

FILED

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

2015 JUN 25 PM 3: 19

CLERK, US DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE FLORIDA

UNITED STATES OF AMERICA

v.

MARK LAURENCE BARLAAN  
WINNIE RABAYA BARLAAN  
MARY HELEN AMABA BARLAAN  
PETER LAFORTEZA BARLAAN

Case No. 3:15-cr-94-J-25MCR  
Ct. 1: 18 U.S.C. § 371  
Ct. 2: 8 U.S.C. § 1325(c) and  
18 U.S.C. § 2  
Cts. 3-5: 18 U.S.C. §§ 1546(a)  
and 2  
Cts. 6-8: 18 U.S.C. § 1001  
Ct. 9: 18 U.S.C. § 1425(b)  
Forfeitures: 18 U.S.C. § 982(a)(6)

**INDICTMENT**

The Grand Jury charges:

**COUNT ONE**  
**(Conspiracy)**

A. Introduction

1. The Department of Homeland Security, U.S. Citizenship and Immigration Services (hereinafter "USCIS"), is a department and agency within the executive branch of the Government of the United States. USCIS is responsible for, among other things, reviewing applications and other documents submitted by aliens seeking immigration benefits and citizenship and determining whether such applications should be granted.

2. Under United States immigration laws, aliens married to U.S. citizens are given priority in the granting of immigration benefits over otherwise similarly situated aliens who are not married to U.S. citizens.

3. The defendants MARK LAURENCE BARLAAN (hereinafter "MARK"), WINNIE RABAYA BARLAAN (hereinafter "WINNIE"), MARY HELEN AMABA BARLAAN (hereinafter "MARY"), and PETER LAFORTEZA BARLAAN (hereinafter "PETER") were each born in and were citizens of the Republic of the Philippines.

4. MARK was born in 1979; WINNIE was born in 1950; MARY was born in 1982; and PETER was born in 1952.

5. MARK is PETER's son.

6. On or about July 5, 1972, WINNIE became a lawful permanent resident of the United States.

7. On or about July 9, 1991, PETER became a lawful permanent resident of the United States.

8. On or about January 4, 1993, PETER married a citizen of the Philippines in the Philippines.

9. On or about April 3, 2006, WINNIE became a naturalized citizen of the United States.

10. On or about November 1, 2007, MARY was admitted to the United States on a B-2 visa, which allowed her to visit the United States temporarily.

11. On or about December 20, 2008, MARK was admitted to the United States on an H-1B visa, which allowed him to work in the United States temporarily.

12. Beginning at an unknown time before MARY arrived in the United States, MARY and MARK were in a romantic relationship with each other in the

Philippines, a relationship that continued in the United States until at least in or about September, 2013.

13. MARY and PETER have never been in a romantic relationship with each other.

14. MARK and WINNIE have never been in a romantic relationship with each other.

15. WINNIE and PETER both worked at the same beach club resort in St. Johns County, Florida.

16. On or about January 21, 2009, PETER and his wife divorced.

17. On or about September 8, 2009, PETER became a naturalized citizen of the United States.

**B. Charge**

From in or about August, 2009, through in or about September, 2013, in Duval County and St. Johns County, in the Middle District of Florida, and elsewhere,

**MARK LAURENCE BARLAAN,  
WINNIE RABAYA BARLAAN,  
MARY HELEN AMABA BARLAAN,  
PETER LAFORTEZA BARLAAN,**

the defendants herein, did knowingly and intentionally, combine, conspire, confederate, and agree with each other and with other persons, known and unknown, to commit the following offenses against the United States:

1. to knowingly enter into a marriage for the purpose of evading, and aiding and abetting the evasion of, a provision of the

immigration laws, in violation of Title 8, United States Code, Section 1325(c), and Title 18, United States Code, Section 2;

2. to knowingly subscribe as true under penalty of perjury false statements with respect to material facts in applications, affidavits, and other documents required by the immigration laws and the regulations prescribed thereunder and knowingly present such documents containing false statements to USCIS, and aid and abet the making of such false statements and cause the presenting of such documents, in violation of Title 18, United States Code, Sections 1546(a) and 2; and
3. to knowingly and willfully make materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of USCIS, an agency of the executive branch of the United States, and aid and abet the making of such false statements, in violation of Title 18, United States Code, Sections 1001 and 2.

**C. Manner and Means**

1. It was a part of the manner and means of the conspiracy that the defendants entered into marriages for the purpose of evading, and to aid and abet the evasion of, a provision of the immigration laws of the United States, that is, for the purpose of obtaining legal permanent residence and citizenship in the United States for MARK and MARY more quickly and without their meeting the

requirements for such benefits that are applicable to persons who are not married to United States citizens.

2. It was further a part of the manner and means of the conspiracy that the defendants completed and submitted, and caused to be submitted, applications and other documents to USCIS to obtain immigration benefits, including legal permanent residence and citizenship, for MARK and MARY based on their marriages, which the defendants knew were entered into for the purpose of evading a provision of the immigration laws.

3. It was further a part of the manner and means of the conspiracy that the defendants made false statements on the applications and other documents submitted to USCIS, which were required by the immigration laws of the United States, in an attempt to conceal the fact that they had committed marriage fraud, that is, to conceal the fact that they had entered into marriages to evade a provision of the immigration laws.

4. It was further a part of the manner and means of the conspiracy that the defendants made false statements in matters within the jurisdiction of USCIS, an agency of the executive branch of the United States, both in writing, in the documents they submitted, and orally, in interviews and other interactions and encounters with USCIS officers, in an attempt to conceal the fact that they had committed marriage fraud and to convince USCIS that their marriages were "legitimate" and were not entered into for the purpose of evading a provision of the immigration laws.

5. It was further a part of the manner and means of the conspiracy that the defendants performed acts and made statements to hide and conceal and cause to be hidden and concealed the purpose of the conspiracy and the acts committed in furtherance thereof.

**D. Overt Acts**

In furtherance of the conspiracy and to effect the objects thereof, the following overt acts, among others, were committed and were caused to be committed in the Middle District of Florida:

1. On or about September 9, 2009—the day after PETER became a naturalized United States citizen—PETER married MARY.
2. On or about September 20, 2009, MARY filed a Form I-485, Application to Register Permanent Residence or Adjust Status, with USCIS.
3. On or about September 20, 2009, PETER filed a Form I-130, Petition for Alien Relative, with USCIS, for the benefit of MARY.
4. On or about January 20, 2010, USCIS approved MARY's Form I-485, Application to Register Permanent Residence or Adjust Status, and granted her conditional permanent residence in the United States.
5. On or about October 25, 2011, MARK married WINNIE.
6. From on or about October 25, 2011, through an unknown date but no later than in or about September, 2013, PETER paid WINNIE a total of several thousand dollars in exchange for her marrying MARK and cooperating in MARK's

immigration proceedings by, among other things, making false statements to USCIS about the nature and circumstances of the marriage.

7. On or about November 2, 2011, MARY filed a Form I-751, Petition to Remove Conditions on Residence, with USCIS.

8. In the Form I-751, MARY falsely represented that she had not ever committed any crime for which she was not arrested when, as MARY knew, she had committed the crime of marriage fraud, that is, she had entered into a marriage with PETER for the purpose of evading a provision of the immigration laws of the United States, before she filed the Form I-485 application for permanent residence.

9. In the Form I-751, MARY and PETER falsely certified that the petition was true and correct and that their marriage was not entered into for the purpose of procuring an immigration benefit when, as they knew, MARY had falsely stated in the petition that she had never committed any crime for which she was not arrested and, as they also knew, they had entered into a marriage for the purpose of evading a provision of the immigration laws of the United States and procuring an immigration benefit—permanent residence and citizenship—for MARY.

10. On or about January 11, 2012, MARK filed a Form I-485, Application to Register Permanent Residence or Adjust Status, with USCIS.

11. On or about January 11, 2012, WINNIE filed a Form I-130, Petition for Alien Relative, with USCIS, for the benefit of MARK.

12. In the Form I-130, WINNIE falsely represented that she and MARK had lived together at a residence with an address in Jacksonville, Florida, from

October 25, 2011, through the date she signed the petition, January 6, 2012, when, as WINNIE knew, they had not lived together at that address.

13. On or about June 12, 2012, during separate interviews conducted by a USCIS officer, MARK and WINNIE made false statements about the circumstances of their relationship and marriage, including that MARK proposed to WINNIE at her apartment (according to MARK) and that MARK proposed to WINNIE while they were driving around in a car (according to WINNIE).

14. On or about August 30, 2012, MARK sent a letter to USCIS in which he falsely stated that his marriage to WINNIE was "a legitimate marriage and the I-130 my wife filed follows the letter of the law" when, as he knew, he had committed marriage fraud, that is, he had entered into the marriage for the purpose of evading a provision of the immigration laws of the United States and when, as he also knew, WINNIE had falsely represented in the Form I-130 that they had lived together from October 25, 2011, through January 6, 2012.

15. On or about September 12, 2012, USCIS approved MARY's Form I-751, Petition to Remove Conditions on Residence.

16. On or about February 21, 2013, MARY filed a Form N-400 Application for Naturalization, with USCIS.

17. In the Form N-400, MARY falsely represented that she had not ever committed a crime or offense for which she was not arrested, that she had not ever given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal, and that



she had not ever lied to any U.S. government official to gain entry or admission into the United States, when, as she knew, she had committed the offense of marriage fraud for which she was not arrested, she had given false and misleading information to U.S. government officials about the nature of her marriage while applying for a visa and for lawful permanent residence and to prevent deportation, exclusion, and removal, and she had lied to U.S. government officials about the nature of the marriage to gain entry and admission into the United States.

18. On or about April 24, 2013, during an interview by a USCIS officer, MARY represented that the false statements in her Form N-400 Application for Naturalization were true.

19. On or about April 24, 2013, USCIS approved MARY's Form N-400 Application for Naturalization.

20. On or about June 5, 2013, MARY became a naturalized citizen of the United States and was issued a Certificate of Naturalization.

21. On or about October 25, 2013, MARK filed for divorce from WINNIE and on or about January 15, 2014, the divorce was granted.

22. On or about January 29, 2014, PETER filed for divorce from MARY and on or about July 24, 2014, the divorce was granted.

All in violation of Title 18, United States Code, Section 371.

**COUNT TWO**  
**(Marriage Fraud)**

On or about October 25, 2011, in Duval County, in the Middle District of Florida,

MARK LAURENCE BARLAAN,  
WINNIE RABAYA BARLAAN,

the defendants herein, did knowingly enter into a marriage for the purpose of evading, and to aid and abet the evasion of, a provision of the immigration laws of the United States.

In violation of Title 8, United States Code, Section 1325(c), and Title 18, United States Code, Section 2.

**COUNT THREE**  
**(False Statement in Immigration Document)**

Between or about October 24, 2011, and on or about November 2, 2011, in Duval County, in the Middle District of Florida,

MARY HELEN AMABA BARLAAN,

the defendant herein, did knowingly subscribe as true under penalty of perjury a false statement with respect to a material fact in a Form I-751, Petition to Remove Conditions on Residence, a document required by the immigration laws of the United States and regulations prescribed thereunder, that is, she falsely stated that she had not ever committed any crime for which she was not arrested and falsely certified that the petition was true and correct and that her marriage to PETER LAFORTEZA BARLAAN was not entered into for the purpose of procuring an

immigration benefit when, as the defendant knew, she had committed the crime of marriage fraud, that is, she had entered into a marriage for the purpose of evading a provision of the immigration laws of the United States, for which she was not arrested and when, as she also knew, she had entered into the marriage for the purpose of procuring an immigration benefit, and she did knowingly present the Form I-751 containing the false statements, and caused it to be presented, to the Department of Homeland Security, U.S. Citizenship and Immigration Services.

In violation of Title 18, United States Code, Sections 1546(a) and 2.

**COUNT FOUR**  
**(False Statement in Immigration Document)**

Between or about October 24, 2011, and on or about November 2, 2011, in Duval County, in the Middle District of Florida,

PETER LAFORTEZA BARLAAN,

the defendant herein, did knowingly subscribe as true under penalty of perjury a false statement with respect to a material fact in a Form I-751, Petition to Remove Conditions on Residence, a document required by the immigration laws of the United States and regulations prescribed thereunder, that is, he falsely certified that the petition was true and correct and that his marriage to MARY HELEN AMABA BARLAAN was not entered into for the purpose of procuring an immigration benefit when, as he knew, MARY HELEN AMABA BARLAAN had falsely stated in the petition that she had never committed any crime for which she was not arrested when in fact she had committed the crime of marriage fraud, that is, she had

entered into a marriage for the purpose of evading a provision of the immigration laws of the United States, for which she was not arrested and when, as he also knew, he had entered into the marriage for the purpose of procuring an immigration benefit for MARY HELEN AMABA BARLAAN, and he did knowingly present the Form I-751 containing the false statements, and caused it to be presented, to the Department of Homeland Security, U.S. Citizenship and Immigration Services.

In violation of Title 18, United States Code, Sections 1546(a) and 2.

**COUNT FIVE**  
**(False Statement in Immigration Document)**

Between or about January 6, 2012, and on or about January 11, 2012, in Duval County, in the Middle District of Florida,

WINNIE RABAYA BARLAAN,

the defendant herein, did knowingly subscribe as true under penalty of perjury a false statement with respect to a material fact in a Form I-130, Petition for Alien Relative, a document required by the immigration laws and regulations prescribed thereunder, that is, she falsely stated that she and MARK LAURENCE BARLAAN had lived together at a residence with an address in Jacksonville, Florida, from October 25, 2011, through the date she signed the petition, January 6, 2012, when, as she knew, they had not lived together at that address, and she did knowingly present the Form I-130 containing the false statement, and caused it to be

presented, to the Department of Homeland Security, U.S. Citizenship and Immigration Services.

In violation of Title 18, United States Code, Sections 1546(a) and 2.

**COUNT SIX**  
**(False Statement to Federal Agency)**

On or about June 12, 2012, in Duval County, in the Middle District of Florida,

WINNIE RABAYA BARLAAN,

the defendant herein, did knowingly and willfully make a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the Department of Homeland Security, U.S. Citizenship and Immigration Services ("USCIS"), a department and agency within the executive branch of the Government of the United States, when, during an interview by a USCIS officer, she made false statements about the circumstances of her relationship with and marriage to MARK LAURENCE BARLAAN, including that he proposed to her while they were driving around in a car and that he began living with her on the day that they were married, statements that the defendant knew were false.

In violation of Title 18, United States Code, Section 1001.

**COUNT SEVEN**  
**(False Statement to Federal Agency)**

On or about June 12, 2012, in Duval County, in the Middle District of Florida,

MARK LAURENCE BARLAAN,

the defendant herein, did knowingly and willfully make a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the Department of Homeland Security, U.S. Citizenship and Immigration Services ("USCIS"), a department and agency within the executive branch of the Government of the United States, when, during an interview by a USCIS officer, he made false statements about the circumstances of his relationship with and marriage to WINNIE RABAYA BARLAAN, including that he proposed to her at her apartment and that he began living with her after they were married, statements that the defendant knew were false.

In violation of Title 18, United States Code, Section 1001.

**COUNT EIGHT**  
**(False Statement to Federal Agency)**

On or about August 30, 2012, in Duval County, in the Middle District of  
Florida,

MARK LAURENCE BARLAAN,

the defendant herein, did knowingly and willfully make a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the Department of Homeland Security, U.S. Citizenship and Immigration Services

("USCIS"), a department and agency within the executive branch of the Government of the United States, when he sent a letter to USCIS in which he stated that his marriage to WINNIE RABAYA BARLAAN was "a legitimate marriage and the I-130 my wife filed follows the letter of the law" when, as he knew, he had committed marriage fraud, that is, he had entered into the marriage for the purpose of evading a provision of the immigration laws of the United States, and when, as he also knew, WINNIE RABAYA BARLAAN had falsely represented in the Form I-130, Petition for Alien Relative, that they had lived together from October 25, 2011, through January 6, 2012.

In violation of Title 18, United States Code, Section 1001.

**COUNT NINE**  
**(Fraudulent Procurement of Naturalization and Citizenship)**

From on or about February 21, 2013, through on or about June 5, 2013, in Duval County, in the Middle District of Florida, and elsewhere,

MARY HELEN AMABA BARLAAN,

the defendant herein, did knowingly apply for, procure, and obtain naturalization, citizenship, and a certificate of naturalization and citizenship for herself, to which, as she knew, she was not entitled, by falsely representing and causing to be falsely represented in a Form N-400 Application for Naturalization submitted to, and in an interview conducted by, the Department of Homeland Security, U.S. Citizenship and Immigration Services, that she had not ever committed a crime or offense for which she was not arrested, that she had not ever given false or misleading information to

any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal, and that she had not ever lied to any U.S. government official to gain entry or admission into the United States, when, as she knew, she had committed the crime of marriage fraud, that is, she had entered into a marriage for the purpose of evading a provision of the immigration laws of the United States, for which she was not arrested, she had given false and misleading information to U.S. government officials about the nature of the marriage while applying for a visa and for lawful permanent residence in the United States and to prevent deportation, exclusion, and removal, and she had lied to U.S. government officials about the nature of the marriage to gain entry and admission into the United States.

In violation of Title 18, United States Code, Section 1425(b).

### **REVOCAION OF CITIZENSHIP**

Upon a conviction of unlawfully procuring naturalization and citizenship in violation of Title 18, United States Code, Section 1425(b), as alleged in Count Nine of this Indictment, the Court shall revoke, set aside, and declare void the final order admitting MARY HELEN AMABA BARLAAN to citizenship in the United States and shall declare her Certificate of Naturalization to be canceled, pursuant to Title 8, United States Code, Section 1451(e).



**FORFEITURES**

1. The allegations contained in Counts One, Three, Four, Five, and Nine of this Indictment are incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 982(a)(6).

2. Upon conviction of a violation of, or a conspiracy to violate, Title 18, United States Code, Sections 1425 and/or 1546, the defendants, MARK LAURENCE BARLAAN, WINNIE RABAYA BARLAAN, MARY HELEN AMABA BARLAAN, and PETER LAFORTEZA BARLAAN, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(6), any conveyance, including any vessel, vehicle, or aircraft used in the commission of the offense; and any property, real or personal, that constitutes or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of the offense, or was used to facilitate, or was intended to be used to facilitate, the commission of the offense.

3. If any of the property described above, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,


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

A TRUE BILL,

  
\_\_\_\_\_  
Foreperson

A. LEE BENTLEY, III  
United States Attorney

By:

  
\_\_\_\_\_  
ARNOLD B. CORSMEIER  
Assistant United States Attorney

By:

  
\_\_\_\_\_  
MAC D. HEAVENER, III  
Assistant United States Attorney  
Deputy Chief, Jacksonville Division

---

---

**UNITED STATES DISTRICT COURT**  
Middle District of Florida  
Jacksonville Division

---

---

THE UNITED STATES OF AMERICA

vs.

MARK LAURENCE BARLAAN, et al

---

---

**INDICTMENT**

Violations:

- 18 U.S.C. § 371
- 8 U.S.C. § 1325(c) and 18 U.S.C. § 2
- 18 U.S.C. §§ 1546(a) and (2)
- 18 U.S.C. § 1001
- 18 U.S.C. § 1425(b)

---

---

A true bill,

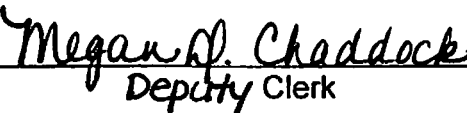
  
\_\_\_\_\_  
Foreperson

---

---

Filed in open court this 25<sup>th</sup> day

of June, 2015.

  
\_\_\_\_\_  
Deputy Clerk

---

---

Bail \$ \_\_\_\_\_

---

---