

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA :
:
- v. - :
:
ILONA DZHANGAROVA, :
IGOR REZNIK, and :
ARTHUR ARCADIAN, :
:
Defendants. :
----- X

SEALED INDICTMENT

21 Cr.

21 CRIM 58

COUNT ONE
(Conspiracy to Commit Immigration Fraud)

The Grand Jury charges:

1. ILONA DZHANGAROVA, the defendant, is an immigration attorney who, at all times relevant to this Indictment, operated a law firm based in Brooklyn, New York (the "Dzhamgarova Firm"). The Dzhamgarova Firm assisted clients, primarily aliens from Russia and the Commonwealth of Independent States, seeking visas asylum, citizenship, and other forms of legal status in the United States.

2. At all times relevant to this Indictment, the Dzhamgarova Firm helped certain of its clients obtain asylum under fraudulent pretenses. It did so in a number of ways. Among other things, ILONA DZHANGAROVA, the defendant, 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, DZHAMGAROVA advised clients to falsely claim that they were persecuted in their home countries, when DZHAMGAROVA understood that no such persecution actually took place. DZHAMGAROVA also instructed clients to obtain and provide various forms of false evidence, which were included in clients' asylum applications, to bolster clients' fraudulent applications.

3. The Dzhamgarova Firm also employed individuals, including IGOR REZNIK, the defendant, who knowingly drafted fraudulent affidavits on behalf of the Dzhamgarova Firm's 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 completely concocted by REZNIK. REZNIK and others also instructed Dzhamgarova Firm clients to memorize the details of these false affidavits, and coached clients to lie under oath during interviews conducted by United States Citizenship and Immigration Services ("USCIS") asylum officers and court hearings conducted by immigration judges.

4. ILONA DZHAMGAROVA, the defendant, also personally prepared clients' fraudulent asylum applications and submitted them to USCIS. Further, DZHAMGAROVA and her husband, ARTHUR

ARCADIAN, the defendant, who was also an attorney, represented Dzhamgarova Firm clients in proceedings before USCIS asylum officers and immigration judges. During these proceedings, DZHAMGAROVA and ARCADIAN knowingly provided false information to asylum officers and judges and/or allowed, and at times coached, Dzhamgarova Firm clients to lie under oath.

BACKGROUND ON THE ASYLUM PROCESS

5. Pursuant to federal immigration law, to obtain asylum in the United States, an alien is required to show that he or she has suffered persecution in his or her country of origin on account of race, religion, nationality, political opinion, or membership in a particular social group, or has a well-founded fear of persecution if he or she were to return to such country.

6. Alien applicants 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. Alien applicants are permitted to append to the Form I-589 an affidavit (an "Asylum Affidavit"), providing greater detail about the applicant's background and basis for seeking asylum. 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 alien applicant and preparer are required to sign the petition under penalty of perjury. The

alien applicant must typically apply for asylum within one year of their arrival in the United States.

7. After the Form I-589 is submitted, the alien applicant is interviewed by a USCIS officer (the "Asylum Officer") to determine whether the applicant qualifies for asylum. At the interview, the applicant is permitted to speak on his or her own behalf, and can present witnesses or documentation in support of his or her asylum claim. After the interview, the Asylum Officer determines whether the alien applicant qualifies for asylum.

8. If an alien applicant is granted asylum, he or she receives a completed Form I-94 that reflects that the USCIS has granted him or her asylum status. The grant of asylum typically applies to the applicant's spouse and children as well. An alien who has a Form I-94 can apply for, among other things, lawful permanent resident status. A grant of asylum status does not expire, although USCIS can terminate asylum status if, among other things, it is later discovered that the applicant obtained asylum through fraud or no longer has a well-founded fear of persecution in his or her home country.

9. If the Asylum Officer determines that the applicant is ineligible for asylum status, and if the applicant is in the United States illegally, the matter is referred to an Immigration Judge at the Executive Office for Immigration

Review. The Immigration Judge holds a hearing during which the alien applicant, and commonly an immigration lawyer, appear before the Immigration Judge and present evidence in support of the asylum application. In New York City, all immigration hearings take place in New York, New York. After the hearing, the Immigration Judge renders a decision on the alien's asylum application. If the Immigration Judge denies the asylum application the applicant may appeal that decision to the Board of Immigration Appeals ("BIA"). If the applicant loses his or her appeal before the BIA the applicant may appeal to a federal court.

10.

11. At all times relevant to this Indictment, a successful application for asylum generally required, among other things, that:

a. The applicant submit his or her application within one year of his or her last arrival in the United States;

b. The applicant demonstrate that he or she is a "refugee," meaning, in general terms, that he or she is unable to return to his or her country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion;

c. The applicant subscribe to the assertions contained in his or her application for asylum under penalty of perjury; and

d. The applicant be interviewed, under oath, by an asylum officer.

