subject him/her to persecution in his/her home country. The application contained multiple false and fraudulent assertions, including that Individual-2 was a target for persecution, torture and assassination in his/her home country because of his/her family's involvement in the Guatemalan civil war. None of these things were true, and all were contrary to representations that Individual-2 made to STEVEN THOMAS during their meetings.

14. In or around April 2017, USCIS received a Form I-589 asylum application on behalf of Individual-2. The Form I-589 listed STEVEN THOMAS as the preparer of the document, and was dated April 7, 2017. Immediately above STEVEN THOMAS's signature was the statement: "I am aware that the knowing placement of false information on the Form I-589 may [] subject me to civil penalties under 8 U.S.C. 1324c and/or criminal penalties under 18 U.S.C. 1546(a)."

15. Individual-2's asylum interview was scheduled for in or around late 2019. Prior to the interview, Individual-2 received a copy of an unfiled affidavit the Thomas Firm had prepared in support of Individual-2's asylum application (the "Unfiled Affidavit"). The Unfiled Affidavit contained similar false statements to the false statements set forth in the Form I-589 asylum application that the Thomas Firm had submitted on behalf of Individual-2. In or around December 9, 2019, prior to the asylum interview, Individual-2 visited the Thomas Firm and MARIA THOMAS instructed Individual-2 to memorize the statements in the Unfiled Affidavit in preparation for his/her asylum interview. However, during the asylum interview, Individual-2 answered the Asylum Officer's questions honestly, and his/her application was denied.

Individual-3

16. In furtherance of the scheme, in or around 2015, STEVEN THOMAS met with an individual ("Individual-3"), who had entered the United States unlawfully approximately 12 years earlier for the purpose of making additional money and experiencing a new country. Individual-3 told STEVEN

THOMAS that he/she did not fear violence or persecution in his/her home country. Nevertheless, STEVEN THOMAS informed Individual-3 that he/she could seek asylum. The Thomas Firm charged Individual-3 approximately \$18,000 for the asylum application.

17. The Thomas Firm subsequently prepared a Form I-589 asylum application on behalf of Individual-3, indicating Individual-3 was seeking asylum based on multiple factors, including membership in a particular group and having political opinions that would subject him/her to persecution in his/her home country. An affidavit was appended to the application, which contained multiple false and fraudulent assertions, including that Individual-3 was a target for persecution, torture and assassination in his/her home country. None of these things were true, and were all were contrary to representations Individual-3 made to STEVEN THOMAS and/or MARIA THOMAS during their meetings.

18. In or around April 2017, USCIS received a Form I-589 asylum application on behalf of Individual-3. The Form I-589 listed MARIA THOMAS as the preparer of the document, and was dated April 10, 2017. Immediately above MARIA THOMAS's signature was the statement: "I am aware that the knowing placement of false information on the Form I-589 may [] subject me to civil penalties under 8 U.S.C. 1324c and/or criminal penalties under 18 U.S.C. 1546(a)."

The Confidential Source

19. In or around early 2021, STEVEN THOMAS met with a confidential source (“CS”) who, at the direction of law enforcement, was posing as a non-citizen seeking legal status in the United States. During the meeting, the CS informed STEVEN THOMAS that he/she had been present in the United States for approximately 20 years, and STEVEN THOMAS told the CS that he/she could apply for asylum on the basis of the violent situation in the CS’s home country, and that the asylum application would cost \$20,000.

20. At a subsequent meeting between STEVEN THOMAS and the CS, the CS told STEVEN THOMAS that he/she had never been the victim of violence while living in his/her home country and did not participate in politics. Despite this, STEVEN THOMAS indicated that the CS could proceed with the asylum application.

21. At this same meeting, STEVEN THOMAS explained to the CS that once the CS’s asylum application was filed, STEVEN THOMAS could help the CS obtain permission to travel, if the CS could obtain a doctor’s note indicating a family member in the CS’s home country was suffering from a serious medical condition. STEVEN THOMAS explained that if the CS obtained a travel permit, the CS could then lawfully re-enter from the CS’s home country, which would allow the CS to apply for residency status in the United States, since the CS had a child who was a U.S. citizen, and thereby bypass the asylum process. STEVEN THOMAS further explained to the CS that because the CS entered the United States unlawfully, immigration laws would not allow the CS to change

the CS's status through his/her child, but that if the CS obtained a permit to travel to the CS's home country and then re-entered the United States legally, the CS could apply for residency, using the child as a petitioner.

22. In or around April 2021, the CS received a mailing from the Thomas Firm containing a letter instructing the CS to sign a blank signature page that contained a line for the CS's signature and a blank space for a notary's signature. The CS signed the enclosed paperwork and hand delivered the paperwork to the Thomas Firm.

