

Approved: Andrew D. Beaty
ANDREW D. BEATY
Assistant United States Attorney

Before: HONORABLE ANDREW J. PECK
United States Magistrate Judge
Southern District of New York

-----X	:	<u>SEALED COMPLAINT</u>
UNITED STATES OF AMERICA,	:	
- v. -	:	Violation of 18
	:	U.S.C. §§ 1546(a),
GNOLEBI SERI,	:	1028A, 1341, and 2
	:	
Defendant.	:	COUNTY OF OFFENSE:
	:	BRONX
-----X		

SOUTHERN DISTRICT OF NEW YORK, ss.:

KEVIN J. FALK, being duly sworn, deposes and says that he is a Special Agent with the United States Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI"), and charges as follows:

COUNT ONE
(Fraud and Misuse of Visas, Permits, and Other Documents)

1. From at least in or about October 2012, up to and including at least in or about April 2015, in the Southern District of New York and elsewhere, GNOBELA SERI, the defendant, willfully and knowingly did utter, use and attempt to use, possess, obtain, accept, and receive a visa, permit, border crossing card, alien registration receipt card, and other document prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, knowing it to be forged, counterfeited, altered, and falsely made, and to have been procured by means of a false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained, to wit, SERI submitted falsified and forged I-864 Forms in support of applications for immigration visas and for legal permanent resident status.

(Title 18, United States Code, Sections 1546(a) and 2.)

COUNT TWO
(Aggravated Identity Theft)

2. From at least in or about October 2012, up to and including at least in or about April 2015, in the Southern District of New York and elsewhere, GNOBELA SERI, the defendant, knowingly did transfer, possess, and use, without lawful authority a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, SERI used the names, social security numbers, and other mean of identification legitimately provided to him by financial sponsors in I-864 Forms for other immigration applicants without the permission or knowledge of the financial sponsors.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b),
and 2.)

COUNT THREE
(Mail Fraud)

3. From at least in or about October 2012 up to and including at least in or about April 2015, in the Southern District of New York and elsewhere, GNOBELA SERI, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, for the purpose of executing such scheme and artifice and attempting so to do, did place in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and did deposit and cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and did take and receive therefrom, such matters and things, and did cause to be delivered by mail and such carriers, according to the directions thereon, and at the places at which they were directed to be delivered by the person to whom they were addressed, such matters and things, to wit, SERI sent fraudulent and forged immigration forms via the U.S. Postal Service in the course of and in furtherance of the fraudulent scheme described in Count One.

(Title 18, United States Code, Sections 1341 and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

4. I am a Special Agent assigned to HSI, and I have been personally involved in the investigation of this matter. This Affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement agents and other individuals. Because this Affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

THE SCHEME

5. Based on the facts set forth below, I respectfully submit that there is probable cause to believe that GNOLEBA SERI, the defendant, has participated in a scheme, as detailed below, to submit fraudulent I-864 Forms to support his clients' applications for legal permanent resident status ("green card") and immigrant visas.

a. To apply for a green card or an immigrant visa, a foreign citizen must be sponsored by a relative who is a United States citizen or lawful permanent resident, or by a prospective employer. As part of the application process, in many cases the sponsor must pledge to financially support the foreign citizen by filing USCIS Form I-864, titled "Affidavit of Support Under Section 213A of the [Immigration and Nationality] Act." A Form I-864 is required to show that the foreign citizen has adequate means of financial support and is not likely to rely on the U.S. government for financial support. This form must be accompanied by financial documentation by the sponsor, including pay stubs, tax forms, and W-2 forms. A Form I-864 creates a contract between the sponsor and the foreign citizen, and provides a cause of action under which the foreign citizen can sue the sponsor for financial support.

