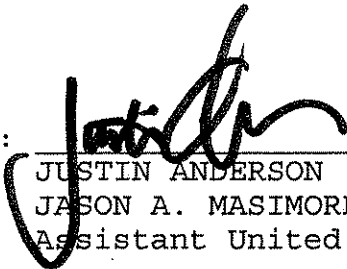


Approved:

  
JUSTIN ANDERSON  
JASON A. MASIMORE  
Assistant United States Attorneys

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Before: HONORABLE ANDREW J. PECK  
United States Magistrate Judge  
Southern District of New York

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UNITED STATES OF AMERICA	:	<u>SEALED COMPLAINT</u>
- v. -	:	Violations of
HAK TUNG LAM,	:	8 U.S.C. §§ 1324(a)(1)(A),
a/k/a "Ke Dong Lin,"	:	1324(a)(2)(B)
FNU LNU,	:	COUNTY OF OFFENSE:
a/k/a "Ms. Yang," and	:	NEW YORK
WEN WO LAM,	:	
Defendants.	:	

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SOUTHERN DISTRICT OF NEW YORK, ss.:

LEIGH SENZATIMORE, a Special Agent with Homeland Security Investigations ("HSI"), being duly sworn, deposes and states:

COUNT ONE

1. From at least in or about March 2011, up to and including on or about June 22, 2011, in the Southern District of New York and elsewhere, HAK TUNG LAM, a/k/a "Ke Dong Lin," FNU LNU, a/k/a "Ms. Yang," and WEN WO LAM, the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated and agreed together and with each other to commit an offense against the United States, to wit, to violate Title 8, United States Code, Sections 1324(a)(1)(A)(ii) and 1324(a)(1)(A)(iv).

2. It was a part and an object of the conspiracy that HAK TUNG LAM, a/k/a "Ke Dong Lin," FNU LNU, a/k/a "Ms. Yang," and WEN WO LAM, the defendants, and others known and unknown, willfully and knowingly, and in knowing and reckless disregard of the fact that an alien had come to, entered, and remained in the United States in violation of law, would and did transport and move and attempt to transport and move such alien within the United States by means of transportation and otherwise, in furtherance of such violation of such law, and did so for private

financial gain, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

3. It was further a part and an object of the conspiracy that HAK TUNG LAM, a/k/a "Ke Dong Lin," FNU LNU, a/k/a "Ms. Yang," and WEN WO LAM, the defendants, and others known and unknown, willfully and knowingly, and in knowing and reckless disregard of the fact that an alien had come to, entered, and remained in the United States in violation of law, would and did encourage and induce an alien to come to, enter, and reside in the United States, and did so for private financial gain, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv).

#### OVERT ACTS

4. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about May 5, 2011, in New York, New York, HAK TUNG LAM, a/k/a "Ke Dong Lin," the defendant, attended a meeting to plan the smuggling of three aliens into the United States.

b. On or about May 5, 2011, in New York, New York, FNU LNU, a/k/a "Ms. Yang," the defendant, prepared receipts for LAM in connection with the smuggling of three aliens into the United States.

c. On or about May 23, 2011, in New York, New York, WEN WO LAM, the defendant, received \$3,000 as payment for obtaining a sponsor for an alien smuggled into the United States.

(Title 8, United States Code, Sections 1324(a)(1)(A)(v)(I) and 1324(a)(1)(B)(I).)

#### COUNT TWO

5. From at least in or about October 2006, up to and including in or about February 2009, in the Southern District of New York and elsewhere, HAK TUNG LAM, a/k/a "Ke Dong Lin," the defendant, knowing and in reckless disregard of the fact that an alien had not received prior official authorization to come to, enter, and reside in the United States, willfully and knowingly did bring to and attempt to bring to the United States such alien, regardless of any official action which may later have

been taken with respect to such alien, and aided and abetted the same, for the purpose of commercial advantage and private financial gain, and as part of an ongoing commercial organization and enterprise, to wit, LAM assisted in the smuggling of approximately 468 Chinese nationals into the United States.

(Title 8, United States Code, Sections 1324(a)(2), 1324(a)(2)(B)(ii), and 1324(a)(4)(A), and Title 18, United States Code, Section 2.)