12. In the course of their work with the Dzhamgarova Firm, ILONA DZHAMGAROVA, IGOR REZNIK, and ARTHUR ARCADIAN, the defendants, and others known and unknown, conspired to provide applicants and potential applicants for asylum with assistance in making and supporting fraudulent claims for asylum. Specifically, DZHAMGAROVA, REZNIK, ARCADIAN, and others known and unknown, helped applicants and potential applicants (i) concoct false and fraudulent stories that would purport to satisfy the aforementioned criteria for asylum, (ii) obtain fraudulent evidence that purported to support those false and fraudulent assertions, (iii) prepare and submit asylum applications containing the false and fraudulent assertions, and (iv) prepare for and accompany applicants to the asylum interview at which the applicant would be required to reiterate the false and fraudulent assertions.

Statutory Allegations

13. From at least in or about November 2018, up to and including at least in or about December 2020, in the Southern District of New York and elsewhere, ILONA DZHAMGAROVA, IGOR

REZNIK, and ARTHUR ARCADIAN, the defendants, and others known and unknown, knowingly and willfully did combine, conspire, confederate and agree together and with each other to commit offenses against the United States, to wit, to violate Section 1546(a) of Title 18, United States Code.

14. It was a part and an object of the conspiracy that ILONA DZHANGAROVA, IGOR REZNIK, and ARTHUR ARCADIAN, the defendants, and others known and unknown, unlawfully, willfully, and knowingly would and did utter, use, attempt to use, possess, obtain, accept, and receive an immigrant and nonimmigrant 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, and would and did make under oath, and as permitted under penalty of perjury under section 1746 of Title 28, United States Code, subscribe as true, a false statement with respect to a material fact in an application, affidavit, and other document required by the immigration laws and regulations prescribed thereunder, and would and did present such application, affidavit, and other document which contained such false statement and which failed to contain a reasonable

basis in law and fact, in violation of Title 18, United States Code, Section 1546(a).

Overt Acts

15. In furtherance of said conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about November 2018, in Brooklyn, New York, ILONA DZHAMGAROVA, the defendant, met with a witness ("Witness-1"), who was posing as an alien seeking legal status in this country, whereupon, among other things, DZHAMGAROVA advised that Witness-1 could seek asylum on the basis that Witness-1 feared persecution in Witness-1's home country because of Witness-1's purported sexual orientation, namely that Witness-1 was a lesbian, when in fact DZHAMGAROVA understood that Witness-1 was not a lesbian.

b. During the same meeting with Witness-1, in or about November 2018, in Brooklyn, New York, DZHAMGAROVA advised Witness-1 to obtain a membership card at a particular Lesbian, Gay, Bisexual, and Transgender ("LGBTQ") organization located in New York, New York (the "LGBT Center"), so that said membership card could be included in and used to bolster Witness-1's false asylum application.

c. During the same meeting with Witness-1, in or about November 2018, in Brooklyn, New York, DZHAMGAROVA advised Witness-1 to identify a female associate in the United States who could pose as Witness-1's romantic interest and sign a letter of support (the "Letter of Support") on behalf of Witness-1, to be included with Witness-1's asylum application. DZHAMGAROVA indicated that someone at the Dzhamgarova Firm would write the Letter of Support, such that Witness-1's associate only need sign it, and DZHAMGAROVA indicated that a "journalist" working for DZHAMGAROVA would write Witness-1's Asylum Affidavit for Witness-1.

d. On or about December 16, 2019, in Brooklyn, New York, DZHAMGAROVA met with a cooperating witness ("CW-1"), who, at the direction of law enforcement, was posing as an applicant for asylum, whereupon DZHAMGAROVA advised CW-1 about grounds upon which CW-1 could seek asylum. During that meeting, DZHAMGAROVA suggested that CW-1 file for asylum on the purported basis of CW-1's nationality, to wit, that CW-1 was a Ukrainian national who, DZHAMGAROVA suggested, might claim to have been persecuted for being of Russian descent.

e. On or about January 6, 2020, in Brooklyn, New York, DZHAMGAROVA met with CW-1, and assisted CW-1 in concocting false and fraudulent assertions to be submitted in an asylum application, to wit, while understanding that CW-1 was a

heterosexual individual who did not actually suffer persecution for CW-1's sexual orientation, DZHANGAROVA discussed with CW-1 ways in which CW-1 could prepare an asylum application on the false claim that CW-1 was a gay male who was persecuted in CW-1's native country, Ukraine, such that it was unsafe for CW-1 to return to Ukraine, and justifying CW-1's asylum in this country.

f. On or about February 7, 2020, in Brooklyn, New York, DZHANGAROVA met CW-1, and directed CW-1 to obtain an LGBT membership card from the LGBT Center in New York, New York, which CW-1 did, so that said card could be included in and used to bolster CW-1's asylum application based on the false claim of persecution for CW-1's purported sexual orientation.

g. On or about March 3, 2020, in Brooklyn, New York, DZHANGAROVA met CW-1, whereupon DZHANGAROVA placed a telephone call to IGOR REZNIK, the defendant, to schedule a meeting between REZNIK and CW-1 such that REZNIK could help construct and write CW-1's Asylum Affidavit.

h. On or about March 5, 2020, while in Brooklyn, New York, DZHANGAROVA mailed to USCIS a Form I-589 asylum application on behalf of CW-1. Among other things, the Form I-589 indicated that CW-1 "fear[ed] harm and mistreatment by government officials and society due to [CW-1's] membership in a particular social group" and that CW-1 was "afraid of being subjected to torture in my home country by police and other law

enforcement authorities due to my membership in a particular social group" which was defined elsewhere in the Form I-589 as the "LGBT social group and community." The Form I-589 listed DZHANGAROVA's name, address, and signature as the preparer of the document. Immediately above DZHANGAROVA'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)."

i. On or about March 19, 2020, CW-1 placed two telephone calls to IGOR REZNIK, the defendant, who was in New York, New York. During the ensuing conversations, CW-1 indicated to REZNIK that CW-1 was heterosexual, but needed assistance crafting an Asylum Affidavit, which would support CW-1's claim of persecution in Ukraine based on CW-1's sexual orientation. During the conversations, REZNIK concocted and drafted a narrative about CW-1's purported history of persecution in Ukraine, including by fabricating purported events in CW-1's life that never actually occurred, knowing this information to be false. Among other things, REZNIK advised CW-1 that REZNIK would continue to work on CW-1's purported Asylum Affidavit and then send it to the office of DZHANGAROVA. REZNIK further advised CW-1 to read the Asylum Affidavit multiple times to memorize the facts contained therein, and suggested CW-1

rewrite the story himself to retain the details of the story in his memory, so that CW-1 would be prepared for CW-1's interview with an Asylum Officer.

j. On or about April 10, 2020, REZNIK, engaged in additional telephonic conversations with CW-1, whereupon, among other things, REZNIK discussed certain modifications that REZNIK made to CW-1's purported asylum backstory. As part of the conversation, REZNIK offered additional purported facts, fabricated by REZNIK, to be included in CW-1's narrative.

k. On or about November 2, 2020, in Brooklyn, New York, DZHANGAROVA and REZNIK met CW-1. Among other things, REZNIK coached CW-1 in preparation for CW-1's interview with an Asylum Officer, and advised that CW-1 needed to memorize the details of CW-1's Asylum Affidavit as if CW-1 wrote it himself. During the meeting, REZNIK fabricated and added additional content to the Asylum Affidavit involving CW-1's persecution based on CW-1's status as a Russian-speaking Ukrainian. During the same visit, CW-1 provided the Dzhamgarova Firm with a copy of CW-1's LGBT Center membership card.

l. On November 12, 2020, while in Bethpage, New York, CW-1 met with ARTHUR ARCADIAN, the defendant, in advance of CW-1's interview with an Asylum Officer. ARCADIAN was aware that CW-1's asylum application was based on the false pretense that CW-1 was persecuted in Ukraine due to CW-1's sexual

orientation. Nevertheless, ARCADIAN helped CW-1 prepare for CW-1's asylum interview, by, among other things, posing questions as if ARCADIAN was the Asylum Officer, and by providing suggestions on how CW-1 should answer certain questions. Thereafter, ARCADIAN accompanied CW-1 to CW-1's asylum interview, whereupon ARCADIAN provided to the Asylum Officer with several documents in support of CS-1's asylum application, including, among other things, the fraudulent Asylum Affidavit concocted by REZNIK and CW-1's LGBT Center membership card.

(Title 18, United States Code, Section 371.)

FORFEITURE ALLEGATION

16. As a result of committing the offense alleged in Count One of this Indictment, ILONA DZHANGAROVA, IGOR REZNIK, and ARTHUR ARCADIAN, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(6)(A)(ii)(I), all property, real and personal, that constitutes or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of the offense, including but not limited to a sum in United States currency representing the amount of proceeds obtained as a result of the offense.

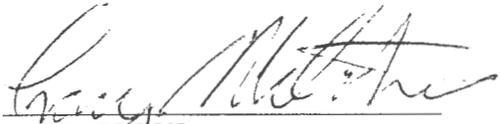
Substitute Assets Provision

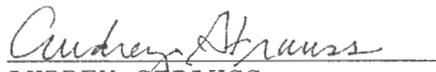
17. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)


FOREPERSON


AUDREY STRAUSS
United States Attorney

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Defendants.

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(18 U.S.C. §§ 371 and 1546.)

Audrey Strauss
United States Attorney


Foreperson