b. From at least in or about October 2012, up to and including at least in or about April 2015, GNOLEBA SERI, the defendant, a licensed immigration attorney working in New York, New York, and Brooklyn, New York, engaged in a scheme to use personal information contained in legitimate immigration documents for fraudulent purposes. In his role as an

immigration attorney, SERI would receive I-864 Forms, tax information, pay stubs, and W-2 forms from individuals sponsoring his clients. These legitimate I-864 Forms and accompanying documentation were intended to be used to support particular applications for green cards or immigrant visas. While SERI did use these documents for their intended use, he also used them in applications for green cards or immigrant visas for other of his clients. That is, SERI submitted I-864 Forms that listed individuals as financial sponsors who had never met and did not know the people they were purportedly agreeing to sponsor. Those I-864 Forms included the sponsors' real names, identifying information, and financial information, as well as forged signatures. These fraudulent I-864 Forms all list SERI as the preparer, and many of them were notarized by him.

6. During the course of this investigation, an Immigration Officer (the "IO"), then assigned to the Fraud Detection and National Security Division, conducted interviews with a large number of individuals whose identities and financial information were used without their permission by GNOLEBA SERI, the defendant. I have reviewed the reports of those interviews. I have also examined the I-864 Forms that include those individuals' identifying and financial information. Based on that review, I have learned that there are at least 16 confirmed victims of SERI's scheme. The experiences of Victim-1, Victim-2, and Victim-3 (collectively, "the Victims"), described below, exemplify SERI's scheme.

VICTIM-1

7. Based on my review of interview reports of the IO and immigration documents, I have learned, among other things, the following:

a. In 2012, an individual ("Victim-1") became a client of GNOLEBA SERI, the defendant, for the purpose of applying for a green card for Victim-1's spouse ("Applicant-1").

b. Victim-1 received SERI's assistance in filling out an I-864 Form and also sent SERI Victim-1's W-2 forms, pay stubs, and tax returns.

c. Victim-1 and Applicant-1 met with SERI three times. Over the course of the three meetings, SERI assisted the couple in getting and filling out the paperwork, and in preparing for their interview with USCIS.

d. Applicant-1 filed for a green card in October 2012. Since that time, neither Victim-1 nor Applicant-1 had any further contact with SERI or his legal practice.

e. On or about March 19, 2013, Victim-1 was listed as a financial sponsor on an I-864 Form for another individual ("Applicant-2"), which was signed and notarized by SERI as the preparer. The information on the I-864 Form for Applicant-2 was substantially similar to the information in Applicant-1's I-864 Form, including Victim-1's place of birth, social security number, and place of work. Applicant-2's I-864 Form also contained the same pay stubs, proof of employment, and tax information that was contained in Applicant-1's I-864 Form.

f. In an interview with the IO, Victim-1 stated that Victim-1 did not recognize Applicant-2's name or photograph. Moreover, Victim-1 stated that the signature on Applicant-2's I-864 Form was not actually Victim-1's signature. Victim-1 also had not authorized SERI to list Victim-1 as a financial sponsor for Applicant-2.

g. I have reviewed Victim-1's signature on Applicant-1's I-864 Form and the signature purporting to be Victim-1's on Applicant-2's I-864 Form. Based on my review, I do not believe they are the same signature.

VICTIM-2

8. Based on my review of interview reports of the IO and immigration documents, I have learned, among other things, the following:

a. Another individual ("Victim-2") provided information for and signed an I-864 Form on behalf of a friend ("Applicant-3") on or about July 28, 2012. Victim-2 also gave Applicant-3 tax statements, W-2 forms, and work information for the I-864 Form.

b. Victim-2 provided information directly to Applicant-3, and did not know whether Applicant-3 used an attorney or not.

c. Applicant-3's I-864 Form was signed and notarized by GNOLEBA SERI, the defendant, as the preparer.

d. On or about August 7, 2012, Victim-2 was listed as a financial sponsor on an I-864 Form for another individual ("Applicant-4"), which was signed and notarized by SERI as the preparer. The information on Applicant-4's I-864 was substantially similar to the information in Applicant-3's I-864 Form, including Victim-2's place of birth, social security number, place of work, and income for the past year. Applicant-4's I-864 Form also contained the same pay stubs, proof of employment, and tax information that was contained in Victim-2's friend's I-864 Form.

e. On or about August 27, 2012, Victim-2 was listed as a financial sponsor on an I-864 Form for another individual ("Applicant-5"), which was signed and notarized by SERI as the preparer. The information on Applicant-5's I-864 Form was substantially similar to the information in Applicant-3's I-864, including Victim-2's place of birth, social security number, place of work, and income for the past year. Applicant-5's I-864 Form also contained the same pay stubs, proof of employment, and tax information that was contained in Applicant-3's I-864 Form.

f. In an interview with the IO, Victim-2 stated that Victim-2 did not recognize Applicant-4's or Applicant-5's names or photographs. Furthermore, Victim-2 stated that the signatures on Applicant-4's and Applicant-5's I-864 Forms were not actually Victim-2's signatures. Victim-2 also had not authorized SERI to list Victim-2 as a financial sponsor for Applicant-4 and Applicant-5.

VICTIM-3

9. Based on my review of interview reports of the IO and immigration documents, I have learned, among other things, the following:

a. Another individual ("Victim-3") provided information for and signed an I-864 Form on behalf of Victim-3's cousin ("Applicant-6") on or about June 24, 2014. Victim-3 also provided Applicant-6 with tax statements and pay stubs to support the I-864 Form.

b. Victim-3 recalls that the I-864 Form for Applicant-6 was prepared by a male, African attorney. Based on my involvement in this investigation, I know that GNOLEBA SERI, the defendant, is male and from the Ivory Coast.

c. Applicant-6's I-864 Form was signed and notarized by SERI as the preparer.

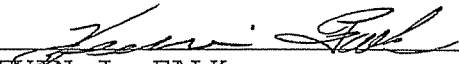
d. On or about July 14, 2014, Victim-3 was listed as a financial sponsor on an I-864 for another individual ("Applicant-7"), which was signed and notarized by SERI as the preparer. The information on Applicant-7's I-864 Form was substantially similar to the information in Applicant-6's I-864, including Victim-3's place of birth, social security number, place of work, and income for the past year. Applicant-7's I-864 Form also included the same pay stubs, proof of employment, and tax information that were contained in Applicant-6's I-864 Form.

e. In an interview with the IO, Victim-3 stated that Victim-3 had not sponsored Applicant-7 and that Victim-3 did not recognize a photograph of Applicant-7. Furthermore, Victim-3 stated that the signature on Applicant-7's I-864 Form was not actually Victim-3's signature. Victim-3 also had not authorized SERI to list Victim-3 as a financial sponsor for Applicant-7.

10. I have examined the I-864 Forms prepared by or on behalf of the Victims, as well as the fraudulent I-864 Forms that contain the Victims' information. All of the Forms list GNOLEBA SERI, the defendant, as the preparer and are signed by SERI. Moreover, SERI's notary public stamp appears on many of the I-864 Forms, including those that the Victims were not aware of and never signed. Based on my comparison of the fraudulent I-864 Forms with those prepared by or on behalf of the Victims, the notary public stamp and SERI's signature appear similar.

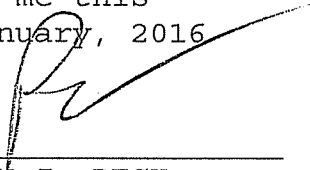
11. Based on my review of immigration documents, I have learned that a number of the I-864 Forms – both legitimate and fraudulent – submitted by GNOLEBA SERI, the defendant, were mailed from SERI's law offices in New York, New York, and list his office as the return address.

WHEREFORE, the deponent prays that a warrant issue for the arrest of GNOLEBA SERI, the defendant, and that he be arrested and imprisoned or bailed, as the case may be.



KEVIN J. FALK
Special Agent
Homeland Security Investigations

Sworn to before me this
__th day of January, 2016



HONORABLE ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK