UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

MUHAMMAD MASOOD
74 Chase Drive
Sharon, MA
(Name and Address of Defendant)

CASE NUMBER: 1:07-mj-258

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 18, 2002 in the District of Massachusetts (Track Statutory Language of Offenses)

1. The defendant herein, Muhammad MASOOD, did knowingly present to United States Citizenship and Immigration Services (formerly Immigration and Naturalization Service) an application and other document required by the immigration laws, and regulations prescribed thereunder, to wit, an Application to Register Permanent Residence or Adjust Status, Form I-485, which contained a statement, to wit, that the defendant had never been a J nonimmigrant exchange visitor who was subject to the two year foreign residence requirement who had not complied with that requirement and who had not obtained a waiver, which the defendant then and there knew was false, in that the defendant had been a J nonimmigrant exchange visitor subject to the two year foreign residence requirement and had not complied with that requirement and had not obtained a waiver; and

2. On or about November 15, 2006, in the District of Massachusetts, the defendant herein, Muhammad MASOOD, in a matter within the jurisdiction of United States Citizenship and Immigration Services (formerly Immigration and Naturalization Service), an agency within the Executive Branch of the government, did knowingly and willfully make a false, fraudulent, and fictitious material statement and representation, to wit, that the defendant last entered the United States on July 4, 1993 without being inspected by an Immigration Officer at New York, New York, which statement the defendant then and there knew was false, in that the defendant had not so entered in violation of Title 18 United States Code, Section(s) 1546(a) and 1001(a)

I further state that I am a(n) Special Agent, Immigration and Customs Enforcement and that this complaint is based on the following facts:

See attached Affidavit of Thomas Carroll

Continued on the attached sheet and made a part hereof: [x] Yes [ ] No

Signature of Complainant
THOMAS CARROLL
Special Agent, ICE

Sworn to before me and subscribed in my presence,

July 23, 2007 at Boston, Massachusetts
Date City and State

JOYCE LONDON ALEXANDER
United States Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

AFFIDAVIT OF THOMAS CARROLL

I, THOMAS CARROLL, hereby state and declare as follows:

1. I am a Special Agent of Immigration and Customs Enforcement ("ICE"), and have been a Special Agent since July 1997. Since 1992, I have also held other jobs within the Immigration and Naturalization Service (INS) and what is now the Department of Homeland Security. I have become very familiar with the immigration forms, procedures, laws and regulations. I am currently assigned to the Joint Terrorism Task Force ("JTTF") at the Federal Bureau of Investigation ("FBI") Boston Field Office. In this position, I work primarily on counter terrorism cases and complaints, as well as on various other federal criminal investigations. I have been trained in, and I have executed and/or assisted in the execution of, several federal search warrants for fraudulent documents, records, and other evidence of federal crimes. These searches have resulted in the seizure of evidence that has been used in the prosecution of numerous individuals.

2. I submit this affidavit in support of an application for a criminal complaint charging Muhammad Masood ("MASOOD"), whose date of birth is March 1, 1958, with violations of 18 U.S.C. § 1546 and 18 U.S.C. § 1001, making material misrepresentations to the United States Citizenship and Immigration Services ("Immigration Service"), formerly known as a component of the Immigration and Naturalization Service ("INS").

3. The information contained in this affidavit is based on my personal involvement in this investigation, my training and experience, and information provided to me by other law enforcement officers. The information described herein is submitted for the purpose of this affidavit and does not contain all the information gathered during this investigation.

RELEVANT STATUTES

4. It is a violation of 18 U.S.C. § 1546(a) for a person knowingly to make under oath, or as permitted under penalty of perjury knowingly to subscribe as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly to present any such an application, affidavit, or other document containing any such false statement or which fails to contain any reasonable basis in law or fact.

5. It is a violation of 18 U.S.C. § 1001(a) knowingly and willfully to falsify, conceal, or cover up by any trick, scheme or device a material fact, or to make a materially false, fictitious or fraudulent statement or representation, or to make or use any false document knowing the same to contain any materially false, fictitious or fraudulent statement or entry, if done in a matter within the jurisdiction of the executive branch of the Government of the United States.

EXCHANGE VISITOR AND RELIGIOUS WORKER IMMIGRATION PROGRAMS

6. The Exchange Visitor Program (the J-1 visa), 22 U.S.C. §§ 2451 et seq., offers an opportunity to aliens who reside abroad to come to the United States to serve important interests for both countries. According to the U.S. Department of State :

> Authority for the Exchange Visitor Program derives from the Mutual Educational and Cultural Exchange Act of 1961 as amended, 22 U.S.C. § 2451, et. seq. (1988), also known as the Fulbright-Hays Act (or, as simply the Act). The purpose of the Act is to increase mutual understanding between the people of the United States and the people of other countries through educational and cultural exchanges. Activities specified in the Act are facilitated, in part, through the designation of public and private entities as sponsors of the Exchange Visitor Program. Through the Exchange Visitor Program, foreign nationals may visit the United States temporarily to teach, lecture, study, observe, conduct research, consult, train, or demonstrate special skills. Designated sponsoring organizations

> facilitate the entry of foreign nationals into the United States to complete the objectives of any one of 13 program categories. At the conclusion of their program, participants are expected to return to their home countries.
>
> [http://exchanges.state.gov/education/jexchanges/about.htm]

7. According to the Immigration and Nationality Act ("INA"), §212(e), an exchange visitor who obtains a J-1 visa which is funded, in part, by the United States Government or his/her home country, is subject to additional restrictions on obtaining future immigration benefits. To ensure that exchange occurs, and to carry out this goal of the program, Congress included in the law a two-year home country physical presence requirement. This requirement, codified in INA § 212(e), 8 U.S.C. §1182(e), makes those J-1 visa holders who were funded in part by U.S. government funds or the home country's funds, ineligible for an H visa, L visa, K visa, or Lawful Permanent Resident ("LPR") status until they have returned to and been physically present in their last country of citizenship or permanent residence for a minimum of two years after completion of their J-1 exchange programs. This means that a person in J-1 status, or their dependents, who are subject to § 212(e), cannot reenter the U.S. in H, L, K or LPR status until the two-year requirement has been fulfilled. Similarly, if an alien overstays the duration of his J-1 visa without obtaining a new immigration status, then that person is unlawfully present in the United States.[1]

8. Since 1990, the Immigration laws have also permitted, through the Special Immigrant Religious Worker program, a separate class of benefits for aliens who qualify as Special Immigrant Religious Workers. See 8 CFR §204.5. These benefits include allowing an

---

[1]A waiver of this requirement ("212(e) waiver") may be available to qualified aliens who seek such waiver prior to being subject to the 2 year home residency requirement.

alien to obtain a visa to enter and remain in the U.S., or to adjust his/her status to that of LPR. To take advantage of the Special Immigrant Religious Worker program, sometimes called an "SR" status or an "EB-4" status, a qualifying religious organization (such as a mosque or other qualifying tax exempt religious institution) must file an application called the Petition for Amerasian, Widow(er) or Special Immigrant, Form I-360, ("I-360") with the Immigration Service. According to the Immigration Service, the alien applicant must be:

> An alien who for the past two years has been a member of a religious denomination which has a bona fide nonprofit, religious organization in the United States; and who has been carrying on the vocation, professional work, or other work described below, continuously for the past two years; and seeks to enter the U.S. to work solely:
>
> -As a minister of that denomination; or
> in a professional capacity in a religious vocation or occupation for that organization; or
> -In a religious vocation or occupation for the organization or its nonprofit affiliate.

[USCIS Petition for Amerasian, Widow(er) or Special Immigrant, Form I-360 Instructions, Rev. 10/26/05, p.2]

An alien seeking to qualify to be a Special Immigrant Religious Worker who is already present in the United States must also satisfy these criteria, and be able to demonstrate that he/she was involved in this religious denomination for the two years preceding his application. The Special Immigrant Religious Worker program does not involve government analysis of whether the applicant's religion is legitimate; rather, it requires only an objective test as to whether the criteria listed above have genuinely been satisfied. As specifically noted by the Department of State's internet website, foreign Exchange Visitors (J-1 visa-holders) must return to their home country for two years

before they can be eligible for the Special Immigrant Religious Worker visa. According to the Immigration Service, an alien who receives an approved I-360 application is not thereby granted a new immigration status; rather, such an alien remains in the status which preceded his/her I-360 application until he/she adjusts his/her status to a LPR.

SUMMARY

9. This affidavit provides the factual support for my conclusion that MASOOD lied repeatedly, both orally and in writing, to the Immigration Service concerning facts material to his eligibility to become a Lawful Permanent Resident ("LPR") of the United States, (commonly referred to as the holder of a "green card"), for which he had applied. As indicated in greater detail below, in an application for LPR status submitted to the Immigration Service on or about December 18, 2002 (see ¶¶ 27-28), in an affidavit submitted in support thereof on January 31, 2005 (see ¶¶ 32-34), and in interviews conducted under oath by immigration officials on November 15, 2006 (¶¶ 42-63), February 13, 2003 (¶¶ 29-31), and February 7, 2005 (¶¶ 35-36), MASOOD repeatedly asserted that he had left the United States and returned to Pakistan during the two-year period from 1991 through 1993, as required as a condition of his Exchange Visitor visa. Moreover, he repeatedly asserted that, during that period of time, he had served as an Imam at a mosque in Faisalabad, Pakistan. Whether he had returned to Pakistan was material to the Immigration Service because, if he had not complied with that condition of his Exchange Visitor visa, he would have been ineligible for LPR status. (¶¶ 6-7).

10. Contrary to MASOOD's repeated, sworn assertions, however, multiple pieces of evidence establish that MASOOD, in fact, remained in the United States during that

period of time. Not only does there exist no record of his exit and reentry to the United States (¶ 68(A)), but evidence establishes that he remained in Boston University housing (¶ 68(E)), received traffic citations (¶ 68(B)), and was employed in the Boston area (¶ 68(D)), all during that period of time, and in fact was present in Boston for the birth of his seventh child in March of 1992 (¶ 68(F)). In a continuing attempt to conceal the fact that he had failed to comply with the Exchange Visitor condition that he return to Pakistan, MASOOD repeatedly told under oath a facially implausible story (with shifting details) of the circumstances under which he claimed to have returned to the United States, all in an effort to explain the absence of any record of his alleged reentry into this country. (¶¶ 30-31, 32, 34, 36, 53-61).

11. My conclusion that MASOOD intentionally lied concerning his supposed return to Pakistan in 1991 to 1993 is buttressed by evidence of other material misstatements which he made to government agencies and other entities. For example, in 1999, MASOOD procured a New Hampshire driver's license, listing a New Hampshire address when, in fact, he was not a New Hampshire resident and did not live at the stated address (¶ 22); he, for years, lived in Boston University housing to which he was not entitled by misrepresenting that he continued to be a student when, in fact, he was no longer a student (¶¶ 19-20); in his application for LPR status, he falsely stated that he had never received public assistance when, in fact, his family had applied for and received benefits from the Massachusetts Medicaid program (MassHealth) (¶ 72); and in his application for LPR status, he falsely stated that he had never been arrested, cited or charged with breaking any law or ordinance (excluding traffic violations) when, in fact, he had been

arrested for shoplifting in Norwood, Massachusetts in 2000 (¶¶ 51, 65).

MASOOD'S BACKGROUND

12. According to documents submitted to the Immigration Service by MASOOD, he was born in Sargodha, Pakistan in 1958. According to those documents, MASOOD attended school in Pakistan and memorized the Holy Quran by 1980, at which time he received a certificate of Hafiz. Hafiz is an Arabic word which literally means "guardian" but is often used as a title in a person's name to denote that the person has memorized the Quran.

13. According to the documents submitted by MASOOD, since approximately 1998, MASOOD has been the Imam of the Sharon, Massachusetts mosque, one of two mosques that are administered by the Islamic Center of New England ("ICNE").[2] The Imam of a mosque typically, although not necessarily, leads prayers for the large Friday evening prayer service and is responsible for a host of additional religious duties.

MASOOD COMES TO THE UNITED STATES

14. According to documents submitted by MASOOD to the Immigration Service and records of the Immigration Service, MASOOD entered the United States in 1987 after being awarded a J-1 Exchange Visitor visa.[3] MASOOD attended Vanderbilt University to

---

[2]Since approximately mid-November 2006, MASOOD has remained associated with, but has not officially been the Imam of, the Sharon mosque.

[3]At the time he came to the United States, MASOOD claimed to have been employed as an Assistant Professor at the International Institute of Islamic Economics ("IIIE") in Islamabad, Pakistan between September 1981 and August 1987. According to the public website of the IIIE, the Institute was not established until 1983 and was incorporated into the International Islamic University in Islamabad ("IIUI"), Pakistan in 1985.

study economics pursuant to his J-1 visa for the fall semester of 1987 and then transferred to Boston University to study economics in a Master's Degree program in the spring semester of 1988.

15. MASOOD was sponsored for a J-1 visa by the U.S. Agency for International Development ("USAID"), a federal government agency that paid for MASOOD's expenses through the program. As noted in MASOOD's Certificates of Eligibility for Visiting Foreign National pertaining to his J-1 visa and extensions of that visa, like other USAID J-1 visa sponsorees, MASOOD was subject to the two-year home residency requirement described above. MASOOD signed these documents. In other words, after his educational program, MASOOD was required to return to Pakistan for two years before he was eligible to return to or permanently reside in the United States. The USAID sponsorship included $21,600 per year of funding for MASOOD to study economics until May 1991.

16. The particular grant that USAID utilized to sponsor MASOOD was administered by a contracted agency, the Academy of Educational Development ("AED"), a non-profit agency based in Washington, D.C. According to AED records, MASOOD was sponsored from August 1987-May 1991. According to AED records, MASOOD did not complete the Boston University Master's Degree program, did not return to Pakistan, and was reported as a "non-returnee". According to AED, the total amount of U.S. taxpayer funds provided for MASOOD's program through USAID Foreign Assistance was approximately $85,800.35. The essential purpose of such expenditures is to promote development in foreign countries, in this case Pakistan, by providing their nationals with

experiences to bring back and share in their home country. The U.S. Department of State has confirmed that MASOOD did not file an application for a waiver of the two-year home residency requirement.

