

ORIGINAL

SEALED

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

2017 JUL 12 PM 2:36

DEPUTY CLERK _____



UNITED STATES OF AMERICA

v.

BILAL AHMED KHALEEQ (1)
AMNA CHEEMA (2)

CRIMINAL NO.

3-17CR-359-N

INDICTMENT

The Grand Jury charges:

Introduction

At all times material to this indictment:

1. The United States Citizenship and Immigration Services ("USCIS") is an agency of the United States, located within the Department of Homeland Security, a department within the executive branch of the United States. USCIS is responsible for processing and reviewing applications for aliens, that is, non-citizens of the United States, to adjust their immigration status.
2. Qualified aliens who enter into a bona fide marriage with a United States citizen may apply for permanent resident status. A bona fide marriage is one that is not entered into for the purpose of receiving an immigration benefit. The process for becoming a permanent resident requires the United States citizen ("USC") spouse to file, among other forms, a Form I-130, Petition for Alien Relative, ("I-130"). The I-130 is filed by the

USC spouse (who is the petitioner) on behalf of the alien spouse (who is the beneficiary) with USCIS.

3. The purpose of the I-130 is to establish the USC spouse's intent to sponsor the alien spouse for lawful permanent residence and verify the existence of the claimed relationship. In the context of an I-130 based on marriage, approval of the petition is based on whether the marriage is bona fide. The I-130 requires the petitioner spouse to provide accurate identifying information for both spouses and any dependent children.

4. The I-130 also requires the USC spouse to provide supporting documentation to prove that the marriage was not entered into for the purpose of evading the immigration laws of the United States. Examples of the necessary documentation are divorce decrees for any prior marriages, documentation showing joint ownership of property, leases showing joint tenancy of a common residence, documentation showing co-mingling of financial resources, and affidavits from third parties having personal knowledge of the legitimacy of the marital relationship.

5. After the I-130 and supporting documents are submitted to USCIS, an initial review of the materials is made. Following an initial review of the petition and supporting documents, an interview by USCIS with both the USC spouse and the alien spouse is scheduled. On the scheduled interview date, an USCIS adjudications officer will typically interview the USC spouse and the alien spouse together unless the officer suspects the marriage is not bona fide. In that case, the officer will schedule separate interviews to compare responses from both spouses. After the interview, the officer may

deem the marriage bona fide and approve the petition, request additional documentary evidence, or schedule a subsequent interview. The approval of an I-130 (in this context) signifies a finding by USCIS that a bona fide marriage exists between the USC spouse and alien spouse.

6. An alien who is the beneficiary of an approved I-130 may apply for permanent resident status by filing a Form I-485, Application to Register Permanent Residence or Adjust Status (“I-485”). If the I-130 petition is based on marriage to a USC, the I-485 may be filed together with the I-130 petition with USCIS (for concurrent processing). The I-485 is focused on the alien’s eligibility to become a permanent resident under the immigration laws of the United States. As part of the I-485, the petitioner must also submit Form I-864, Affidavit of Support Under Section 213 (“I-864”) to ensure that the alien will not become a financial burden on the United States. Additional documentation is required regarding the alien’s identity, biographic history, and the alien spouse is required to have a medical examination by an approved USCIS physician. In addition, USCIS will collect the alien spouse’s fingerprints for a criminal background check.

7. Once USCIS has been provided with all the required documents and background checks have been completed, the officer will either approve or deny the application. An approved I-485 provides the alien legal permanent resident (“LPR”) status or conditional resident (“CR”) status. In cases where the alien has been married to their USC spouse for less than two years at the time the I-485 is approved, the alien will be given CR status. Aliens given CR status must then file an I-751, Petition to Remove Conditions (“I-751”)

within two years after the I-485 was approved. The I-751 petition provides USCIS another opportunity to assess the authenticity of the marriage. If the marriage has terminated by the time the I-751 is filed, the alien spouse may still seek to file a waiver of the joint petition based on specific exceptions. An approved I-751 removes the conditions on the alien's permanent residence and the alien becomes a LPR.

8. An alien who is granted LPR status may in the future apply to become a United States citizen through a process known as naturalization. However, an alien may also remain an LPR as long as the alien has the continuous intention to reside permanently in the United States and maintains LPR status in accordance with the Immigration and Nationality Act.

9. **Bilal Ahmed Khaleeq** is an attorney practicing in Dallas, Texas. His practice areas include immigration, family law, and bankruptcy, among others. **Amna Cheema** is a Pakistani national employed by **Khaleeq's** law firm as a legal assistant. **Cheema** does not have legal status or employment authorization in the United States.

Count One
Conspiracy to Commit Marriage Fraud
[Violation of 18 U.S.C. § 371 (8 U.S.C. § 1325(c))]

10. The Grand Jury hereby re-alleges and incorporates by reference the allegations set forth in the Introduction of this indictment.

11. Beginning in or about May 2015, in the Dallas Division of the Northern District of Texas, the defendants, **Khaleeq** and **Cheema**, and others both known and unknown to the Grand Jury, knowingly and unlawfully combined, conspired, confederated and agreed together and with each other to unlawfully enter into a marriage for the purpose of evading a provision of the immigration laws in violation of 8 U.S.C. § 1325(c).

Manner and Means of the Conspiracy

It was part of the conspiracy that:

12. **Khaleeq**, with others known and unknown to the Grand Jury, solicited a United States citizen, Person A, to marry **Cheema** in order for **Cheema** to obtain lawful permanent residence based on marriage to a USC.

13. In exchange for a fee, Person A agreed to marry **Cheema** to obtain her lawful permanent residence.

14. **Khaleeq** and **Cheema**, with others known and unknown to the Grand Jury, prepared, reviewed, filed and caused to be filed immigration forms with USCIS, including Forms I-130 and I-485, and other applications which falsely and fraudulently represented that **Cheema** and Person A were legitimately married.

15. **Khaleeq** counseled **Cheema** and Person A regarding how to represent a bona fide marriage to USCIS to avoid denial of the applications for lawful permanent residence, including but not limited to, responses to questions at the USCIS interview, filing of joint tax returns, securing insurance benefits as a married couple, and representing a joint residence when, in fact, no bona fide marital relationship existed.

Overt Acts

16. In or about May 2015, **Khaleeq**, with others known and unknown to the Grand Jury, knowingly and intentionally solicited Person A (a naturalized U.S. citizen originally from India) to marry **Cheema** for the purpose of obtaining lawful permanent residence for **Cheema**. In exchange for entering into a fraudulent marriage and proceeding through the permanent residence process, Person A received a payment of \$745.00 with promises of additional monies upon approval of the I-485 application. **Khaleeq** arranged the marriage, advised **Cheema** regarding the filing of the I-130 petition and represented the parties at the interview with USCIS. **Cheema** and Person A were married in Dallas County on June 15, 2015.

17. After **Cheema** and Person A had been married, **Khaleeq** advised the parties on the preparation of the I-130 petition and supporting documents needed to make the marriage appear legitimate, including but not limited to, joint bank accounts, tax returns, bills concerning their joint residence and other fraudulent evidence including photos. On or about July 10, 2015, the parties filed Forms I-130 and I-485 with USCIS.

18. From January 26, 2016, through March 7, 2017, **Khaleeq**, **Cheema** and Person A had several discussions regarding the immigration process and the documentary evidence needed to represent **Cheema** and Person A as a bona fide married couple for the purposes of the immigration benefit. In doing so, **Khaleeq** advised both parties that such an arrangement was in violation of federal criminal law, but specifically advised them it was highly unlikely there would be criminal consequences to their actions.

19. On or about January 26, 2016, Person A met with **Khaleeq** to discuss his concerns about the legal consequences of the arranged marriage and green card process. **Khaleeq** assured Person A he would not be prosecuted as long as he did not admit culpability. In addition, **Khaleeq** coached Person A how to address the questions that would be posed during the USCIS interview process. Among other advisals, **Khaleeq** specifically instructed Person A to tell the USCIS Adjudications Officer that he cohabitated with **Cheema** even though that was a false statement. **Khaleeq** also advised Person A that if he thought the Adjudications Officer believed the marriage was fraudulent, Person A could just withdraw the petition without any criminal liability.

20. On or about April 27, 2016, USCIS scheduled the I-130 interview for **Cheema** and Person A. **Khaleeq** attended the interview as the parties' legal counsel. After the interview, **Khaleeq** advised the parties that if a USCIS officer came to their residence for a site check, they should not let them enter the residence. In addition, **Khaleeq** advised Person A to leave some articles of clothing in **Cheema's** residence to make it appear that he was residing there.

21. On or about March 7, 2017, Person A met with **Khaleeq** and **Cheema** at **Khaleeq's** law office for the purposes of filing joint tax returns to provide additional evidence in support of the I-130 and I-485 applications. In addition, the parties discussed how long Person A and **Cheema** should remain married in order for **Cheema** to obtain her lawful permanent residence.

All in violation of 18 U.S.C. § 371 (8 U.S.C. § 1325(c)).

A TRUE BILL



FOREPERSON

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SEALED INDICTMENT

18 U.S.C. § 371 (8 U.S.C. § 1325(c))
Conspiracy to Commit Marriage Fraud

1 Count

A true bill rendered

DALLAS



FOREPERSON

Filed in open court this 12th day of July, 2017.

Warrant to be Issued for all Defendants



UNITED STATES MAGISTRATE JUDGE
No Criminal Matter Pending