23. In or around April 20, 2021, STEVEN THOMAS mailed a Form I-589 asylum application to USCIS on behalf of the CS (the "Filed Form I-589") and an Accompanying Asylum Affidavit (the "Filed Affidavit") that was received by USCIS in or around April 23, 2021. The Filed Form I-589 listed STEVEN THOMAS's name, address, and signature as the preparer of the document, and was dated April 20, 2021. Immediately above STEVEN THOMAS's signature read the words "I am aware that the knowing placement of false information on the Form I-589 may subject me to civil penalties under 8 U.S.C. 1324c and/or criminal penalties under 18 U.S.C. 1546(a)."

24. Neither STEVEN THOMAS nor any representative of the Thomas Firm shared the Filed Affidavit with the CS before it was filed. Appended to the Filed Affidavit was the signature page the CS had previously signed and delivered to the Thomas Firm; a representative of the Thomas Firm notarized the CS's signature after the fact.

25. The Filed Form I-589 and the Filed Affidavit contained numerous false statements. Specifically, the following information and statements were on the Filed Form I-589:

- a. The box indicating “Yes” was marked in response to question 1A on the Filed Form I-589, which asked “[H]ave you, your family, or close friends or colleagues ever experienced harm or mistreatment or threats in the past by anyone?”
- b. The response to question 1A on the Filed Form I-589 further stated: “I began to be harassed, intimidated, and threatened in a way that I began to fear for my life, and the lives of my relatives living in the same area. There was an attempt against my life.”
- c. The box indicating “Yes” was marked in response to question 1B on the Filed Form I-589, which asked “[D]o you fear harm or mistreatment if you return to your home country?”
- d. The response to question 1B on the Filed Form I-589 further stated: “I fear returning to Mexico. I fear that upon return, I will be immediately targeted for persecution, torture and elimination on account of my race, and an imputed political opinion in view of my previous challenge to CTM [define], now a notoriously corrupt institution, apparently with the blessing of the Mexican government.”
- e. The response to question 5 on the Filed Form I-589 (asking for the reason that the CI had waited more than a year to file the application) stated: “[W]hen I first arrived in this country I was scared to face the authorities and request asylum because I believed that whatever I told them would be relayed to the Mexican authorities, and the people from CTM, who might even attack me and my son in this country. I was also depressed, as a result of what had happened to me.”

Overt Acts

26. In furtherance of the conspiracy and to effect its unlawful object, STEVEN THOMAS and MARIA THOMAS, and their co-conspirators committed, and caused to be committed, the following overt acts in the District of New Jersey and elsewhere:

- a. On or about April 7, 2017, STEVEN THOMAS filed a form I-589 containing numerous false statements on behalf of Individual-2;
- b. On or about April 10, 2017, MARIA THOMAS filed a form I-589 and an accompanying affidavit containing numerous false statements on behalf of Individual-3;
- c. On or about August 3, 2017, MARIA THOMAS filed a form I-589 and an accompanying affidavit containing numerous false statements on behalf of Individual-1;
- d. On or about December 9, 2019, MARIA THOMAS met with Individual-2 and instructed him/her to lie to the Asylum Officer at his/her upcoming asylum interview;
- e. On or about April 20, 2021, STEVEN THOMAS filed a form I-589 and an accompanying affidavit on behalf of the CS that contained numerous false statements.

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

COUNT TWO
Immigration Fraud
18 U.S.C. § 1546(a) and § 2

27. The allegations set forth in Paragraph 1 and Paragraphs 19 through 25 of this Indictment are re-alleged and incorporated herein.

28. On or about April 20, 2021, in the District of New Jersey and elsewhere, the defendant,

STEVEN THOMAS,

did knowingly make under oath, and as permitted under penalty of perjury under section 1746 of Title 28, United States Code [Unsworn Declarations Under Penalty of Perjury], subscribe as true, false statements with respect to material facts in an application, affidavit, and other document required by the immigration laws and regulations prescribed thereunder, and knowingly presented such application, affidavit, and other document which contained such false statements and which failed to contain any reasonable basis in law and fact.

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

FORFEITURE ALLEGATIONS

29. As a result of committing the offenses charged in Counts One and Two of this Indictment, defendants STEVEN THOMAS and MARIA THOMAS shall forfeit to the United States pursuant to 18 U.S.C. § 982(a)(6)(A)(ii) any and all property constituting or derived from any proceeds STEVEN THOMAS and MARIA THOMAS obtained directly or indirectly as a result of those offenses, and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of those offenses.


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

- 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;
- e. or has been commingled with other property which cannot be divided without difficulty,

the United States shall be entitled, pursuant to 21 U.S.C. § 853(p) (as incorporated by 28 U.S.C. § 2461(c) and 18 U.S.C. § 982(b)), to forfeiture of any

other property of the defendant up to the value of the above-described forfeitable property.

A TRUE BILL


PHILIP R. SELLINGER
United States Attorney

FOREPERSON