

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

8/9/2022

DB

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

MOHAMMAD REZA BANIASSADI

No. **22cr390**

Violations: Title 18, United States
Code, Sections 1546(a) and 371

UNDER SEAL

COUNT ONE **Judge Norgle**
Magistrate Judge Kim

The SPECIAL MAY 2021 GRAND JURY charges:

1. At times material to this indictment:

a. United States Citizenship and Immigration Services (USCIS) was a component of the Department of Homeland Security and an agency of the executive branch of the United States. USCIS, among other things, was responsible for administering and executing the policies, laws, and regulations by which foreign nationals could apply for lawful status in the United States, including applications for immigrant visas, lawful permanent residence cards, and naturalized citizenship.

b. Under United States immigration law, a foreign national seeking to become a naturalized United States citizen was required, among other things, to submit to an interview with immigration officials during which the person was orally administered a civics test. The foreign national's attorney was permitted to be present for the interview and the test. In certain circumstances, the foreign national was

permitted to bring a foreign language interpreter to the interview to translate the questions and answers during the civics test.

c. A foreign national could apply for lawful permanent residence by submitting to USCIS a Form I-485. The foreign national and, at times, the preparer of the form were required to sign the Form I-485 under penalty of perjury.

d. A foreign national who had been granted conditional lawful residence could apply to remove the conditions on that status by submitting to USCIS a Form I-751.

e. A foreign national who, during his or her marriage to a United States citizen or lawful permanent resident, was battered by or the subject of extreme cruelty perpetrated by the foreign national's spouse, could apply for lawful permanent residence by submitting to USCIS, among other things, a Form I-360. The foreign national and, at times, the preparer of the form were required to sign the Form I-360 under penalty of perjury. If the Form I-360 was approved by USCIS, the foreign national also would be required to submit a Form I-485 in order to obtain lawful permanent residence.

f. A foreign national who was married to a United States citizen or lawful permanent resident could apply for lawful permanent residence by having his or her spouse submit to USCIS a Form I-130 and by the foreign national submitting to USCIS a Form I-130A. The spouse (for Form I-130), the foreign national (for Form

I-130A), and the preparer of those forms were required to sign them under penalty of perjury.

g. Under certain circumstances, a foreign national could be eligible to apply for lawful permanent residence or other immigration benefits under a process known as “labor certification.” Specifically, if the foreign national had been offered employment in the United States that met certain conditions and if that employment was certified by the United States Department of Labor, the sponsoring employer could submit a petition on behalf of the foreign national to obtain immigration benefits for that person. As part of the labor certification process, the sponsoring employer was required to submit to USCIS a Form I-140 and an ETA Form 9089 from the United States Department of Labor certifying certain aspects of the employment that was being offered to the foreign national. The sponsoring employer and the preparer of the Form I-140 were required to sign the form under penalty of perjury.

h. Under certain circumstances, a foreign national could be eligible to apply for lawful permanent residence by filing a Form I-485 and any required supplements if an ETA Form 750 (the predecessor form to the ETA Form 9089) had been submitted to the United States Department of Labor on that person’s behalf no later than April 2001.

i. Defendant MOHAMMAD REZA BANIASSADI was an immigration attorney licensed under the law of Illinois. BANIASSADI was the sole owner of The Law Offices of Reza Baniassadi, which had offices in Chicago, Illinois.

j. Employee A worked for BANIASSADI at his law office from in or about 2013 through and including in or about 2016.

k. Employee B worked for BANIASSADI at his law office beginning in or about 2015.

2. Beginning no later than in or about 2013 and continuing until at least 2020, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

MOHAMMAD REZA BANIASSADI,

defendant herein, did conspire with Employee A, Employee B, and others known and unknown to the Grand Jury, (a) to defraud the United States by impeding, impairing, obstructing, and defeating the lawful government functions of USCIS, an agency of the United States, in administering and executing United States immigration laws and regulations; and (b) to commit offenses against the United States, namely:

a. to knowingly procure and attempt to procure, contrary to law, the naturalization of any person, and documentary and other evidence of naturalization and of citizenship, in violation of Title 18, United States Code, Section 1425(a);

b. to knowingly obtain immigrant visas and lawful permanent residence cards, which were documents prescribed by statute and regulation as evidence for entry into or of authorized stay or employment in the United States,

knowing them to have been procured by means of any false claim and statement and to have otherwise been procured by fraud, in violation of Title 18, United States Code, Section 1546(a) ¶1;

c. to knowingly subscribe as true any false statement with respect to a material fact in any application, affidavit, and other document required by the immigration laws and regulations prescribed thereunder, and knowingly present any application, affidavit, and other document which contains any such false statement and fails to contain any reasonable basis in law and fact, namely Form I-485, Form I-360, Form I-751, Form I-130, and Form I-140, and accompanying affidavits and other documentation, in violation of Title 18, United States Code, Section 1546(a) ¶4; and

d. to knowingly enter into a marriage for the purpose of evading any provision of the immigration laws, in violation of Title 8, United States Code, Section 1325(c).

Manner and Means of the Conspiracy

3. It was part of the conspiracy that BANIASSADI caused the submission of false and fraudulent information to USCIS on behalf of foreign nationals that were clients of BANIASSADI to obtain immigration benefits for those clients or their beneficiaries.

4. It was further part of the conspiracy that BANIASSADI directed Employee A to attend client citizenship interviews as the client's purported foreign

language interpreter and, during those interviews, to mistranslate and falsely provide to the immigration officer the correct answers to questions on the civics test that the client had not correctly answered.

5. It was further part of the conspiracy that after Employee A stopped acting as an interpreter for client citizenship interviews, BANIASSADI instructed clients to find other individuals to act as interpreters and BANIASSADI coached those individuals to provide the correct answers to questions on the civics test that the client had not correctly answered.

6. It was further part of the conspiracy that, in support of I-360 petitions, BANIASSADI, Employee A, and Employee B drafted and caused to be drafted affidavits for clients, and for purported witnesses who were friends, family, or acquaintances of clients, which BANIASSADI, Employee A, and Employee B knew falsely stated that the client had been abused by the client's spouse or former spouse, including fabricated stories of abuse.

7. It was further part of the conspiracy that, in support of I-360 petitions, BANIASSADI instructed clients to see a psychologist chosen by BANIASSADI, BANIASSADI coached those clients to provide the psychologist with the same false information and stories of abuse that were contained in the affidavits, and BANIASSADI on occasion caused the psychologist reports to be altered to include the same false information and stories of abuse that were contained in the affidavits.

8. It was further part of the conspiracy that, in support of I-360 petitions, BANIASSADI instructed clients to obtain divorces from and orders of protection against their spouses, including times when BANIASSADI knew that the client and her or his spouse were happily married and did not otherwise desire to get divorced.

9. It was further part of the conspiracy that, in support of I-360 petitions, BANIASSADI instructed the spouses of clients to obtain new residential addresses separate from the client and separate bank accounts, although BANIASSADI told the clients and their respective spouses that they did not need to physically separate from each other.

10. It was further part of the conspiracy that BANIASSADI submitted and caused to be submitted to USCIS Form I-360s and accompanying documents, including affidavits and psychologist reports, containing the false information and materials described in Paragraphs 6 through 9, above.

11. It was further part of the conspiracy that, in support of labor certification applications for clients, BANIASSADI, Employee A, and Employee B created and caused to be created and submitted to USCIS false ETA Form 750s and ETA Form 9089s. Specifically, those forms falsely stated that a United States employer intended to hire the client, and that the client intended to accept an offer of employment, when, in fact and as BANIASSADI, Employee A, and Employee B knew, neither the sponsoring employer nor the client intended for the client to work for the employer.

12. It was further part of the conspiracy that for some of the false ETA Form 750s, BANIASSADI used white-out or caused white-out to be used to alter sections of old forms that were legitimately submitted for prior clients. Specifically, after the white-out was applied, Baniassadi instructed Employee A and Employee B to use a typewriter to add false information to those forms, including the current client's name and the name and address of the client's purported sponsoring employer. BANIASSADI did this, in part, because the older legitimately submitted forms were dated as having been submitted to the Department of Labor no later than April 2001, which deadline was required for the current client to proceed with a labor certification application from within the United States instead of having to leave the United States as part of the process.

13. It was further part of the conspiracy that BANIASSADI instructed clients who were residents of Illinois to falsely establish residence in a particular part of South Carolina because BANIASSADI had learned that one of the South Carolina USCIS offices was not verifying the authenticity of the ETA Form 750s.

14. It was further part of the conspiracy that BANIASSADI advised clients to enter into sham marriages with United States citizens or lawful permanent residents so that the clients could seek immigration benefits as the purported spouse of such a person.

Overt Acts

15. In furtherance of the conspiracy and to effect its unlawful objectives, BANIASSADI committed and caused to be committed one or more of the following overt acts:

Client 1

a. On or about April 28, 2016, on behalf of Client 1, BANIASSADI submitted to USCIS a Form I-485 and Supplement A thereto, along with an ETA Form 750, which form BANIASSADI caused to be altered to falsely reflect that it had been submitted to the United States Department of Labor in April 2001 and to falsely state that Client 1 had been sponsored for employment by the employer identified on that form;

Client 2

b. On or about May 25, 2016, on behalf of Client 2, BANIASSADI filed a petition in the Circuit Court of Cook County, Illinois, seeking dissolution of Client 2's marriage to her spouse, which petition BANIASSADI knew falsely stated: (i) that Client 2 and her spouse were living separate and apart from each other; and (ii) that Client 2 and her spouse had irreconcilable differences in their marriage.

c. On or about October 25, 2016, on behalf of Client 2, BANIASSADI submitted to USCIS a Form I-360, along with accompanying affidavits and a psychology report, which petition BANIASSADI knew contained false claims and stories that Client 2 had been abused by her spouse;

Client 3

d. On or about October 9, 2015, in support of a Form I-751 previously filed by another attorney on behalf of Client 3, BANIASSADI submitted to USCIS tax returns and other materials that BANIASSADI knew falsely reflected that Client 3 and another individual lived together as a married couple from 2009 through and including 2014;

e. On or about December 17, 2015, on behalf of Client 3, BANIASSADI prepared and caused to be entered by the Circuit Court of Cook County, Illinois, a judgment for dissolution of marriage between Client 3 and the other individual, which judgment BANIASSADI knew falsely stated that they lived together as a married couple until February 1, 2015, a copy of which BANIASSADI subsequently submitted to USCIS;

f. On or about April 11, 2016, on behalf of Client 3, BANIASSADI submitted to USCIS a Form I-360, along with accompanying affidavits and a psychology report, which BANIASSADI knew contained false claims and stories that Client 3 had been abused by the other individual and false statements that Client 3 and the other individual lived together as a married couple until February 1, 2015;

g. On or about February 15, 2017, in further support of the Form I-360 that BANIASSADI previously submitted on behalf of Client 3, BANIASSADI submitted to USCIS a cover letter and additional affidavits and other materials that BANIASSADI knew contained false claims and stories that Client 3 had been abused

by the other individual and false statements that Client 3 and the other individual lived together as a married couple until February 1, 2015;

Client 4

h. On or about September 12, 2017, on behalf of Client 4, BANIASSADI submitted to USCIS an affidavit in support of a Form I-360, which affidavit BANIASSADI knew contained false claims and stories that Client 4 had been abused by her spouse;

Client 5

i. On or about November 21, 2017, on behalf of Client 5, BANIASSADI submitted to USCIS an affidavit in support of a Form I-360, which affidavit BANIASSADI knew contained false claims and stories that Client 5 had been abused by his spouse;

Client 6

j. On or about January 31, 2018, on behalf of Client 6, BANIASSADI submitted to USCIS a Form I-360, along with accompanying affidavits and a psychology report, which BANIASSADI knew contained false claims and stories that Client 6 had been abused by her spouse;

Client 7

k. On or about October 12, 2018, on behalf of Client 7, BANIASSADI submitted to USCIS a Form I-140 labor certification application, along with a certified ETA Form 9089, which BANIASSADI knew falsely stated that: (a) Client 7

had an offer of employment from the listed sponsoring employer to be a baker;
(b) Client 7 intended to accept the offer of employment if the application is approved;
and (c) Client 7 had prior employment as a baker;

1. On or about December 22, 2020, BANIASSADI submitted to USCIS a Form I-130 and a Form I-130A seeking a lawful permanent residence card for Client 7 based on her purported marriage to another individual, which submissions BANIASSADI knew falsely stated that: (a) Client 7 and the other individual were married as husband and wife; (b) the other individual had been employed by only one employer in the last five years and was the “Assistant Manager” for that employer; (c) Client 7 and the other individual had lived together at an address in Poland for a period of time prior to their purported marriage; and (d) Client 7 intended to live at the other individual’s residence if the application is approved;

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

COUNT TWO

The SPECIAL MAY 2021 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One and paragraph 15(h) of this indictment are incorporated here.
2. On or about September 12, 2017, at Chicago, in the Northern District of Illinois,

MOHAMMAD REZA BANIASSADI,

defendant herein, knowingly subscribed as true any false statement with respect to a material fact in any application, affidavit, and other document required by the immigration laws and regulations prescribed thereunder, and knowingly presented to USCIS any application, affidavit, and other document which contains any such false statement and fails to contain any reasonable basis in law and fact, namely, an affidavit in support of a Form I-360 submitted on behalf of Client 4 that contained false claims and stories that Client 4 had been abused by her spouse;

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

COUNT THREE

The SPECIAL MAY 2021 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One and paragraph 15(i) of this indictment are incorporated here.

2. On or about November 21, 2017, at Chicago, in the Northern District of Illinois,

MOHAMMAD REZA BANIASSADI,

defendant herein, knowingly subscribed as true any false statement with respect to a material fact in any application, affidavit, and other document required by the immigration laws and regulations prescribed thereunder, and knowingly presented to USCIS any application, affidavit, and other document which contains any such false statement and fails to contain any reasonable basis in law and fact, namely, an affidavit in support of a Form I-360 submitted on behalf of Client 5 that contained false claims and stories that Client 5 had been abused by his spouse;

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

COUNT FOUR

The SPECIAL MAY 2021 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One and paragraph 15(j) of this indictment are incorporated here.

2. On or about January 31, 2018, at Chicago, in the Northern District of Illinois,

MOHAMMAD REZA BANIASSADI,

defendant herein, knowingly subscribed as true any false statement with respect to a material fact in any application, affidavit, and other document required by the immigration laws and regulations prescribed thereunder, and knowingly presented to USCIS any application, affidavit, and other document which contains any such false statement and fails to contain any reasonable basis in law and fact, namely, a Form I-360 and accompanying affidavits and other documentation submitted on behalf of Client 6 that contained false claims and stories that Client 6 had been abused by her spouse;

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

COUNT FIVE

The SPECIAL MAY 2021 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One and paragraph 15(k) of this indictment are incorporated here.

2. On or about October 12, 2018, at Chicago, in the Northern District of Illinois,

MOHAMMAD REZA BANIASSADI,

defendant herein, knowingly subscribed as true any false statement with respect to a material fact in any application, affidavit, and other document required by the immigration laws and regulations prescribed thereunder, and knowingly presented to USCIS any application, affidavit, and other document which contains any such false statement and fails to contain any reasonable basis in law and fact, namely, a Form I-140 and accompanying documents, including an ETA Form 9089, on behalf of Client 7, which falsely stated that: (a) Client 7 had an offer of employment from the listed sponsoring employer to be a baker; (b) Client 7 intended to accept the offer of employment if the application is approved; and (c) Client 7 had prior employment as a baker;

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

COUNT SIX

The SPECIAL MAY 2021 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One and paragraph 15(l) of this indictment are incorporated here.

2. On or about December 22, 2020, at Chicago, in the Northern District of Illinois,

MOHAMMAD REZA BANIASSADI,

defendant herein, knowingly subscribed as true any false statement with respect to a material fact in any application, affidavit, and other document required by the immigration laws and regulations prescribed thereunder, and knowingly presented to USCIS any application, affidavit, and other document which contains any such false statement and fails to contain any reasonable basis in law and fact, namely, a Form I-130 and accompanying documents on behalf of Client 7, which falsely stated that: (a) Client 7 and another individual were married as husband and wife; (b) the other individual had been employed by only one employer in the last five years and was the “Assistant Manager” for that employer; (c) Client 7 and the other individual had lived together at an address in Poland for a period of time prior to their purported

marriage; and (d) Client 7 intended to live at the other individual's residence if the application is approved;

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

A TRUE BILL:

FOREPERSON

Signed by Jason A. Yonan
on behalf of the
UNITED STATES ATTORNEY