MASOOD'S RESIDENCE IN BOSTON

17. MASOOD transferred to Boston University after one semester at Vanderbilt and attended classes in pursuit of a Master's Degree in Economics in 1988 and 1991. According to records of Boston University, MASOOD lived in Warren Hall, International Graduate Student Housing, which was supplied by Boston University and located at 14 Buswell Street in Boston. In 1991, without finishing his degree program, MASOOD took a one year leave of absence from his program of study at Boston University. During that year, Social Security records show that MASOOD worked two separate jobs. MASOOD and his family lived continuously at Warren Hall until 1998, including the period between 1991 and 1993.

18. Nevertheless, as described in greater detail below, on several occasions, MASOOD told the Immigration Service that he had left the United States and returned to Pakistan in 1991[4], returning to the United States from Pakistan in 1993. MASOOD also stated that he had returned to Pakistan and practiced as an Imam there for those two years. These were material falsehoods.

MASOOD'S ILLEGAL RESIDENCE AND EMPLOYMENT IN THE UNITED STATES FROM 1993-1998

[4]In 2003, MASOOD actually represented that he had returned to Pakistan in June 1992. Most of the time, however, MASOOD represented that he returned to Pakistan in either June or August of 1991.

19. MASOOD was without legal immigration status in the United States from 1991 until February 2003, when he applied for LPR status. Despite this, MASOOD did have a valid Social Security number (which he obtained with his J-1 visa) and was able to maintain employment as well as receive other benefits while remaining in the U.S. Similarly, according to Boston University residential records, MASOOD lived at Warren Hall along with his wife and several children through 1998.

20. According to records of Boston University, in 1995, having not made any progress toward his degree since 1991, MASOOD was terminated from the Master's Degree program at Boston University.[5] The time limit to earn his degree had expired. According to the terms of MASOOD's lease at Warren Hall, being a full-time student was a requirement to be eligible for the lease terms which he signed for the years he lived there from 1991 to 1998. Despite having been terminated from Boston University in 1995, and not having been a full-time student since 1991, MASOOD continued to represent himself as a student at the graduate school for purposes of obtaining and maintaining student housing in Warren Hall.[6] In 1998, MASOOD was given a notice to vacate the apartment. That same year, MASOOD signed a contract to work at the ICNE as the new Imam for

---

[5]According to Boston University records, after his leave of absence in the Fall of 1991 and the Spring of 1992, MASOOD re-enrolled at Boston University for the semester beginning on September 8, 1992. MASOOD remained enrolled at Boston University for every Fall and Spring semester thereafter through the Spring semester of 1995. Despite being enrolled, however, MASOOD did not earn any academic credits for any courses during that time.

[6]On July 30, 1997, August 1, 1996, and July 7, 1995, MASOOD who was not then a student at Boston University, falsely claimed that he was a student when signing the lease to his apartment. The leases for Warren Hall stated that the tenant must be a full-time registered graduate student at Boston University.

the Sharon mosque, which included free residence on the ICNE campus at 74 Chase Drive, Sharon, MA. MASOOD then worked at the ICNE for approximately four years as an undocumented alien before applying for Immigration benefits.

21. According to Social Security Administration records, MASOOD was employed at a business maintenance service from 1992-1995, a collection agency in 1993, a parking agency from 1995-1997, a security guard company in 1998, and a parking agency in 1998.[7] Despite being the full-time Imam at the ICNE in Sharon, between 1999 and 2001, MASOOD's reported income during this time was provided by Islamic Academy of New England ("IANE"), and there was no reported income from the ICNE until 2002.[8]

MASOOD'S FRAUDULENT RESIDENCE IN NEW HAMPSHIRE

22. According to Registry of Motor Vehicle ("RMV") records from the State of New Hampshire, on March 29, 1999, MASOOD obtained a New Hampshire driver's license, number 03MDM*****. MASOOD reported that he had two addresses to the New Hampshire RMV: 134 Mammoth Rd., B5 A-24, Hooksett, NH 03106 was listed as his legal address, and PMB 103 816 Elm St., Manchester, NH 03101 was listed as his mailing address. During this entire time, MASOOD was the Imam of the Sharon mosque of the

---

[7]In describing his work history in the forms and documents submitted to the Immigration Service which are described herein, MASOOD omitted reference to the secular employment in which he had engaged from 1989 to 1998. Under the Exchange Visitor program described above, aliens are not permitted to engage in any employment.

[8]According to its website, the IANE is an Islamic-curriculum grammar school at which MASOOD is a religious studies teacher. The IANE is a separate non-profit corporate entity from the ICNE, and it is not controlled by the Board of Directors or the membership of the ICNE, although it is located next to the ICNE mosque in Sharon, Massachusetts. According to records of the Secretary of the Commonwealth of Massachusetts, Abdul Badi Abousamra is the President and Resident Agent of the IANE.

ICNE and had also received benefits from MassHealth, listing his address as 74 Chase Drive, Sharon, MA. Moreover, MASOOD never listed this New Hampshire address in any document he ever submitted to the Immigration Service. On the G-325A Biographical Data Forms that MASOOD submitted to Immigration in January 2005, he indicated that he lived at 14 Buswell St. (Warren Hall) in Boston until October 1999, when he moved to 74 Chase Drive, Sharon, MA, the housing provided by the ICNE.[9] The resident of the apartment in which MASOOD claimed he lived at the time he obtained his New Hampshire driver's license was interviewed and confirmed that MASOOD did not live there with her while she lived there. Neither did MASOOD cancel, surrender or notify the New Hampshire Registry of Motor Vehicles that he had the fraudulently obtained New Hampshire driver's license.

23. According to Dedham District court documents, on August 29, 2000, MASOOD was arrested by the Norwood Police Department for Shoplifting by Price Tag Tampering. At that time, MASOOD provided to the police his New Hampshire address, 134 Mammoth Road, B5 A24, Hooksett, NH 03106, as his place of residence. This is the address that appears on his New Hampshire driver's license. According to the records he submitted to the Immigration Service, in August 2000, MASOOD was in fact living at the ICNE accommodations in Sharon. At the time of his arrest by the Norwood Police Department,

[9]The provision of free housing was an express term of the contract MASOOD had with the ICNE, and reference to this provision was submitted to the Immigration Service as evidence that MASOOD was truly the Imam of this mosque, and that he would not be a public charge. According to documents submitted to the Immigration Service, as described below, the ICNE later indicated that MASOOD and his wife had been living at the official Imam's residence at 74 Chase Drive, Sharon, MA since October 1998 "without a break".

MASOOD stated that he was a teacher at the Islamic Academy.

MASOOD GETS SPONSORED AS A SPECIAL IMMIGRANT RELIGIOUS WORKER

24. In April 2001, MASOOD filed ICNE's petition (Form I-360) with the Immigration Service, sponsoring MASOOD to become a Special Immigrant Religious Worker.[10] That petition package, which was received by the Immigration Service in June 2001, was signed by an individual who identified himself as a Director of the ICNE. On ICNE letterhead, the Director submitted a letter detailing MASOOD's credentials, and signed the letter above a signature block in the name of someone else, Muhammad Khalil, Director, Dar Ehya Essunnah. Mr. Khalil is currently incarcerated for fraudulent sponsorship of multiple religious worker visas, and the Dar Ehya Essunnah mosque was his sham mosque in Brooklyn, New York. The letter listed that MASOOD had been the Imam at the Islamic Society of Greater Worcester mosque from August 1993 to August 1997, that MASOOD had been an Imam since 1980, and that he had been employed at Jamia Masjid Muqqaddas Ahl-e-Hadith in Pakistan from June 1991 to July 1993. These statements, also served to falsely suggest that MASOOD had continuously been an Imam from 1991 until the submission of his I-360 application.

25. In March 2002, several pieces of supporting evidence were submitted to the Immigration Service by the ICNE to substantiate that MASOOD legitimately qualified for the special immigrant religious worker benefit. Notably, this package included a document from the Jamia Masjid Muqqaddas Ahl-E-Hadith, in Faisalabad, Pakistan, stating that MASOOD

---

[10]According to an Affidavit MASOOD signed on January 31, 2005 and submitted to the Immigration Service, MASOOD filed the I-360 application on April 28, 2001.

had conducted religious services as Imam and taught religion and Quranic studies from June 10, 1991 to July 1, 1993.[11]

26. Based on these representations, the I-360 petition was ultimately approved by the Immigration Service in March 2002, granting MASOOD eligibility to apply to become a LPR.

MASOOD FILES FOR LEGAL PERMANENT RESIDENCY

27. Under penalties of perjury, MASOOD signed his I-485 application for LPR status on December 18, 2002 and it was received by the Immigration Service on January 24, 2003. The basis for his application was that he was employed at the ICNE as a Special Immigrant Religious Worker (I-360) at the ICNE.

28. On the I-485 form, MASOOD was asked numerous material questions which he answered falsely. Among other things, MASOOD indicated the following:

A. In Part 3, question 1(b), MASOOD indicated that he had not been arrested, cited, or charged for breaking any law or ordinance (excluding traffic violations.)

B. In Part 3, question 2, MASOOD indicated that he had never received public assistance in the U.S. from any source, including the U.S. government or any state, county, city or municipality (other than emergency medical treatment).

C. In Part 3, question 12, MASOOD indicated that he had never been a J-

[11]As described below, on November 15, 2006, MASOOD told the Immigration Service that he had asked his friend, Haji Mohamed Binyamin, in Pakistan, to prepare this document for him.

nonimmigrant exchange visitor who had not complied with the two year foreign residence requirement and had not obtained a waiver.

As described below, MASOOD falsely answered each of these questions, each of which was material to the duties of the Immigration Service.

MASOOD'S INTERVIEW WITH IMMIGRATION IN 2003

29. Separate from MASOOD's application for LPR status, in February 2003, the Immigration Service engaged in a special alien registration program known as National Security Entry-Exit Registration System ("NSEERS "). Through the NSEERS program, numerous aliens who were present in the United States illegally were registered by the Immigration Service. On February 13, 2003, MASOOD went to the John F. Kennedy Federal Building in Boston with his attorney and was interviewed under oath. MASOOD was separately interviewed by two Immigration officers. At the first interview, MASOOD testified that he had entered the United States without inspection by Immigration Officers in July 1993.

30. MASOOD explained that he had overstayed his J-1 visa, which was valid from 1988-1991. He said that he left the United States in June 1992.[12] He stated that he returned to the United States with a fraudulent passport in New York City by having someone else's passport switched with his name, photograph and date of birth.[13] He stated that he entered

---

[12]In later interviews, as described below, MASOOD changed the date of his alleged departure from the United States from June 1992 to June 1991.

[13]Despite MASOOD's statement that he had obtained a fraudulent passport to re-enter the United States in July 1993, according to MASOOD's J-1 visa certificate, he had a Pakistani passport at the time, which was valid until August 31, 1994. If MASOOD had in fact returned to Pakistan for two years, then he would have been eligible for a legal visa to re-enter the United States. By stating that he had made a fraudulent entry into the United States, MASOOD explained why there was no official record of his arrival in 1993.

at John F. Kennedy International Airport ("JFK") in New York. He said that some unidentified person escorted him at the airport and took his fraudulent passport, and then he headed to Boston where his family was.

31. A short time later on the same day, MASOOD was interviewed by an ICE Agent. MASOOD explained that he entered the United States at JFK airport in New York aboard Pakistani Airlines on approximately July 4, 1993. MASOOD told the Agent that he had attempted to go through the Immigration and Customs checkpoints when he entered the United States. However, two unknown individuals of unknown identity and authority prevented him from doing so. MASOOD said that the two men were waiting for him at the airline terminal in New York. MASOOD could not recall what nationality these men were, but that they were "possibly" Pakistani. MASOOD stated that he was approached by the men after he walked off the plane through the jetway, and the men took his passport. MASOOD said that he never reported this to the authorities and he did not go through the U.S. Immigration inspection area. MASOOD stated that he had paid the Pakistani equivalent of approximately $1,500 for the passport, but he said that he did not know that the document was fraudulent. (As described below, in later versions of this story, MASOOD changed the details.) MASOOD stated that he never saw the men again. Based on what he told the Immigration Officer and Agent, MASOOD was placed into removal proceedings following these interviews for entering the United States without inspection.[14]

[14]Removal proceedings are the administrative proceedings before the Immigration Court which determine whether and how certain aliens should be deported, removed, or excluded from the United States.

MASOOD FALSELY SUPPLEMENTS HIS PERMANENT RESIDENCY APPLICATION

32. On January 31, 2005, as a supplement to his pending I-485 Legal Permanent Residency Application, MASOOD signed and submitted a notarized affidavit under pains and penalties of perjury which stated in relevant part:

> "I first came to the United States in 1987 with a J-1 visa as a student. My wife and children joined me in the United States on June 3, 1988 with visas for dependents of students. In 1991 I returned to Pakistan. My wife and children remained in the United States. On July 4, 1993, I re-entered the United States without inspection: I did not have a visa.
>
> I have *never* left the United States for any period of time since July 4, 1993. I have lived in the Boston area during the entirety of my time in the United States. My wife and children have never left since their entry in 1988. Both myself and my entire family was living in the Boston area on December 21, 2000.
>
> On April 28, 2001, I filed an I-360 (Petition for Special Immigrant Religious Worker). My petition was approved on March 21, 2002 and I filed my I-485 (Application for Permanent Residency) on January 24, 2003." (emphasis in original)

33. In so doing, MASOOD admitted that he had been an illegal alien in the United States, which under Immigration law, does not preclude MASOOD's eligibility for immigration benefits. At the same time, MASOOD maintained that he had left the United States, and that he had complied with his J-1 visa return requirement. The latter statements, as well as his recitation of his supposed entrance into the United States in 1993, were false.

34. On January 31, 2005, MASOOD also submitted a G-325A biographical data form in support of his LPR application. On that form, MASOOD signed above a notice which stated that there were severe penalties provided by law for knowingly and willfully falsifying or concealing a material fact. MASOOD listed his employment as an Imam of the Islamic Center of New England from September 1997 to the present. MASOOD also listed that his last address outside the United States for more than a year was at a mosque

in Faisalbad, Pakistan from August 1991 to August 1993 where he claimed that he had been an Imam.

35. On February 7, 2005, MASOOD was interviewed under oath by the Immigration Service about his I-485 LPR application. MASOOD adopted his answers to the questions in the I-485 application.

36. MASOOD also told the Immigration Officer that he had started teaching classes and preaching at the ICNE in August 1997. MASOOD said that he had come into the U.S. in August of 1987 originally, then he went home, and returned without being inspected. MASOOD told the Immigration Officer that he paid 100,000 rupees in New York City to come in [to the United States.]

37. In support of his LPR application, MASOOD submitted his Pakistan passport, number F077328, to the Immigration Service. In the identity portion of the passport, MASOOD's profession is listed as 'Student'. The passport was issued by the Consulate General of Pakistan, New York, on April 20, 1998, and at that time, MASOOD had not been a student for several years.

38. In support of his LPR application (as he did in the I-360 petition before it), MASOOD submitted the letter dated February 2, 2002, from Haji Mohammad Binyamin, who was listed as the President of Jamia Masjid Muqaddas Ahl-E-Hadith, Faisalabad. The letter states, "Hafiz Muhammad Masood has been an active member of our Mosque from June 10, 1991 to July 1, 1993. He has conducted religious services as Imam and taught religion and Quranic studies during this time. . . . The creed, form of worship, code of discipline, services and ceremonies of our Mosque are consistent with those of the Mosque in

Sharon, Massachusetts, USA." This letter was offered to demonstrate that MASOOD previously practiced Islam in the same denomination as the religious job which was supporting his adjustment of Immigration status to LPR.

MASOOD SEEKS TO OBTAIN HIS DEGREE FROM BOSTON UNIVERSITY IN 2005

39. Among documents produced by the ICNE, was a flier circulated at the ICNE which appeared to sarcastically report that the (unidentified poster) would pay a reward of $90,000 to "anyone who could show a degree from B.U. for a 'muslim scholar'". The flier requested a response by April 16, 2005. This appeared to be a reference to MASOOD's Boston University qualifications.

40. According to records of Boston University, approximately 11 days later, on April 27, 2005, MASOOD requested that he be granted a Master's Degree in Economic Policy. Internal correspondence provided by Boston University refers to documents that MASOOD submitted to the University with his request . The internal correspondence also indicates that MASOOD submitted a curriculum vitae which indicated that he had years of relevant experience which should qualify him for the degree. On the basis of MASOOD's submissions and the coursework he had completed when he attended Boston University pursuant to the J-1 Visitor Exchange program in 1988-1991, Boston University conferred a Master's Degree on MASOOD in 2005.

41. Records produced by the ICNE include a copy of a resume which presents MASOOD as having much more of a focus and experience in matters of economics. This version of MASOOD's resume indicates that, between 1991 and 1993, MASOOD was also a Professor of Islamic Economics at the University of Agriculture in Pakistan. The

University of Agriculture has provided an official document which indicates that MASOOD was not employed by them between 1991 and 1993.

MASOOD'S 2006 INTERVIEW WITH IMMIGRATION SERVICE

42. As part of the process to determine whether an applicant can meet his burden of proving that he should be entitled to adjust his/her Immigration status to become a legal permanent resident, the Immigration Service may offer interviews to the applicant. On November 15, 2006, MASOOD was invited, along with his attorney, to an Immigration interview in support of his application to become an LPR. MASOOD participated in the Immigration interview and agreed to be audio and video recorded. During the interview, MASOOD made numerous false statements to the Immigration Service which are materially related to his eligibility to become an LPR. In large measure, MASOOD adopted the information which he had detailed in his I-485 application. Despite several opportunities to correct inconsistencies in his testimony, MASOOD lied to the Immigration Service about the following general topics:

a. His departure from the United States to comply with his J-1 visa's two year home residency requirement;

b. His asserted experience as an Imam in Pakistan during the period June 1991 to July 1993, which also relates to his eligibility for a Special Immigrant Religious Worker benefit (EB-4 or SR visa);

c. His receipt of public assistance;

d. The circumstances of how he allegedly paid to be smuggled into the United States.

43. During the first portion of the interview, MASOOD was advised of the numerous rights that he had and he was placed under oath to tell the truth, to which he agreed. MASOOD speaks English fluently. MASOOD presented himself as a highly educated man, schooled at advanced levels of both secular and theological formal education. MASOOD explained that there is one Imam per mosque, and he had been the Imam at Sharon from 1999 to 2003. MASOOD said that in 1980, he started both his secular education in Economics at the University of Punjab and his religious training at the Islamic University in Faisalabad.

44. MASOOD explained that he first came to the United States under the J-1 visa program, and he attended one semester at Vanderbilt University in 1987. MASOOD explained that he had already obtained a Master's degree from the University of Punjab in Pakistan, but that the degree was the equivalent of a Bachelor's degree in the United States.[15] MASOOD said that he transferred to Boston University and that he graduated. MASOOD said that he then received additional religious training in Pakistan.

45. When asked where he received this training, MASOOD stated that the Jamia Masjid Muqqudas ahl e Hadith was where he received his practical training and where he actually worked as an Imam. The interviewer asked whether the information on the February 2002 letter submitted by MASOOD from Hajji Mohammad Binyamin reflected that training.

46. In response, MASOOD told Immigration that he had lived in Boston the entire time between 1990 and 2005, except when he went back to Pakistan in 1991 until a time in 1993. MASOOD said that when in Pakistan, he lived in a small apartment. He said that a

[15]He did not make such distinction to Vanderbilt University, AED or Boston University.

man named Haji Mohammed Binyamin helped him find a place to live and a place to be an Imam. MASOOD said that when he was filing his immigration application paperwork, he called Binyamin and requested that Binyamin provide a letter in support of MASOOD's immigration application. MASOOD reiterated that he personally asked for the letter and that the Islamic Center [of New England] did not ask him to provide the letter. MASOOD explained that the letter confirms that he was in Pakistan from June 10, 1991 to July 1, 1993, and that it was important because it explains that the mosque in Pakistan was of the same denomination as the one in Sharon.

47. MASOOD said that he had finished his religious training before coming to the U.S. in the first place [in 1987]. He also stated explicitly that he never applied for a waiver of the 2-year home residency requirement of his J-1 Visa, because he had complied with that requirement. MASOOD said that he left the United States from June 1991 - July 1993 in order to comply with this requirement

48. MASOOD explained that his wife and five of his children came to the United States when he transferred to BU in 1988. MASOOD explained that his wife and children stayed in BU housing while he was there, and after he returned to Pakistan. MASOOD said that he didn't see family for 2 years while he was in Pakistan. MASOOD said that he was not in the U.S. when his son was born on March 6, 1992.[16] MASOOD said it was very hard for him to be away from his family for such a long time.

49. MASOOD said that during that time, his wife, who remained in the United States, did

[16] MASOOD gave different versions of when he claimed to have left the United States, claiming in 2003 that he left in June 1992, in 2005 that he left in August of 1991, and in 2002 and 2006, that he left in June 1991 as described below.

babysitting and informal types of things for work, and that it was a very tough period of time. MASOOD was asked how his wife and seven children were able to support themselves with little or no income, and MASOOD said that he had some savings, and she earned something. MASOOD also said that he had some friends from Pakistan who gave her some money, and he also accumulated some loans. MASOOD said that he did not send money back from Pakistan to his family while he was in Pakistan between 1991 and 1993.

50. MASOOD was also asked about whether he had ever been arrested or appeared in front of a judge anywhere in the world. MASOOD responded that he had received speeding tickets 2-3 times. He said he had received a ticket for not wearing a seatbelt in New York in 1997 or 1998. MASOOD said that he was also stopped in Boston for not yielding at a rotary, possibly in 1990, but that was before he went back to Pakistan in 1991.

51. Although it did not appear in his I-485 application, MASOOD explained that he actually had been arrested once, in 1997, in Norwood, on a shoplifting case. MASOOD explained that he was wrongly accused of changing the tags on the shirt that he was buying.[17] MASOOD said that he might be wrong about the dates.

52. MASOOD also stated that he had never received public assistance.

MASOOD'S EXPLANATION OF HOW HE CLAIMED TO FRAUDULENTLY ENTER THE UNITED STATES ON JULY 4, 1993

[17] With respect to MASOOD's version of the shoplifting case, according to the Norwood Police Department, on August 29, 2000, MASOOD ran out of a department store with two shirts after being confronted by the cashier for switching the tags on the shirts to lower prices. A police officer pursued MASOOD and located him in his car. MASOOD told the officer that he would pay whatever the girl said the price was for the shirts.

53. MASOOD was asked in more detail about how he allegedly returned to the United States in 1993 on a fraudulent passport without being inspected by Immigration or Customs officers. MASOOD said that he was desperate to come back to the United States to his family, so he asked a travel agent at the American Express Travel in Islamabad, Pakistan to help him return to the United States. MASOOD said that a Pakistani 'guy' promised that he could help MASOOD come to the United States quickly and without a problem, so MASOOD gave the guy his passport with the J-1 visa in it. MASOOD acknowledged that his passport was valid at the time and had an expired J-1 visa in it. MASOOD said that the man arranged all of MASOOD's travel documents and told him that he was all set to go. The man introduced him to some other individuals who would help him fly back to the United States that day.

54. MASOOD said that he returned to the United States without a passport. MASOOD was asked why he needed help getting back to the U.S. if he had a valid passport and visa. MASOOD explained that his J-1 visa had expired before he traveled from the U.S. to Pakistan, and that he overstayed his J-1 visa before he returned to Pakistan. He said that he finished school in the fall of 1990, and was allowed to stay on his J-1 visa through January 1991. MASOOD said that in fact, he left the U.S. in June 1991. MASOOD said his wife did not return with him, and had stated that she never wanted to go back to Pakistan.

55. MASOOD then explained how he allegedly boarded the plane at Islamabad airport. MASOOD said that he met two men at the Islamabad airport who helped him pass through the checkpoints. When asked why he would need assistance to board a plane, MASOOD

said that he didn't know, but a man was directing him. MASOOD said that he saw his passport, but the man did not give it to him. MASOOD said the two men who escorted him to the plane left the airport with his passport, leaving him with only his boarding pass.

56. MASOOD then described what allegedly happened to him when he landed at John F. Kennedy International Airport ("JFK") in New York. MASOOD said that he landed at JFK and got off the plane. He only had carry-on baggage, but he didn't have a passport. MASOOD said that some people escorted him out of the airport from there. MASOOD said that he passed through the Immigration area at JFK but did not talk to an Immigration officer and was not inspected.[18] MASOOD said that he got the impression that someone must have already spoken to the Immigration officers. MASOOD was asked where he met the people who helped him get through Immigration at JFK. MASOOD said that two white Americans met him at the baggage claim. The people were dressed in suits, were in their forties, and did not have badges. MASOOD said he did not know who they were.

57. MASOOD said that when he was in Pakistan, the people there told him that he would be taken care of and that there would be some white people who would be nice to MASOOD. MASOOD said that the men at JFK airport who intercepted him at the baggage claim appeared to know the Immigration Officers. MASOOD said that he never went through Customs & Immigration at JFK; rather, he and the two men went through some unmarked door. MASOOD said that he just carried his suitcase out with him and went out to ground

[18]Both in 1993 and today, the regular procedure at JFK for incoming international flights is that passengers must go through an Immigration and Customs checkpoint prior to being permitted to exit the airport. Consequently, a record of entry is regularly created for every passenger entering from an international flight.

transportation where he went out to find a taxi. MASOOD said that the men escorted him out of JFK and let him go.

58. MASOOD said that he paid 100,000 rupees to the man at the American Express, which is the equivalent of approximately $2,000, plus the price of the plane ticket. MASOOD was asked some more questions about the strange story about how he boarded the plane to return from Pakistan. It was pointed out that MASOOD had spoken about a version of this story when he gave an interview to INS during the NSEERS registration in 2003. At that time, he had said he had not received a boarding pass, and that two men of Pakistani descent met MASOOD at JFK airport.

59. After being told of his previous statement, MASOOD explained that, after landing at JFK, *first* he met two white people, and *then* he met two Pakistani people, who appeared to know each other. He said that the people in Pakistan who helped him were all Pakistani, and the people at JFK were both white people as well as Pakistani people, and instead of two people, there were four people.

60. MASOOD stated that he never came back to the United States between June 1991 and July 1993; rather, he stayed in Pakistan the entire time. MASOOD said that after arriving at JFK, he came to Boston. When asked how he made arrangements to come to Boston, he said that an acquaintance of his was there to help him and drove him to Boston. Masood took a cab to the acquaintance's house in Queens whose name he did not recall. He said a friend from Boston, whose last name he stated, helped him connect with the person in Queens.

61. MASOOD was asked if he had any proof of reentry into the U.S. at that time. MASOOD

stated that he did not. MASOOD stated however, that he did comply with the 2 year home residency requirement in Pakistan. In fact, according to State Department and Customs records, there is no record of MASOOD's departure from, or reentry into, the United States after 1990.

MASOOD'S EXPLANATION OF INCONSISTENT FACTS

62. The Adjudication Officer then asked MASOOD to explain some of the information which suggested that MASOOD had not, in fact, been out of the country between June 1991 and July 1993. MASOOD was asked to explain a January 1992 traffic ticket that he received in Boston while he was allegedly in Pakistan. MASOOD said that he did not recall that ticket, and he claimed that the signature which appears on the ticket, which is signed in his name, does not appear to be his signature. MASOOD suggested that someone else might have been using his name. MASOOD was also asked about another ticket he received in January 1992 in Boston while he said he was in Pakistan, this one for driving without an inspection sticker. MASOOD did not explain this at all. MASOOD was also confronted with records suggesting that he worked for several different companies in the Boston area while he was allegedly in Pakistan. MASOOD said that perhaps a colleague or a friend might have been using his social security number. MASOOD also said that his wife did not have a Social Security Number at that time, so she might have used MASOOD's.[19]

[19]It appears unlikely that MASOOD's wife would have been using this social security number for such employment. Between 1991 and 1993, MASOOD's social security number was used for employment in the security and building management industries, while MASOOD's wife gave birth to her seventh child in 1992. Similarly, according to the medical records for the birth of that child, she required the assistance of MASOOD as a translator and as a support person during her hospital stay.

MASOOD also said that somebody might have forged or used his driver's license. Following these explanations, the interview was concluded.

63. When given a chance to amend his responses, and when confronted with logical inconsistencies between his answers in the I-485 application and objective evidence, I believe that instead of acknowledging his prior falsehoods, MASOOD perpetuated the misrepresentation by concocting stories and alternate explanations for the evidence.

MASOOD'S MULTIPLE MATERIAL MISSTATEMENT TO IMMIGRATION SERVICE

64. MASOOD lied about his compliance with terms of his J-1 visa extension. The I-485 application form which MASOOD signed on December 18, 2002 under penalty of perjury, asked "Have you ever been a J nonimmigrant exchange visitor who was subject to the two year foreign residence requirement and not yet complied with that requirement or obtained a waiver?" MASOOD fraudulently answered "No." On February 7, 2005, and on November 15, 2006, MASOOD was placed under oath and asked this same question. On both occasions, MASOOD answered "No" to two separate Immigration Officers. If MASOOD truthfully answered "Yes", he would have been ineligible to become a Legal Permanent Resident. I thus believe that he chose to lie. Consequently, although MASOOD did not always cite the same dates that he had supposedly left the United States and returned to Pakistan, MASOOD maintained his story that he had returned to Pakistan to comply with his home residency requirement.

65. MASOOD lied about his prior criminal history. In his I-485 Application, and at his February 7, 2005 interview, MASOOD indicated that he had never previously been arrested. At his November 15, 2006 interview, MASOOD added that he had in fact been

previously arrested for shoplifting in 1997. He did not amend his response to the other questions listed above. According to Dedham District court records, MASOOD was arrested and criminally charged in 2000 with shoplifting, and he was criminally charged by summons in 1994 with operating a motor vehicle without having compulsory insurance. Both cases were ultimately dismissed after the payment of substantial court costs. For the 2000 arrest for shoplifting, MASOOD had fraudulently provided to the police a residential address in Hooksett, New Hampshire.

66. MASOOD lied about his illegal entrance into the United States, thereby distracting the Immigration Service with a fraudulent story which, if believed, would have rendered him eligible to change his status to LPR. In his I-485 application on December 18, 2002, at his NSEERS interviews on February 13, 2003, in his January 31, 2005 affidavit, on his I-485 interview on February 7, 2005, and at his I-485 interview on November 15, 2006, MASOOD fraudulently represented that he had entered the United States without inspection on July 4, 1993. In fact, the evidence shows that MASOOD used this as a contrived explanation to falsely justify his eligibility to apply for Immigration benefits.

67. MASOOD lied about his receipt of public assistance funds. In his I-485 application on December 18, 2002, and at his interviews on that application on February 7, 2005 and November 15, 2006, MASOOD falsely represented that he had not and would not be likely to receive public assistance, when in fact he had applied for and received MassHealth public medical assistance from 1997 to 2005.

MASOOD DID NOT RETURN TO PAKISTAN FROM 1991 to 1993

68. Contrary to MASOOD's representations however, several pieces of evidence demonstrate

that MASOOD did not return to Pakistan for two years, nor did he work as an Imam there between June 1991 and July 1993. For example:

A. According to United States Customs and Border Protection and Immigration records, there is no record of entry/exit by MASOOD at a border crossing of the United States between that time period. The last documented entry for MASOOD into the United States was on July 15, 1990 into New York City, while he still had his valid J-1 visa.

B. According to Records of the Massachusetts Department of Motor Vehicles ("DMV") and the Massachusetts State Police, MASOOD received two traffic tickets in the Boston area during the time frame he claimed to be in Pakistan. On January 3, 1992, MASOOD was stopped for driving with no inspection sticker in Chelsea, Massachusetts. Approximately two weeks later, on January 18, 1992, in West Roxbury, Massachusetts, MASOOD was issued a citation for failing to stop, for which he signed and acknowledged receipt. DMV records show that the vehicle he was driving was registered to him. DMV records also show that MASOOD purchased a vehicle in April 1992.

C. According to records of the Social Security Administration, MASOOD was employed at a number of jobs between 1991 and 1993, all in the Boston area. Among other positions, MASOOD was employed as a security guard during this time, as well as a garage attendant.[20]

---

[20]Such employment during his course of study at Boston University was expressly prohibited by the J-1 Exchange Visitor Program under which he had entered the country. MASOOD's authorization to remain in the country under that program expired in May 1991.

D. According to records of Augis Corporation d/b/a Elite Protective Services , MASOOD was employed as a night-time security guard from at least January 1990 through March 1992 in the Boston area. These records include a register of regular paychecks, and performance awards and penalties, including several citations for neglect of duty, and one "Perfect Attendance" award in February 1992. In his application for employment, MASOOD listed that he had been employed as a security officer at two prior companies. Moreover, MASOOD falsely listed that he possessed an Alien Registration Card, a "green card", which he did not, and does not have. That is, he told his employer that he was an LPR in 1992.

E. According to records of Boston University, MASOOD continued to reside at Warren Hall, 14 Buswell St., Boston, with his family from 1991-1993. Among records of MASOOD's tenancy, Boston University had sued MASOOD for failure to pay rent in Roxbury District Court in December 1992. MASOOD also wrote a letter of complaint about service and treatment by Boston University housing in May 1993 and requested an apartment upgrade in April 1993.[21] MASOOD's recognizable signature appears on these documents. Similarly, despite MASOOD's claim that he had left the United States by June 1991, on July 2, 1991 MASOOD was served in hand by a Constable with a notice to pay his back rent.

---

[21]In May 1993, Boston University records reflect that there were numerous complaints about the dirty refuse from MASOOD's apartment which was bothering other residents in the apartment building. MASOOD asked the Building Management to deter the residents from making future complaints, instead blaming them for moving his family's garbage. This exchange occurred during the time when MASOOD told Immigration that he was in Pakistan.

F. As set forth above, MASOOD claimed, in a number of submissions and interviews, that he left the United States in June 1991 and returned in July 1993. This, according to MASOOD, was to satisfy the home-residency requirement of his J-1 Visa (and to establish that he had worked as an Imam for two years prior to being hired by the Sharon Mosque.) One of MASOOD's children was born during the time he was allegedly in Pakistan. On November 15, 2006, MASOOD told Immigration that he was not in the U.S. when his son was born in March of 1992. Hospital records of the treatment of his wife and the birth of his son establish the falsity of that statement. In a number of entries in the medical records, conversations with MASOOD and the presence of MASOOD are documented. He acted as his wife's interpreter, assisted her in completing a questionnaire, and called the nurses concerning certain symptoms. MASOOD is identified as Rehana Masood's husband, the "nearest relative" and the "Support Person." MUHAMMAD MASOOD is further identified as a student at Boston University, who is from Pakistan. When the mother and new child were discharged on March 7, 1992, they were discharged to MASOOD.

All of these activities occurred while MASOOD claimed to have been in Pakistan working as an Imam.

MASOOD'S LIES ABOUT BEING AN IMAM IN PAKISTAN

69. MASOOD represented both to the Immigration service as well as the ICNE that in the two years that he had allegedly returned to Pakistan, he also served as an Imam there. Documents produced by the ICNE include two resumes for MASOOD. In the first

resume, which appears to have been provided to the ICNE on or after 1999, MASOOD listed that he had been an Assistant Professor at the University of Agriculture in Faisalabad, Pakistan from 1991-1993. However, in a second MASOOD resume, which appears to reflect a later date, the University of Agriculture entry was entirely omitted. In the second resume, the University of Agriculture reference was replaced with work experience as the Imam of the Jamia Masjid Muqqaddas in Faisalabad, Pakistan from 1991-1993. In the first resume, MASOOD also listed that he had obtained a Master's degree in Islamic Theology and Hadith, which he changed for his second resume, in which he described the degree as a certificate. MASOOD also listed on both resumes that he obtained his "Master's" in Economic Policy from Boston University from 1988-1991. In fact, he did not obtain a Master's degree from Boston University until he petitioned for one in 2005.

70. MASOOD submitted additional documents supporting his I-485 application prior to an interview scheduled with the Immigration Service on February 7, 2005. These supporting documents reiterated the false information about MASOOD becoming an Imam in Pakistan. Among the false documents were the Form G-325A, which requests biographical data. In the portions of that form which requested MASOOD's last address and last occupation abroad, he indicated that he had been the Imam at the Jamia Mosque in Faisalabad, Pakistan from August 1991 to August 1993.

71. On November 15, 2006, MASOOD verbally adopted the February 2002 letter of Haji Binyamin Mohamed which was submitted with his I-360 application and which stated that MASOOD had been an Imam in Pakistan for June 1991 to July 1993. This letter, too, was

false.

FALSE INFORMATION CONCERNING PUBLIC ASSISTANCE

72. Despite his statements in documents submitted to the Immigration Service in support of his I-485 application, MASOOD had in fact applied for and received public assistance by federal and state governments, namely through the MassHealth program. Assessing whether an alien is a risk of becoming a public charge is a fundamental function of the Immigration Service's task. MassHealth is a health benefit program which administers the distribution of federal Medicaid funds, which are controlled by the executive branch of the federal government. MassHealth eligibility, like other Medicaid funds, is based on financial need.[22] According to the U.S. Department of Health and Human Services, 50% of Medicaid funds are federally funded, and the balance is funded by the state administering agency. As such, what type of benefits an alien is qualified to receive under MassHealth is also connected to whether they are eligible to receive federal funds, which is to say, if they are not legally present, they are not eligible for some MassHealth programs. According to records of the Massachusetts Division of Medical Assistance, MASOOD was in the MassHealth benefit system for himself and his family between 1997 and 2005.

---

[22]In the MassHealth applications, MASOOD was also required to report his income and employment in order to determine eligibility for MassHealth, which is determined, in part, based on one's ability to pay. MassHealth records indicate that under penalties of perjury, MASOOD applied for MassHealth assistance for himself and his family and in applications submitted for the years 1998 through 2004, MASOOD omitted or falsified material information, including information concerning his salary, his employer(s), his family's immigration status, and provided false social security numbers for some of his children.

CONCLUSION

73. Based upon the foregoing, there is probable cause to believe that MASOOD, made and offered material mistatements to the Immigration Service of the United States, in violation of 18 U.S.C. §§1001(a) and 1546(a).

74. Specifically, on or about December 18, 2002, in the District of Massachusetts and elsewhere, MASOOD, the defendant herein, did knowingly present to United States Citizenship and Immigration Services (formerly Immigration and Naturalization Service) an application and other document required by the immigration laws, and regulations prescribed thereunder, to wit, an Application to Register Permanent Residence or Adjust Status, Form I-485, which contained a statement, to wit, that the defendant had never been a J nonimmigrant exchange visitor who was subject to the two year foreign residence requirement who had not complied with that requirement and who had not obtained a waiver, which the defendant then and there knew was false, in that the defendant had been a J nonimmigrant exchange visitor subject to the two year foreign residence requirement and had not complied with that requirement and had not obtained a waiver, in violation of Title 18, United States Code, Section 1546(a).

75. Likewise, on November 15, 2006, in the District of Massachusetts, MASOOD, the defendant herein, in a matter within the jurisdiction of the United States Citizenship and Immigration Services (formerly Immigration and Naturalization Service), an agency within the executive branch of the Government of the United States, the defendant did knowingly and willfully make a false, fraudulent, and fictitious material statement and representation, to wit, that the defendant last entered the United States on July 4, 1993

without being inspected by an Immigration Officer at New York, New York, which statement the defendant then and there knew was false, in that the defendant had not so entered, in violation of Title 18, United States Code, Section 1001(a)(2).

THOMAS CARROLL
Special Agent
Immigration Customs Enforcement

Sworn to me and subscribed in my presence this 23rd day of July, 2007.

Joyce London Alexander
United States Magistrate Judge

JS 45 (5/97) - (Revised USAO MA 11/15/05)

Criminal Case Cover Sheet **U.S. District Court - District of Massachusetts**

Place of Offense: Boston **Category No.** II **Investigating Agency** ICE

City Boston **Related Case Information:**

County Suffolk Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant X
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____

Defendant Information:

Defendant Name Muhammad Masood Juvenile ☐ Yes ☒ No

Alias Name _____

Address 74 Chase Drive, Sharon, MA

Birth date (Year only): 1958 SSN (last 4 #): 5904 Sex M Race: South Asian Nationality: Pakistan

Defense Counsel if known: Norman Zalkind **Address:** Zalkind, Rodriguez, Lunt & Duncan
65A Atlantic Ave, Boston 02110

Bar Number: _____

U.S. Attorney Information:

AUSA Aloke Chakravarty **Bar Number if applicable** 637288

Interpreter: ☐ Yes ☒ No **List language and/or dialect:** _____

Victims: ☐ Yes ☒ No **If Yes, are there multiple crime victims under 18 U.S.C. §3771(d)(2)** ☐ Yes ☐ No

Matter to be SEALED: ☐ Yes ☒ No

☒ **Warrant Requested** ☐ **Regular Process** ☐ **In Custody**

Location Status:

Arrest Date: _____

☐ **Already in Federal Custody as** _____ **in** _____.
☐ **Already in State Custody** _____ ☐ **Serving Sentence** ☐ **Awaiting Trial**
☐ **On Pretrial Release:** **Ordered by** _____ **on** _____

Charging Document: ☒ **Complaint** ☐ **Information** ☐ **Indictment**

Total # of Counts: ☐ **Petty** _____ ☐ **Misdemeanor** _____ ☒ **Felony** Two

Continue on Page 2 for Entry of U.S.C. Citations

☒ **I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.**

Date: July 23, 2007 **Signature of AUSA:** _____

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Muhammad Masood

U.S.C. Citations

	Index Key/Code	Description of Offense Charged	Count Numbers
Set 1	18 U.S.C. § 1546(a)	Fraud in Immigration Application	One
Set 2	18 U.S.C. § 1001(a)	False Statements	Two
Set 3			
Set 4			
Set 5			
Set 6			
Set 7			
Set 8			
Set 9			
Set 10			
Set 11			
Set 12			
Set 13			
Set 14			
Set 15			

ADDITIONAL INFORMATION: