

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
v. : Criminal Number: 19-
MUJEEB RAHMAN SAIFY, :
a/k/a "FNU Mujeebu Rahman," : 8 U.S.C. § 1324
a/k/a "Mujeebu Rahman Saify," : 18 U.S.C. §§ 371, 982, and 2
a/k/a "Mujeeb-u-Rahman," and
a/k/a "Mujeeb-ur-Rahman"

INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting in Newark,
charges:

COUNT 1
(Conspiracy to Commit Alien Smuggling)

At all times relevant to this Indictment:

Introduction

1. Defendant MUJEEB RAHMAN SAIFY ("SAIFY") was a citizen of Afghanistan and lawful permanent resident of the United States who resided in New York and New Jersey.
2. A.H. was a citizen of Afghanistan and did not have authorization from the United States Government to come to, enter, or reside in the United States.
3. W.U. was a citizen of Afghanistan and did not have authorization from the United States Government to come to, enter, or reside in the United States. W.U. was an interpreter for the United States military in Afghanistan

between January 2011 and January 2014 and was terminated from employment as an interpreter and barred from all United States installations in Afghanistan. After his termination as an interpreter, W.U. applied for and was denied a United States visa.

4. Co-Conspirator One, a co-conspirator not named as a defendant herein, was a citizen of Pakistan, operated the smuggling network employed by defendant SAIFY, and served as his point of contact in Pakistan to make all smuggling arrangements for A.H. and W.U.

5. Co-Conspirator Two, a co-conspirator not named as a defendant herein, was a citizen of Afghanistan, was employed by the smuggling network, and served as defendant SAIFY's point of contact in Afghanistan.

6. Co-Conspirator Three, a co-conspirator not named as a defendant herein, operated a travel agency in Peshawar, Pakistan, and provided travel documents for A.H and W.U. to defendant SAIFY and Co-Conspirator One.

The Conspiracy

7. From in or about July 2016 through in or about January 2017, begun upon the high seas and elsewhere out of the jurisdiction of the District of New Jersey or any particular State or district, and the District of New Jersey being the district of the last known residence of the offender, the defendant,

MUJEEB RAHMAN SAIFY,
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a/k/a "Mujeebu Rahman Saify,"
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a/k/a "Mujeeb-ur-Rahman,"

did knowingly and intentionally conspire and agree with others to commit offenses against the United States, that is:

a. to encourage and induce an alien, A.H., 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); and

b. to bring to and attempt to bring an alien, W.U., to the United States for commercial advantage and private financial gain, knowing and in reckless disregard of the fact that W.U. had not received prior official authorization to come to, enter, and reside in the United States, contrary to Title 8, United States Code, Section 1324(a)(2)(B)(ii);

Object of the Conspiracy

8. The object of the conspiracy was for defendant SAIFY, Co-conspirator One, Co-conspirator Two, Co-Conspirator Three, and others to profit

by smuggling aliens into the United States and by encouraging, inducing, bringing, and attempting to bring aliens to the United States.

Manner and Means of the Conspiracy

9. It was part of the conspiracy that defendant SAIFY, Co-Conspirator One, Co-Conspirator Two, Co-Conspirator Three, and others planned to smuggle A.H. and W.U. into the United States.

10. It was further part of the conspiracy that defendant SAIFY met with and gave instructions to A.H. and W.U. to accomplish certain tasks to facilitate the smuggling venture.

11. It was further part of the conspiracy that defendant SAIFY used email and phone communications to coordinate and discuss the aliens' smuggling arrangements.

12. It was further part of the conspiracy that Co-Conspirator One, Co-Conspirator Two, and Co-Conspirator Three provided fraudulent travel documents to defendant SAIFY, A.H. and W.U. for the purpose of illegally smuggling A.H. and W.U. into the United States.

13. It was further part of the conspiracy that Co-Conspirator One, Co-Conspirator Two and Co-Conspirator Three provided false indicia of travel itineraries to defendant SAIFY, A.H. and W.U. to enable commercial air travel to South America for the purpose of A.H. and W.U. illegally coming to the United States.

Overt Acts

14. In furtherance of the conspiracy and to effect its objective, defendant SAIFY and one or more of his co-conspirators committed and caused to be committed the following overt acts, among others:

a. In or about July 2016, defendant SAIFY agreed to assist with smuggling A.H. to the United States by arranging for A.H. to travel to Brazil. Defendant SAIFY met with A.H. on several occasions in Afghanistan, where defendant SAIFY instructed A.H. that A.H. would be provided with fraudulent travel documents to fly on a commercial airline from Afghanistan to United Arab Emirates to Brazil.

b. In or about July 2016, defendant SAIFY advised A.H. that the price to smuggle A.H. to the United States was approximately \$6,000.00, which A.H. paid to defendant SAIFY.

c. In or about July 2016, defendant SAIFY instructed A.H. to provide his Afghani passport and two passport photographs for the creation of a fraudulent passport and visa.

d. In or about July 2016, defendant SAIFY forwarded A.H.'s passport photos via email to Co-Conspirator Two, who forwarded the email and photographs to Co-Conspirator One.

e. In or about July 2016, defendant SAIFY arranged several meetings between W.U. and Co-Conspirator Two for the purpose of illegally entering the United States.

f. In or about July 2016, defendant SAIFY sent an email with two different passport photographs of W.U. to Co-Conspirator Two, who then forwarded the email and photographs to Co-Conspirator One.

g. In or about August 2016, Co-Conspirator One forwarded an email to Co-Conspirator Three with an attached photograph of A.H.'s Afghanistan passport biographical page.

h. In or about September 2016, defendant SAIFY received W.U.'s travel itinerary from Co-Conspirator Three.

i. In or about October 2016, defendant SAIFY received A.H.'s travel itinerary from Co-Conspirator Three.

j. In or about October 2016, defendant SAIFY accompanied A.H. from Kabul to Dubai.

k. In or about October 2016, while at the Dubai International Airport, defendant SAIFY printed several travel documents, gave them to A.H., and instructed A.H. to use the fake passport to enter Brazil.

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

COUNT 2
(Encouraging and Inducing Alien Smuggling)

1. The allegations set forth in Paragraphs 1 through 6 and 8 through 14 of Count 1 of this Indictment are re-alleged as if set forth herein.

2. From in or about July 2016 through in or about October 2016, begun upon the high seas and elsewhere out of the jurisdiction of the District of New Jersey or any particular State or district and the District of New Jersey being the district of the last known residence of the offender, the defendant,

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a/k/a "Mujeeb-ur-Rahman,"

for the purpose of commercial advantage and private financial gain, did knowingly encourage and induce an alien, A.H., 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.

In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iv), (a)(1)(A)(v)(II), and (a)(1)(B)(i).

COUNT 3
(Attempt to Bring Alien to the United States)

1. The allegations set forth in Paragraphs 1 through 6 and 8 through 14 of Count 1 of this Indictment are re-alleged as if set forth herein.

2. From in or about July 2016 through in or about January 2017, begun upon the high seas and elsewhere out of the jurisdiction of the District of New Jersey or any particular State or district and the District of New Jersey being the district of the last known residence of the offender, the defendant,

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a/k/a "Mujeeb-ur-Rahman,"

knowing and in reckless disregard of the fact that an alien, W.U., had not received prior official authorization to come to, enter, and reside in the United States, did attempt to bring such alien to the United States for the purpose of commercial advantage and private financial gain.

In violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION

1. The allegations of this Indictment are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant has an interest.

2. Upon conviction of a violation of Title 8, United States Code, Section 1324, as alleged in Counts 1 through 3 of this Indictment, defendant MUJEEB RAHMAN SAIFY, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(6), all of his respective right, title and interest in the following:

- (i) any conveyance, including any vessel, vehicle, or aircraft, used in the commission of such offense;
- (ii) any property, real or personal, that constitutes, or is derived from, or is traceable to any proceeds obtained, directly or indirectly, from the commission of such offense; and
- (iii) any property, real or personal, that was used to facilitate, or intended to be used to facilitate, the commission of such offense.

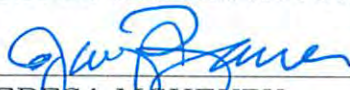
All pursuant to Title 18, United States Code, Section 982(a)(6), and the procedures set forth in Title 21, United States Code, Section 853.

A TRUE BILL

FOREPERSON



CRAIG CARPENITO
UNITED STATES ATTORNEY

for 

TERESA MCHENRY
CHIEF, HUMAN RIGHTS AND SPECIAL PROSECUTIONS
CRIMINAL DIVISION
DEPARTMENT OF JUSTICE

CASE NUMBER: _____

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INDICTMENT FOR

8 U.S.C. § 1324
18 U.S.C. § 2
18 U.S.C. § 371
18 U.S.C. § 982

A True Bill,

Foreperson

CRAIG CARPENITO
UNITED STATES ATTORNEY
FOR THE DISTRICT OF NEW JERSEY

MARGARET MAHONEY AND JAY BAUER
ASSISTANT U.S. ATTORNEYS
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973-645-2761
