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for the Northern Mariana Islands
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Attorneys for the United States of America

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**MARIANO K. PANGELINAN,
ROSABELLA P. CRUZ, and
HELEN N. APARENTE,**

Defendants.

Case

CR 13-0013

INDICTMENT

Count 1: Conspiracy to Commit Visa
Fraud and to Defraud the United States
(18 U.S.C. § 371)

Counts 2-18: Visa Fraud
(18 U.S.C. § 1546(a), fourth paragraph)

Count 19: False Statement
(18 U.S.C. § 1001(a)(2))

Criminal Forfeiture Allegation: Proceeds
and Facilitating Property
(18 U.S.C. § 926(a)(6))

1 THE GRAND JURY CHARGES:

2 COUNT 1

3 1. At times material to this indictment:

4 a. From 1978 to 2008, the Commonwealth of the Northern Mariana Islands
5 (“CNMI” or “Commonwealth”) controlled its immigration.

6 b. In 2008, the Consolidated Natural Resources Act of 2008 (“CNRA”), Pub.
7 L. 110–229, 122 Stat. 754, 853 (2008), *codified at* 48 U.S.C. § 1806 *et seq.*, came into law. The

1 CNRA created “a transition period beginning on the transition program effective date and ending
2 on December 31, 2014, . . . during which the Secretary of Homeland Security, in consultation
3 with the Secretary of State, the Attorney General, the Secretary of Labor, and the Secretary of
4 the Interior, shall establish, administer, and enforce a transition program to regulate immigration
5 to the Commonwealth[.]” 48 U.S.C. § 1806(a)(2).

6 c. A component of this “transition program to regulate immigration to the
7 Commonwealth” was the “CNMI–Only Transitional Worker” permit, or “CW-1” permit. The
8 CW-1 permit allowed employers in the CNMI to apply for temporary permission to employ
9 foreign (nonimmigrant) workers who were otherwise ineligible to work under other
10 nonimmigrant worker categories under federal immigration law.

11 d. U.S. Citizenship and Immigration Services (“USCIS”) of the Department
12 of Homeland Security was the federal government agency that, among other things, oversaw
13 lawful immigration to the United States. In this role, it was also the federal government agency
14 charged with administering the CW-1 permit program.

15 e. The CW-1 permit existed under 8 C.F.R. § 214.2(w).

16 f. To obtain a CW-1 permit, an alien had to, among other things, “[be]
17 “petitioned for by an employer.” 8 C.F.R. § 214.2(w)(2)(ii). An alien could not obtain a CW-1
18 without the petition of an “employer.” The petition that had to be completed to obtain a CW-1
19 permit for an alien was called “Form I-129CW.”

20 i. “Employer” meant “a person, firm, corporation, contractor, or
21 other association, or organization” that (1) “[e]ngages a person to work within the CNMI” and
22 (2) “[h]as or will have an employer-employee relationship with the CW-1.” 8 C.F.R. §
23 214.2(w)(1)(iii).

1 ii. “Employer-employee relationship” meant a relationship where “the
2 employer will hire, pay, fire, supervise, and control the work of the employee.” 8 C.F.R. §
3 214.2(w)(1)(iv).

4 iii. “Petition” meant “USCIS Form I-129CW, Petition for a CNMI-
5 Only Nonimmigrant Transitional Worker, a successor form, other form, or electronic equivalent,
6 any supplemental information requested by USCIS, and additional evidence as may be
7 prescribed or requested by USCIS.” 8 C.F.R. § 214.2(w)(1)(x).

8 g. ARCH INTERNATIONAL CO., LTD. (“ARCH”) was a corporation
9 existing under the laws of the CNMI. ARCH held itself out as a job-placement agency that could
10 help aliens in need of CW-1 permits find employment and obtain CW-1 permits.

11 h. Defendant MARIANO K. PANGELINAN was the primary corporate
12 officer of ARCH.

13 i. Defendants ROSABELLA P. CRUZ and HELEN N. APARENTE were
14 employees at ARCH.

15 The Conspiracy and Its Objects

16 2. From on or about July of 2011, through on or about July of 2013, in the District of
17 the Northern Mariana Islands and elsewhere, Defendants PANGELINAN, CRUZ, and
18 APARENTE knowingly conspired with each other and with other persons known and unknown
19 to the Grand Jury:

20 a. to commit offenses against the United States—namely, to subscribe as true
21 and cause to be subscribed as true, under penalty of perjury, false statements with respect to
22 material facts in applications and other documents required by the immigration laws and
23 regulations prescribed thereunder, in violation of Title 18, United States Code, Section 1546(a);

1 and

2 b. to defraud the United States by using deceitful and dishonest means to
3 obstruct and impair the lawful governmental functions of USCIS, in its function of administering
4 and enforcing the regulations and laws related to the CW-1 permit, in violation of Title 18,
5 United States Code, Section 371.

6 Manner and Means

7 3. To achieve the objects of the conspiracy, Defendants PANGELINAN, CRUZ, and
8 APARENTE, among other things:

9 a. prepared and filed, on behalf of aliens present in the District of the
10 Northern Mariana Islands, CW-1 petitions with USCIS that falsely and fraudulently named
11 ARCH as each alien's "employer," when ARCH did not employ these aliens, and that included
12 as supporting evidence fake employment contracts between ARCH and each alien; and

13 b. when faced with questions from USCIS about the CW-1 petitions,
14 manufactured and caused to be manufactured and assisted in the manufacturing of additional
15 false and fraudulent evidence, such as fake tax documents for the aliens supposedly employed by
16 ARCH, for the purpose of wrongfully persuading USCIS that ARCH employed the aliens; and

17 c. actively discouraged aliens who had questions about their CW-1 petitions
18 from taking their questions to USCIS, by warning them that USCIS would handcuff them and
19 send them home.

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1 Overt Acts

2 4. On or about the dates alleged below, in the District of the Northern Mariana
3 Islands, Defendants PANGELINAN, CRUZ, and APARENTE committed the following overt
4 acts, among others, to further the conspiracy and to achieve its objects:

<u>OVERT ACT #</u>	<u>DATE</u>	<u>DESCRIPTION</u>
1	November 2011	CRUZ used an ARCH office computer to prepare a Form I-129CW for L.D.S.
2	November 2011	CRUZ used an ARCH office computer to prepare a CW-1 petition for M.P.
3	November 2011	CRUZ used an ARCH office computer to prepare a CW-1 petition for M.E.
4	Nov. 23, 2011	PANGELINAN executed WAC #12-040-50583, a fraudulent Form I-129CW, on behalf of A.L.
5	Nov. 24, 2011	PANGELINAN executed WAC #12-045-50645, a fraudulent Form I-129CW, on behalf of A.C., I.C., M.C., L.D.S., A.P., M.P., A.Q., Z.R., and Z.T.
6	Nov. 24, 2011	PANGELINAN executed WAC #12-041-50603, a fraudulent Form I-129CW, on behalf of J.R.
7	Nov. 24, 2011	PANGELINAN executed WAC #12-041-50724, a fraudulent Form I-129CW, on behalf of E.S.
8	Jan. 9, 2012	CRUZ took payment in the amount of \$32.32 from alien A.Q. for "one month tax," and issued ARCH receipt #3991 for this payment.
9	Jun. 29, 2012	APARENTE took payment in the amount of \$55.00 from alien I.C. for "TAX," and issued ARCH receipt #633683 for this payment.
10	Aug. 7, 2012	APARENTE took payment in the amount of \$84.00 from alien A.Q. for "TAX," and issued ARCH receipt #633704 for this payment.
11	Aug. 10, 2012	APARENTE took payment in the amount of \$50.00 from alien I.C. for "TAX" and "office fee," and issued ARCH receipt #633714 for this payment.
12	Nov. 29, 2012	In a recorded conversation with a cooperating witness who had paid ARCH money but had never worked for ARCH, PANGELINAN said, among other things: "[E]ven though you got no job, you pay taxes. . . . Yes, to fake the government." When the witness mentioned USCIS, PANGELINAN said "Don't go over there!", and twice warned that "immigration" would "handcuff" the witness and "send them home."

13	Nov. 29, 2012	In a recorded conversation with a cooperating witness who had paid ARCH money but had never worked for ARCH, APARENTE said to the witness, among other things: "He is our employer. We are lying that we are working here, that he accepted us, and there is an employment contract. . . . To think, he is our employer, right? It means we work for him, but that is only a lie to the government so we are hired without any jobs[.]"
14	Nov. 30, 2012	In a recorded cooperation with a cooperating witness, APARENTE said, among other things: "[W]e submitted employment contracts which means we have an employer. We are employees so what Tax & Revenue and CIS is thinking is that we have income. . . . [W]hat I want to make clear for you is that (this person) made a lie that we all have jobs."
15	Dec. 1, 2012	During a meeting with ARCH "employees" that was recorded by a cooperating witness, PANGELINAN said, among other things: "I mentioned that thing since last year even though you're not working, let's fake the government that you're working. Because I know that, since I work for the federal."
16	Dec. 1, 2012	During a meeting with ARCH "employees" that was recorded by a cooperating witness, APARENTE said, among other things: "That's why us, he made up a lie that we are all his employees, so you guys need to pay the taxes. That is what he being asked for. He made a lie for us, to cover us before, that we all have papers. . . . That is what he wants to make clear to you. That us, he just covered us although we don't have work actually."
17	Dec. 1, 2012	APARENTE took payment in the amount of \$60.00 from alien I.C. for "TAX" and "office fee," and issued ARCH receipt #633795 for this payment
18	Jun. 5, 2013	In a recorded conversation with a cooperating witness who had paid ARCH money but had never worked for ARCH, PANGELINAN said that the witness's CW-1 was not approved because "you guys don't pay taxes," and that the witness owed "28.42 for taxes a month"

- 1 5. All in violation of Title 18, United States Code, Section 371.
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- 3 \\\
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COUNTS 2 - 14

1. Paragraph 1 of Count 1 is incorporated here.

2. On or about the dates alleged below, in the District of the Northern Mariana Islands, Defendants MARIANO K. PANGELINAN and ROSABELLA P. CRUZ knowingly subscribed as true under penalty of perjury under the laws of the United States of America a false statement with respect to a material fact in an I-129CW, a document required by the immigration laws and regulations prescribed thereunder:

<u>COUNT</u>	<u>DATE</u>	<u>ALIEN INITIALS</u>	<u>WAC #</u>
2	Nov. 23, 2011	A.L.	12-040-50583
3	Nov. 24, 2011	A.C.	12-045-50645
4	Nov. 24, 2011	I.C.	12-045-50645
5	Nov. 24, 2011	M.C.	12-045-50645
6	Nov. 24, 2011	L.D.S.	12-045-50645
7	Nov. 24, 2011	J.L.	12-041-50705
8	Nov. 24, 2011	A.P.	12-045-50645
9	Nov. 24, 2011	M.P.	12-045-50645
10	Nov. 24, 2011	A.Q.	12-045-50645
11	Nov. 24, 2011	J.R.	12-041-50603
12	Nov. 24, 2011	Z.R.	12-045-50645
13	Nov. 24, 2011	E.S.	12-041-50724
14	Nov. 24, 2011	Z.T.	12-045-50645

3. Specifically, in each instance set forth above, Defendants PANGELINAN and CRUZ certified under penalty of perjury "that [each] petition and the evidence submitted with it

1 [was] all true and correct”—a statement they knew was false, in that (1) in each petition the
2 Defendants represented that ARCH was the relevant alien’s “employer,” when in fact, as the
3 Defendants knew, ARCH did not employ that alien; and (2) as part of the evidence
4 accompanying each petition the Defendants submitted an employment contract between ARCH
5 and the particular alien, which employment contract was false and fraudulent in each case
6 because, as the Defendants knew, ARCH did not employ that alien and the employment contract
7 was produced solely to deceive USCIS and to lead USCIS to wrongly believe that ARCH
8 employed that alien.

9 4. All in violation of Title 18, United States Code, Section 1546(a), fourth
10 paragraph.

11 COUNTS 15 - 18

12 1. Paragraph 1 of Count 1 is incorporated here.

13 2. On or about the dates alleged below, in the District of the Northern Mariana
14 Islands, Defendants MARIANO K. PANGELINAN and HELEN N. APARENTE knowingly
15 subscribed as true under penalty of perjury under the laws of the United States of America a false
16 statement with respect to a material fact in an I-129CW, a document required by the immigration
17 laws and regulations prescribed thereunder:

<u>COUNT</u>	<u>DATE</u>	<u>ALIEN INITIALS</u>	<u>WAC #</u>
15	May 23, 2012	A.A.	12-170-50984
16	May 23, 2012	H.C.	12-170-50984
17	May 23, 2012	A.M.	12-170-50984
18	May 23, 2012	G.S.	12-170-50984

18 3. Specifically, in each instance set forth above, Defendants PANGELINAN and

1 APARENTE certified under penalty of perjury “that [each] petition and the evidence submitted
2 with it [was] all true and correct”—a statement they knew was false, in that (1) in each petition
3 the Defendants represented that ARCH was the relevant alien’s “employer,” when in fact, as the
4 Defendants knew, ARCH did not employ that alien; and (2) as part of the evidence
5 accompanying each petition the Defendants submitted an employment contract between ARCH
6 and the particular alien, which employment contract was false and fraudulent in each case
7 because, as the Defendants knew, ARCH did not employ that alien and the employment contract
8 was produced solely to deceive USCIS and to lead USCIS to wrongly believe that ARCH
9 employed that alien; and (3) as part of the evidence accompanying each petition the Defendants
10 submitted tax documents purporting to show that ARCH was paying wages to each alien and
11 withholding taxes, which tax documents were false and fraudulent in each case because, as
12 Defendants knew, ARCH did not pay that alien any wages and the tax documents were produced
13 solely to deceive USCIS and to lead USCIS to wrongly believe that ARCH employed that alien.

14 4. All in violation of Title 18, United States Code, Section 1546(a), fourth
15 paragraph.

16 COUNT 19

17 1. On or about November 28, 2012, in the District of the Northern Mariana Islands,
18 Defendant ROSABELLA P. CRUZ knowingly and willfully made materially false, fictitious,
19 and fraudulent statements and representations within the jurisdiction of U.S. Citizenship and
20 Immigration Services—specifically, (1) she stated in a signed, dated, and submitted Form G-
21 325A that she had been working at “ARCH INTERNATIONAL CO. INC.” from July of 2011
22 until “Present Time,” when in fact her employment with ARCH had been terminated in January
23 of 2012; and (2) she represented in a signed, dated and submitted letter to USCIS that “[she]

1 ha[d] never had any type of legal trouble[.]” when in fact she had been convicted of theft in the
2 Superior Court of the Commonwealth of the Northern Mariana Islands in Case Number 06-0162-
3 CR.

4 2. All in violation of Title 18, United States Code, Section 1001(a)(2).

5 CRIMINAL FORFEITURE ALLEGATION

6 1. Upon conviction of Conspiracy to Commit Visa Fraud, in violation of 18 U.S.C. §
7 371, as charged in Count 1, or Visa Fraud, in violation of 18 U.S.C. § 1546, as charged in Counts
8 2 through 14, Defendants MARIANO K. PANGELINAN, ROSABELLA P. CRUZ, and HELEN
9 N. APARENTE shall forfeit to the United States of America:

10 a. any conveyance—including any vehicle —used in the commission of the
11 offense;

12 b. any property, real or personal, that constitutes, or is derived from or is
13 traceable to proceeds obtained directly or indirectly from the commission of the offense; and

14 c. any property, real or personal, that was used to facilitate, or was intended
15 to be used to facilitate, the commission of the offense.

16 2. If any of the property described above, as a result of any act or omission of the
17 Defendants PANGELINAN, CRUZ, and APARENTE:

18 a. cannot be located upon the exercise of due diligence,

19 b. has been transferred or sold to, or deposited with, a third party,

20 c. has been placed beyond the jurisdiction of the court,

21 d. has been substantially diminished in value, or

22 e. has been commingled with other property that cannot be divided
23 without difficulty,

1 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title
2 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section
3 982(b)(1), and Title 28, United States Code, Section 2461(c).

4 3. All pursuant to Title 18, United States Code, Section 982(a)(6), and Title 28,
5 United States Code, Section 2461(c).

Dated this 22nd day of October, 2013.

ALICIA A.G. LIMTIACO
United States Attorney

By: Ross K. Naughton
ROSS K. NAUGHTON
Assistant United States Attorney

A TRUE BILL.

Signature of foreperson has been
REDACTED pursuant to the Privacy Policy of the
Judicial Conference of the United States.

Foreperson