6. The bases for my knowledge and for the foregoing charges are, in part, as follows:

7. I have been a law enforcement agent with HSI, and its predecessor agencies, for approximately thirteen years. During that time, I have participated in investigations of alien smuggling, human trafficking, benefit fraud, and other offenses. I have been personally involved in the investigation of this matter, and I base this affidavit on that personal experience, as well as on my conversations with law enforcement agents and others, and my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

8. Based on my training and experience, I have learned the following information:

a. Alien smuggling is the importation of people into the United States through the deliberate evasion of immigration laws. This offense includes bringing illegal aliens into the United States, as well as the unlawful transportation and harboring of aliens after they have arrived in the United States. It also includes encouraging aliens to enter or reside in the United States.

b. Alien smugglers solicit individuals in foreign countries who seek to migrate to the United States. Alien smugglers then arrange for their transportation into the United States for financial gain through numerous methods.

c. Alien smugglers most frequently use the following methods to transport aliens into the United States: (I) illegally entering through the southwest border with Mexico at areas other than ports of entry into the United States;

(ii) illegally entering the United States through the northern border with Canada at places other than ports of entry;  
(iii) entering at ports of entry into the United States using fraudulent or fraudulently obtained documents.

d. In the case of Chinese nationals who are smuggled into the United States, the aliens are frequently instructed by the smugglers to destroy their identification documents prior to their entry into the United States. After arriving, these aliens claim a "credible fear" of returning to China and later file for asylum.

e. At times, attorneys conspire with alien smugglers in furtherance of this crime. These corrupt attorneys advise smugglers on the best entry points into the United States. They also prepare paperwork for release from immigration detention, through either bond or parole, for aliens who are apprehended by immigration authorities after arriving illegally in the United States. In addition, the corrupt lawyers prepare sponsor filings, the purpose of which is to assure immigration authorities that, if released from detention, an alien illegally in the United States will not become a public charge. In some cases, the smuggled aliens do not have relatives to act as sponsors, so the corrupt attorneys arrange for third parties to act as sponsors for the aliens by misrepresenting the relationship between the sponsor and the alien.

9. Based on my conversations with a cooperating witness (the "CW"),<sup>1</sup> I have learned the following:

a. The CW smuggled aliens into the United States for a period of five years, beginning in or about 2004 and ending in or about August 2009, when the CW was arrested.

b. From in or about October 2006, up to in or about February 2009, the CW worked with HAK TUNG LAM, a/k/a "Ke Dong Lin," ("HAK"), the defendant, to smuggle Chinese nationals into the United States.

c. During the time period when the CW worked

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<sup>1</sup> The CW has pleaded guilty to charges arising from his alien smuggling activities and is cooperating with law enforcement with the hope of receiving a reduced sentence. The CW has provided reliable information in the past regarding alien smuggling and other crimes, and the information provided by the CW has been corroborated by surveillance and arrests.

with HAK to smuggle aliens into the United States, HAK was an immigration attorney in New York, New York. The CW spoke openly with HAK on numerous occasions about smuggling aliens into the United States, and HAK provided advice on legal and logistical matters that arose in the course of the alien smuggling. HAK participated in the CW's alien smuggling enterprise in the following ways, among others:

i. HAK advised the CW on entry points into the United States based on how easily the smuggled aliens could be released from immigration detention. For example, HAK recommended Phoenix and Chicago.

ii. HAK submitted paperwork in connection with the release from immigration custody of the aliens smuggled into the United States by the CW.

iii. HAK recruited individuals to serve as sponsors and/or guarantors for smuggled aliens. These individuals lied about their relationships with the smuggled aliens in connection with applications for the aliens' release from immigration custody.

iv. HAK advised the CW that the smuggled aliens should destroy their identification and travel documents before arriving at a port of entry into the United States.

v. HAK received payments from the CW for his assistance in CW's smuggling operations.

d. On or about July 14, 2010, the CW provided me with a spreadsheet (the "Spreadsheet") containing an accounting of some of the aliens that the CW smuggled into the United States with the assistance of HAK, and the CW's corresponding payments to HAK. According to the Spreadsheet, HAK assisted in the smuggling of 468 aliens between October 2006 and February 2009. The Spreadsheet also shows that HAK's base fee was \$2,000 per alien.

e. I and other HSI agents have entered into HSI databases the names of the aliens listed on the Spreadsheet. We have been able to identify 366 of the 468 aliens listed on the Spreadsheet by locating records for individuals who entered the United States at approximately the same time and with the same (or very similar) names as those listed in the Spreadsheet. Using a sample, we further determined that, for the majority of those aliens, HAK filed a notice of appearance in their immigration proceedings.

10. On or about March 25, 2011, at approximately 11:10 a.m., two confidential sources, acting under my direction, went to the Law Offices of HAK TUNG LAM, a/k/a "Ke Dong Lin," the defendant, at 90 Bowery, Suite 303, New York, New York (the "Law Office"). In advance of this meeting, I provided one of the confidential sources ("CS-1")<sup>2</sup> with a covert digital recording device, which CS-1 carried to the meeting. Based on my review of a transcript of the recording made by CS-1, and my conversations with CS-1 and the other confidential source ("CS-2,"<sup>3</sup> together with CS-1, the "Informants"), I learned the following:

a. Upon entering the Law Office, the Informants were greeted by a person who appeared to be a secretary (the "Secretary"). Speaking Mandarin and Fukanese, the Informants told the Secretary that they had "customers" who would be entering the United States illegally and that they needed legal services, including arranging for immigration bonds for their customers. The Secretary told the Informants that the cost of immigration bonds varied by point of entry, and the attorney's base fee was \$2,000 per alien. The Informants asked whether the fee was negotiable, and the Secretary responded that, if the Informants had a lot of customers, the fee could be negotiated. The Secretary assured the Informants that the Law Office had been doing this type of business for ten years and is the "most efficient place handling bonds in Chinatown."

b. The Informants asked the Secretary which states had the least expensive immigration bonds. The Secretary recommended Arizona. At this point in the conversation, WEN WO LAM ("WEN"), the defendant, approached the Informants. WEN advised the Informants not to bring the aliens into the United

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<sup>2</sup> CS-1 is a confidential source who has been working with HSI for approximately 15 years. CS-1 has been paid for his/her work in connection with the present case. CS-1 has provided reliable information in the past regarding alien smuggling and other crimes, and the information provided by CS-1 has been corroborated by surveillance and arrests. CS-1 has violated the law in the past and initially began cooperating with the Government in order to receive a more lenient sentence. At present, no criminal charges are pending against CS-1.

<sup>3</sup> CS-2 is a confidential source who has been working with HSI for approximately one year. CS-2 has been paid for his/her work in connection with the present case. CS-2 has provided reliable information in the past regarding alien smuggling and other crimes, and the information provided by CS-2 has been corroborated by surveillance and arrests.

States through Florida. WEN told the Informants that he, WEN, was the younger brother of the "boss." WEN advised the Informants that their customers should not have any fake marriages or criminal history because either of those things would not be good for the customers' cases.

c. The Informants asked the Secretary to arrange a meeting with the "boss," and CS-1 left his/her mobile telephone number, so that the "boss" could contact him/her. The Informants then left the Law Office and met with me and other HSI agents at a predetermined location.

11. Within approximately half an hour, CS-1 received a telephone call on his/her mobile telephone from an individual claiming to be the lawyer whose office s/he had recently departed. During this call, which took place in my presence, CS-1 agreed to return at 3:00 p.m. to the Law Office to meet with the attorney.

12. At approximately 3:00 p.m. that day, the Informants met with HAK TUNG LAM, a/k/a "Ke Dong Lin," ("HAK"), the defendant, at the Law Office. Prior to this meeting, I activated a digital recording device and provided it to CS-1. Based on my review of a transcript of the recording made by CS-1, and my conversations with the Informants, I learned the following:

a. During this meeting, the Informants told HAK that they were transporting aliens from Thailand to the United States.

b. HAK told the Informants that he had ten years' experience dealing with immigration issues, and agreed that he and the Informants were in the "same business," i.e., alien smuggling.

c. HAK recommended that the Informants' customers should not have any identity or travel documents on them when they arrive in the United States because those documents would delay the aliens' release. HAK explained, in sum and substance, that if the aliens do not have documents with them, immigration authorities have nothing to check. HAK said that having no passports or documents on them would lessen the aliens' time in detention.

d. After discussing possible ports of entry into the United States, CS-1 told HAK that he planned to bring in the aliens through Chicago O'Hare International Airport ("O'Hare").

e. HAK also told the Informants that he could assist in getting airline tickets to transport the aliens to New York.

f. HAK advised the Informants that he would likely change his telephone number in the near future.

13. On or about April 14, 2011, at approximately 11:55 a.m., CS-1 called the main telephone number of the LAW OFFICE. I personally monitored this call and made a recording of it. FNU LNU, a/k/a "Ms. Yang," ("YANG"), the defendant, answered the telephone. CS-1 asked to speak with the attorney. YANG told CS-1 that the attorney was not there at present, and the Secretary no longer worked there. CS-1 then asked to speak with WEN, who came to the telephone. CS-1 told WEN that s/he expected to transport five aliens into the United States in approximately two weeks.

14. I have learned from other agents that, on or about May 5, 2011, they provided CS-2 with \$6,000 in U.S. currency, in order to pay the fee requested by HAK TUNG LAM, a/k/a "Ke Dong Lin," the defendant. I learned from CS-2 that, after receiving \$6,000, the following took place:

a. CS-2 went to the Law Office and paid \$6,000 in cash directly to HAK.

b. CS-2 also provided HAK with a list containing the names of three aliens that CS-2 expected to arrive at O'Hare the next day. FNU LNU, a/k/a "Ms. Yang," the defendant, gave CS-2 three \$2,000 receipts, one for each of the aliens on CS-2's list.

c. HAK asked CS-2 for copies of the aliens' documents and told CS-2 that the aliens' passports must be discarded prior to their arriving at O'Hare. HAK stated that he would arrange for the aliens' immigration bonds, so that the aliens could be released from immigration custody. HAK told CS-2 that he would alert CS-2 when the aliens were released.

15. On or about May 6, 2011, three Chinese nationals (the "Aliens") arrived at O'Hare, under the supervision of HSI. The Aliens were arrested, processed, and detained administratively by officers with Customs and Border Protection.

16. Between on or about May 6, 2011 and on or about May 12, 2011, I interviewed each of the Aliens individually. Each of them had in his possession the telephone number for the Law Office. Each of the Aliens told me that he received that



number from the person who had "smuggled" them into the United States.<sup>4</sup> Each of them told me that he had spoken to FNU LNU, a/k/a "Ms. Yang," ("YANG"), the defendant, on multiple occasions, by calling the Law Office's telephone number. During these conversations, YANG asked each man the reason he came to the United States and whether he had any family in the United States.

17. One of the Aliens ("Alien-1") informed me that FNU LNU, a/k/a "Ms. Yang," the defendant, instructed him to "work on" his explanation of why he came to the United States. YANG also told Alien-1 that there was an "aunt" in New York City who could act as his sponsor.<sup>5</sup> Alien-1 told me that, in reality, he does not have an aunt who lives in New York City.

18. Another one of the Aliens ("Alien-2") told me that FNU LNU, a/k/a "Ms. Yang," the defendant, told him that his explanation for coming to the United States was "clear."

19. The last one of the Aliens ("Alien-3") told me that FNU LNU, a/k/a "Ms. Yang," the defendant, advised him to "think more" about why he came to the United States.

20. On or about May 12, 2011, CS-2 met with HAK TUNG LAM, a/k/a "Ke Dong Lin," the defendant, at the Law Office. In advance of that meeting, another agent provided CS-2 with a covert digital recording device, which CS-2 carried to the meeting. Based on my conversations with another law enforcement agent who conducted surveillance and spoke with CS-2, I learned the following concerning the May 12, 2011 meeting:

a. CS-2 provided HAK with copies of identity documents of family members for two of the three Aliens.

b. HAK said that he would contact CS-2 if there was a problem with the paperwork and before the Aliens were released from immigration custody.

c. HAK told CS-2 that he preferred to meet CS-2 in Flushing, Queens, when discussing the operation in the future.

d. HAK also said that he had been "resting" from work for one year but returned for this operation.

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<sup>4</sup> In reality, the "smuggler" was an HSI agent working undercover in connection with this investigation.

<sup>5</sup> A sponsor is a person who swears under penalty of perjury to be held financially responsible for the support of an alien, so that the alien will not become a public charge.

21. I have learned from CS-2 that, on or about May 16, 2011, CS-2 called HAK TUNG LAM, a/k/a "Ke Dong Lin," the defendant, to arrange a meeting. Later that day, other agents observed CS-2 pick up HAK in Flushing, Queens. CS-2 and HAK then drove to and entered the Platinum Lounge in Flushing, Queens. In advance of that meeting, I provided CS-2 with a covert digital recording device, which CS-2 carried to the meeting. Based on my conversations with CS-2 and other agents, I learned the following about that meeting:

a. Inside the Platinum Lounge, HAK told CS-2 that immigration authorities had the Aliens' passports. HAK said that this was a "problem" but that he would take care of it.

b. HAK said that he guaranteed that the Aliens would be released from detention on bonds. HAK also told CS-2 that HAK had obtained a sponsor for one of the Aliens, and that it would cost CS-2 \$3,000.

c. HAK instructed CS-2 to send Chinese identification documents for the Aliens to his office and to bring the payment for the sponsor in a few days.

d. HAK also again explained to CS-2 that he gave up smuggling operations in 2009 because his smugglers had "trouble," but that he now believed that the operations are safe again.

e. CS-2 told HAK that he had more aliens to smuggle into the United States, and would work with HAK again if the results for this operation were good.

f. HAK advised CS-2 to tell future clients to hide in the airport bathroom for at least half an hour after deplaning, so that immigration authorities could not determine where they came from. HAK also recommended that CS-2 smuggle no more than 5 aliens per flight.

22. On or about May 23, 2011, CS-2 met with WEN WO LAM ("WEN"), and FNU LNU, a/k/a "Ms. Yang," ("YANG"), the defendants, at the Law Office. In advance of that meeting, another agent provided CS-2 with \$3,000 and a covert digital recording device, which CS-2 carried to the meeting. Based on my conversation with CS-2 and other agents, I learned that, during the meeting, CS-2 paid WEN \$3,000 for finding a sponsor for one of the Aliens.

23. I also learned from CS-2 that, after the May 23, 2011 meeting, CS-2 received a phone call from HAK TUNG LAM, a/k/a "Ke Dong Lin," the defendant. According to CS-2, HAK made the

following statements during that call:

a. HAK acknowledged that the identity documents and the \$3,000 payment had been delivered to his office.

b. HAK told CS-2 that he took care of sponsorship for one of the Aliens and would submit bond paperwork for all three Aliens on May 25, 2011.

c. HAK instructed CS-2 to have the other sponsors visit his office where YANG would take care of the paperwork.<sup>6</sup>

d. HAK advised CS-2, from that point forward, to only discuss the smuggling operation outside of the Law Office.

24. I learned from CS-2 that, on or about June 13, 2011, HAK TUNG LAM, a/k/a "Ke Dong Lin," the defendant, called CS-2 to advise CS-2 that two of the Aliens would be released from immigration detention the next day. CS-2 recorded this conversation using a digital recording device provided by HSI.

25. I learned from CS-2 that, on or about June 14, 2011, HAK TUNG LAM, a/k/a "Ke Dong Lin," the defendant, called CS-2 to advise CS-2 that all of the Aliens would be arriving at Laguardia Airport that evening. HAK also told CS-2 that HAK's fee was \$600 for each of the Aliens, to cover the cost of the flight and to pay a Chicago-based associate who coordinated the Aliens' flight to New York. CS-2 recorded this conversation using a digital recording device provided by HSI.

26. On or about June 15, 2011, CS-2 met with HAK TUNG LAM, a/k/a "Ke Dong Lin," the defendant, on the corner of Sanford Avenue and Main Street in Flushing, Queens. In advance of that meeting, I provided CS-2 with \$1,800 and a digital recording device. Based on my observations, the observations of other agents who were conducting surveillance with me, and my conversation with CS-2, I learned the following:

a. CS-2 paid HAK \$1,800 for transporting the Aliens from Chicago to New York.

b. CS-2 and HAK discussed future smuggling plans. CS-2 said that s/he had seven other aliens to smuggle into the United States and would transport them in two separate "loads." HAK said that he could get three sponsors right away, but would need time to get others.

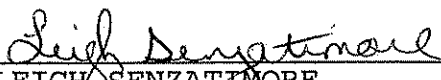
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<sup>6</sup> The other sponsors were actual relatives of the Aliens.

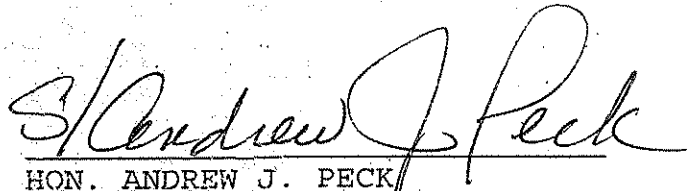
c. HAK told CS-2 that they were lucky because the Aliens were released from immigration custody on more lenient conditions than other Chinese aliens who traveled to Chicago on the same day.

27. On or about June 21, 2011, CS-2 identified a passport photograph of WEN WO LAM, the defendant, as the "brother" of HAK TUNG LAM, a/k/a "Ke Dong Lin," the defendant, who worked at the Law Office.

WHEREFORE, deponent respectfully requests that warrants be issued for the arrests of the defendants, and that they be arrested and imprisoned, or bailed, as the case may be.

  
LEIGH SENZATI MORE  
Special Agent  
Homeland Security Investigations

Sworn to before me this  
15th day of August, 2011

  
HON. ANDREW J. PECK  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK