



U.S. Immigration  
and Customs  
Enforcement

# News Release

May 27, 2005

## **ICE REMOVES AN ADMITTED TERRORIST AND A MEMBER OF OUTLAWED MILITANT GROUP TO PAKISTAN**

*One was a resident of San Francisco; the other a resident of Philadelphia*

WASHINGTON, D.C. – Michael J. Garcia, Homeland Security Assistant Secretary for U.S. Immigration and Customs Enforcement (ICE), today announced ICE has deported to Pakistan two individuals with terrorist affiliations in recent days.

One of those removed, an admitted member of a U.S.-designated terrorist organization in Pakistan, resided in the San Francisco Bay area. The other individual was a resident of Philadelphia who is affiliated with a sectarian militant group in Pakistan that was outlawed by the Pakistani government in 2001 due to its involvement in massacres and targeted killings there.

“These cases demonstrate how ICE is prioritizing for removal those individuals who pose threats to our national security. These two removals also demonstrate the value of ICE’s immigration authorities as critical components in the federal government’s anti-terror efforts,” said Assistant Secretary Garcia.

Khamal Muhammad, 23, a native and citizen of Pakistan, first entered the United States in December 2001 as a V-2 non-immigrant based upon a visa petition by his mother. He subsequently took up residence in the San Francisco Bay area. In January 2004, federal agents conducted an interview of Muhammad, during which he admitted that in August 2000 he had joined the Harakat ul-Mujahidin (HUM) organization. HUM was designated as a terrorist organization by the Secretary of State in 1997, pursuant to Section 219 of the Immigration and Nationality Act (INA). HUM is regarded as a component of Al Qaeda and its leader is believed to be a close associate of Osama bin Laden.

During a subsequent interview with ICE agents, Muhammad admitted he had attended a HUM training camp where he was trained in the use of pistols, rifles and grenades. On January 6, 2004, ICE attorneys charged Muhammad with violating Section 237(a)(1)(B) of the INA by overstaying his authorized period of admission as a V-2 nonimmigrant. Muhammad was detained without bond.

At subsequent hearings before a federal Immigration Judge, Muhammad again admitted that he joined HUM and was trained at a camp where he learned to use weapons. He also admitted he served as an armed guard and cook for other HUM members. Muhammad withdrew all applications for legal relief from removal,

accepted an order of removal, and waived all rights to appeal. Although Muhammad later attempted several legal maneuvers to prevent the deportation order, he and his attorney ultimately dropped these actions, enabling ICE Detention and Removal officers to successfully remove him to Pakistan on May 17, 2005.

The second individual removed from the United States by ICE was Hamid Sheikh, 41, a native and citizen of Pakistan, who was living in the Philadelphia area. Sheikh has claimed that he entered the United States illegally in April 1985.

In June 2003, the Philadelphia Joint Terrorism Task Force (JTTF) initiated an investigation of certain individuals in Philadelphia. The JTTF probe identified a local cab driver, Agha Ali Abbas Qazalbash, living in the Philadelphia area as a member of Sipah-e-Mohammed Pakistan (SMP) a militant Shia organization in Pakistan. In August 2001, the Pakistani government outlawed the SMP after massacres and killings were attributed to the group.

Sheikh was identified by the JTTF investigation as a close friend of Qazalbash. On August 15, 2003, a federal grand jury in Eastern District of Pennsylvania indicted Sheikh on one count of making false statements to federal agents regarding the whereabouts of Qazalbash, in violation of 18 U.S.C. § 1001(a)(2). On February 12, 2004, Sheikh was convicted of the offense and he was sentenced to 16 months incarceration. Although he pleaded guilty to the criminal charge, he subsequently appealed to the Third U.S. Circuit Court of Appeals.

Upon completion of his criminal sentence, Sheikh was transferred to ICE custody and charged on security-related grounds as a removable alien pursuant to INA § 237(a)(4)(A)(ii) as "an alien who has engaged, is engaged, or at any time after admission engages in any other criminal activity which endangers public safety or national security."

ICE attorneys argued that Sheikh engaged in a criminal activity endangering public safety or national security by misleading and lying to federal agents for several days regarding the whereabouts of Qazalbash. Specifically, ICE attorneys argued that Sheikh engaged in an elaborate ruse by taking agents to Qazalbash's home and by maintaining the appearance that he was present in the United States, when in fact Sheikh had driven Qazalbash to purchase airline tickets for a flight to Pakistan and knew he had departed.

Under ICE's contention, Sheikh endangered public safety or national security by causing agents to mobilize nearly 50 agents in two states over the course of several days, thereby diverting them from other investigations and duties.

On January 21, 2005, a federal Immigration Judge issued an order sustaining ICE's charge of removability against Sheikh. The Judge found that Sheikh's criminal conduct of intentionally distracting or hindering federal and state officers from performing their duties of protecting national security could reasonably be interpreted as endangering public safety or national security. On February 28, 2005, at his individual merits hearing, Sheikh withdrew his applications for relief from removal and accepted a final order of removal to Pakistan. Sheikh's request for voluntary dismissal of his appeal to the Third U.S. Circuit Court of Appeal was granted on April 25, 2005. ICE subsequently removed Sheikh from the country on May 17, 2005.

**#ICE#**

*U.S. Immigration and Customs Enforcement was established in March 2003 as the largest investigative arm of the Department of Homeland Security. ICE is comprised of five integrated divisions that form a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities.*