

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

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CRIMINAL DOCKET NO. 13-106

v.

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SECTION: C

**MOISES CHICAJ-IMUL
a/k/a Moises Chicaj**

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FACTUAL BASIS

Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **MOISES CHICAJ-IMUL** (hereinafter “**CHICAJ**”) has agreed to plead guilty as charged to the two-count indictment charging him with fraud and misuse of a Permanent Resident Card, in violation of Title 18, United States Code, Section 1546(a), and illegal use of a Social Security number, in violation of Title 42, United States Code, Section 408(a)(7)(B).

A Homeland Security Investigations Special Agent (hereinafter the “agent”) would testify that in March of 2013, Homeland Security Investigations (hereinafter “HSI”) was contacted by Fleming Construction Company in Kenner, Louisiana to report that it received information that one

of its employees was possibly using the Social Security Number of another person. HSI investigated this, and learned that the Social Security Administration (hereinafter, "SSA") had issued Social Security Number XXX-XX-8536 to an individual who lived outside of Louisiana, and whose name was not that of the Fleming Construction Company employee using that number. HSI contacted that individual, who reported never having been present in the state of Louisiana and never having worked for Fleming Construction Company.

HSI agents obtained a Department of Homeland Security Form I-9 completed in the name "Moises Chicaj," later determined to be the defendant, on August 12, 2008, upon the commencement of his employment with Fleming Construction in the Eastern District of Louisiana. HSI agents reviewed the Form I-9 and a copy of the documents used by the defendant to obtain employment. The defendant listed Social Security Number XXX-XX-8536 and Alien number XXX-XXX-635 as his own in order to complete the Form I-9. The defendant also attested on the Form I-9, under penalty of perjury, that he was a lawful permanent resident. The Form I-9 contains the defendant's signature declaring that the information he provided on the form is true. The Form I-9 reveals that the defendant presented Fleming Construction Company with a Permanent Resident Card bearing Alien number XXX-XXX-635. Copies of the Permanent Resident Card bearing Alien number XXX-XXX-635 and the Social Security card bearing number XXX-XX-8536 were attached to the Form I-9 as proof of employment eligibility and identification.

HSI agents encountered the defendant, **CHICAJ**, on April 30, 2013, at the Fleming Construction Company in Kenner. HSI agents found the Permanent Resident Card bearing Alien number XXX-XXX-635 and the Social Security card bearing number XXX-XX-8536 in the name "Moises Chicaj" that were earlier used to complete the Form I-9 in the defendant's possession. HSI

agents determined that **CHICAJ** was unlawfully present in the United States, and he was administratively arrested for an immigration violation.

An HSI agent explained the Miranda rights to the defendant in Spanish, and he waived those rights and agreed to give a statement. The defendant identified himself as **MOISES CHICAJ-IMUL** and admitted that he was a citizen of Guatemala. **CHICAJ** said he purchased the Permanent Resident Card bearing Alien number XXX-XXX-635 and the Social Security card bearing number XXX-XX-8536, both bearing the name “Moises Chicaj” through a friend for \$50.00. The defendant believed the Permanent Resident Card and Social Security card found in his possession were counterfeit. **CHICAJ** further told agents that he used the Permanent Resident Card and Social Security card to obtain work at the Fleming Construction Company.

Testimony of an official from United States Citizenship and Immigration Services (hereinafter, “CIS”) regarding record checks conducted through the Computer Linked Application Information Management System would show that the defendant, **CHICAJ**, did not receive consent from the United States Attorney General or his designated successor, the Secretary of the Department of Homeland Security, to enter the United States.

A CIS official would further testify that Permanent Resident Cards are issued to individuals who lawfully apply for and are granted lawful permanent resident status by CIS. The CIS official would testify that Permanent Resident Cards are issued to lawful permanent residents for entry into and evidence of authorized stay and employment in the United States. The CIS official would testify each person granted lawful permanent resident status is issued an Alien Registration number, which is printed on the Permanent Resident Card issued to that person. The CIS official would further testify that the issuance of Permanent Resident Cards is administered and regulated by CIS, an

agency of the United States Department of Homeland Security.

Records from CIS and HSI would be introduced to show the defendant, **CHICAJ**, did not lawfully apply for nor receive lawful permanent resident status. The CIS official would also testify that Alien Registration number XXX-XXX-635 printed on the Permanent Resident Card possessed and used by the defendant was not assigned to him, according to CIS and HSI records.

Records from the SSA would be introduced into evidence to show that Social Security Number XXX-XX-8536 was not properly assigned to the defendant. SSA records would further show that Fleming Construction Company reported to the SSA that it paid wages to an individual using Social Security Number XXX-XX-8536.

A forensic specialist from the HSI Forensic Document Laboratory would testify that he conducted physical, microscopic, instrumental and comparative examinations of the Permanent Resident Card and Social Security card used and possessed by **CHICAJ** and concluded that the cards are counterfeit.

ROBERT WEIR
Special Assistant United States Attorney

Date

MOISES CHICAJ
Defendant

Date

VALERIE JUSSELIN
Attorney for Defendant

Date