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Twenty-Six Individuals, Including Six Lawyers, Charged In Manhattan Federal Court With Participating In Immigration Fraud Schemes Involving Hundreds Of Fraudulent Asylum Applications

FOR IMMEDIATE RELEASE

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Applications Containing Fabricated Claims of Persecution Were Allegedly Submitted By at Least 10 New York City Law Firms

Preet Bharara, the United States Attorney for the Southern District of New York, George Venizelos, the Assistant Director-in-Charge of the New York Field Office of the Federal Bureau of Investigation ("FBI"), Raymond W. Kelly, the Commissioner of the Police Department for the City of New York ("NYPD"), and Patricia A. Menges, the Director of the New York Asylum Office of the United States Citizenship and Immigration Services ("USCIS") announced today the unsealing of nine Indictments charging a total of 26 defendants with allegedly participating in separate but overlapping immigration fraud schemes related to the submission of hundreds of asylum applications containing fabricated claims of persecution. As alleged in the Indictments, at least 10 New York City area law firms created and submitted these fraudulent applications on behalf of alien applicants and coached them on how to lie to immigration authorities. Of the 26 defendants charged, 21 work at the various law firms, six as attorneys. Also charged are four translators who work at an asylum office in Queens, New York; and an employee at a church in Queens where she allegedly provides training in basic Christianity to asylum applicants falsely claiming to have been persecuted in China for their religious beliefs. Twenty-one defendants were taken into custody late this morning and will be presented and arraigned this afternoon and tomorrow before United States Magistrate Judge Sarah Netburn. Of the remaining defendants, two will be surrendering tomorrow and three are at large. U.S. District Judges Ronnie Abrams, Robert P. Patterson, Sidney H. Stein, Victor Marrero, John G. Koeltl, and William H. Pauley III have been assigned to these cases.

Manhattan U.S. Attorney Preet Bharara stated: "Our asylum laws exist to provide a safe haven in the United States to immigrants subject to persecution in their own countries for exercising freedoms fundamental to a democracy. As alleged, these defendants, including six attorneys and a church employee, exploited those laws by weaving elaborate fictions on behalf of hundreds of would-be asylum seekers, coaching them on how to lie on their applications, stepping in when they went off script, and lying to immigration judges at court hearings. Asylum fraud imposes a tremendous burden on the system and it also makes it more difficult for those who are legitimately seeking refuge in this country."

FBI Assistant Director-in-Charge George Venizelos: "The defendants allegedly conspired criminally to exploit the safe haven our nation provides for asylum-seekers. They aided and abetted immigrants in falsely claiming to be victims of persecution. Some of the defendants are officers of the court who have violated the canons of their profession as well as the law. Others,

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including a church employee, used religion like a fake passport or phony ID – a perversion of religious freedom. The FBI is committed to policing unscrupulous exploitation of the asylum process.”

NYPD Commissioner Raymond W. Kelly said: “Those who allegedly exploit the government’s asylum process for profit potentially put the country at risk by enabling the immigration of people with false identities and unknown histories. While the NYPD is not investigating individual applicants for asylum, detectives will work with their federal partners to arrest anyone who exploits the system at others’ expense and potentially blocks legitimate asylum seekers from access to better lives in the process.”

USCIS New York Asylum Office Director Patricia A. Menges stated: “I want to thank the FBI and the NYPD for helping us protect the asylum program against exploitation and fraud so that we may again concentrate on those in need of protection.”

According to the allegations in the nine Indictments unsealed today in Manhattan federal court:

Pursuant to federal immigration law, in order to obtain asylum in the U.S., aliens are required to show that they have suffered persecution in their country of origin on account of race, religion, nationality, political opinion, or membership in a particular social group, or have a well-founded fear of persecution if they were to return to that country. The process requires an application that is reviewed by an asylum officer with the U.S. Citizenship and Immigration Services, who makes an initial determination whether to grant asylum. If asylum is denied, the case is referred to an Immigration Judge, who receives testimony from the applicant and hears argument from the applicant’s attorney.

The schemes alleged in today’s Indictments involved the submission of hundreds of fraudulent asylum applications on behalf of Chinese aliens by law firms in the Chinatown area of Manhattan and Queens. The defendants – lawyers and employees at 10 different law firms and their co-conspirators – including translators who work at an asylum office, profited by creating and submitting asylum applications containing false stories of persecution purportedly suffered by alien applicants. The defendants who worked at the law firms also provided the asylum applicants with educational materials related to their fabricated claims and coached the applicants to lie in their interviews with immigration authorities.

To perpetuate these schemes, the law firms made up stories of persecution that often followed one of three fact patterns: (a) forced abortions performed pursuant to China’s family planning policy; (b) persecution based on the client’s belief in Christianity; or (c) political or ideological persecution, typically for membership in China’s Democratic Party or against followers of Falun Gong.

Typically, non-lawyer employees at the law firms, acting at the direction of the attorneys, prepared the false asylum applications and coached the clients on how to lie in their interviews with immigration authorities. A translator provided by the law firms usually accompanied the client to the interview, and falsely translated any answers provided by the applicant that did not conform to the fabricated story presented to the asylum officer. In some cases where the client was not actually a Christian but was claiming persecution based on religious affiliation, an employee at one of the law firms referred the client to a church in Queens to receive training in the basic tenets of Christianity and to obtain certificates proving that he or she belonged to the church.

If an application was denied by the asylum officer, an attorney from the law firm assumed representation of the client before an Immigration Judge. In advance of the hearing, the attorney would typically meet with the client to prepare him or her for the hearing. At these preparation sessions, the attorney frequently instructed the client on what to say to ensure that nothing was said that contradicted the story that the law firm had fabricated. At the

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hearing, the client would falsely testify under oath in response to the attorney's questioning about the fictitious story of persecution.

* * *

All 26 defendants are charged with conspiring to commit immigration fraud. Five defendants are also charged with substantive counts of immigration fraud and two defendants are charged with identity fraud in connection with the sale of fake Chinese birth certificates. A chart containing the names, ages and residence information of the defendants charged in each of the nine Indictments is attached.

In *United States v. Ken Giles, et al.*, both defendants face a maximum penalty of 15 years in prison. In *United States v. Freddy Jacobs et al.*, both defendants face a maximum penalty of 25 years in prison. In *United States v. Liying Lin, a/k/a "the Deacon,"* the defendant faces a maximum penalty of 35 years in prison. In *United States v. John Wang, et al.*, two of the four defendants face a maximum penalty of 20 years in prison. The remaining 19 defendants face a maximum penalty of five years in prison.

Mr. Bharara praised the investigative work of the FBI, the NYPD, and USCIS.

This investigation was initiated upon a referral by the New York Asylum Office, U.S. Citizenship and Immigration Services, Department of Homeland Security

The prosecution is being handled by the Office's Organized Crime Unit. Assistant United States Attorneys Harris Fischman and Robert Boone are in charge of the prosecution.

The charges contained in the Indictments are merely accusations, and the defendants are presumed innocent unless and until proven guilty.

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