

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

Holding a Criminal Term

Grand Jury Sworn in on May 2, 2008

UNITED STATES OF AMERICA	:	CRIMINAL NO.: CR-09-029
	:	
v.	:	Grand Jury Original
	:	
HELIBER TORO MEJIA,	:	Violations:
a.k.a. Eliberth,	:	
a.k.a. Eliber,	:	8 U.S.C. § 1324(a)(1)(A)(iv) &
a.k.a. Eliver,	:	(a)(1)(A)(v)(I) & (a)(1)(B)(i)
a.k.a. Oliver,	:	(Conspiracy to commit Alien Smuggling
	:	for Profit)
	:	
HUMBERTO TORO MEJIA,	:	8 U.S.C. § 1324(a)(1)(A)(iv) & (a)(1)(B)(i)
	:	(Alien Smuggling for Profit)
	:	
and,	:	18 U.S.C. §§ 371 & 1546(a)
	:	(Conspiracy to commit Visa Fraud)
	:	
LUZ ELENA ACUNA RIOS,	:	18 U.S.C. § 2
a.k.a. Lucy,	:	(Aiding and Abetting and Causing an Act
a.k.a. Luz Helena,	:	to be Done)
	:	
Defendants.	:	Forfeiture: 18 U.S.C. § 982(a)(6)

ELLEN SEGAL HUVELLE, ESH

INDICTMENT

FILED IN OPEN COURT

B

The Grand Jury charges that:

FEB 11 2009

COUNT 1
Introduction

CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

At all times material to this indictment, except as otherwise indicated:

General Allegations Concerning Colombia, the Defendants,
and the Visa Application Process

1. The Republic of Colombia ("Colombia") is a country in South America bordered

by Venezuela, Brazil, Ecuador, Peru, and Panama. The capital city of Colombia is Bogotá.

2. The "Coffee Country" region of Colombia refers to a region in western-central Colombia and west of Bogotá, including the provinces of Risaralda, Caldas, and Quindio. The towns of Armenia, Pereira, and Montenegro are also located in that region.

3. The term "alien" means any person who is not a citizen or national of the United States.

4. The individuals referred to herein as Alien-1 through Alien-56, whose identities are known to the Grand Jury, are all citizens of Colombia and are not citizens or nationals of the United States.

5. A "cédula" is a Spanish term for a national identification card. The Colombian government issues cédula cards to its population as proof of identity.

6. DOMESA is a private mail delivery service that operates in Colombia.

7. The defendant **HELIBER TORO MEJIA** is a resident and citizen of Colombia.

8. The defendant **HUMBERTO TORO MEJIA** is a resident and citizen of Colombia.

9. The defendant **LUZ ELENA ACUNA RIOS** is a resident and citizen of Colombia.

10. The defendants **HELIBER TORO MEJIA, HUMBERTO TORO MEJIA, LUZ ELENA ACUNA RIOS** and other conspirators engaged in the business of assisting aliens in fraudulently procuring U.S. visas from the U.S. Embassy in Bogotá, Colombia, for commercial advantage and private financial gain. The defendants and other conspirators created fictitious backgrounds for the aliens, created fraudulent documentation in support of their visa

applications, and coached the aliens on how to pass the U.S. visa interview at the U.S. Embassy in Bogotá by answering questions untruthfully.

11. A passport is a document, issued by a national government, which certifies, for the purpose of international travel, the identity and nationality of its holder. The laws and regulations of the United States require Colombian citizens to present a passport when entering the United States.

12. A U.S. visa is a document, issued by the U.S. Department of State, that indicates that a person is authorized to enter the United States (subject to the permission of a U.S. immigration official at the time of actual entry). The laws and regulations of the United States require Colombian citizens to obtain a valid U.S. visa before coming to the United States to visit, work, or reside. A Colombian citizen may apply for a U.S. visa at the U.S. Embassy in Bogotá.

13. An "immigrant visa" is issued to a person who intends to emigrate to and live permanently in the United States.

14. A "non-immigrant visa" is issued to a person who desires to enter the United States temporarily. Types of non-immigrant visas include a visa for a person who desires to enter the United States temporarily for business (B1 visa), for pleasure or medical treatment (B2 visa), or a combination of both purposes (B1/B2 visa). A B1/B2 visa is a very commonly sought non-immigrant visa. A B1/B2 visa holder is not legally permitted to seek employment in the United States. A non-immigrant visa is often valid for five years for entry into the United States.

15. The application form for a non-immigrant visa is Department of State Form 156 (DS-156 form).

16. The supplemental application form for a non-immigrant visa is Department of

State Form 157 (DS-157 form). For Colombian citizens, the DS-157 form is filled out by applicants who are at least 14 years of age but under 80 years of age.

17. The application process for obtaining a non-immigrant visa for a citizen of Colombia involves a number of steps. First, the applicant must purchase a personal identification number (PIN) at an authorized bank or over the phone. Using that PIN, the visa applicant contacts the Visa Information Center and schedules an appointment for a visa interview with a Consular Officer at the U.S. Embassy in Bogotá.

18. After scheduling a visa interview appointment, the visa applicant must bring his/her passport and DS-156 form to an authorized bank and pay a visa application fee. A representative at the authorized bank affixes a three-part barcode receipt to the visa applicant's passport and marks the DS-156 form with a number. The date and time of the applicant's visa interview at the U.S. Embassy are printed on the barcode receipt issued by the authorized bank.

19. On the date of his/her visa interview appointment, the visa applicant must appear at the Non-Immigrant Visa Unit at the U.S. Embassy in Bogotá. Upon arriving at the Embassy, the visa applicant submits his/her DS-156, DS-157, and passport to an Embassy employee and waits until called for the interview.

20. The applicant may wait several hours before being interviewed. The interview itself may last five to ten minutes, but could be significantly longer. The visa interview takes place at one of the window counters of the Non-Immigrant Visa Unit. A Consular Officer conducts the visa interview.

21. The Consular Officer uses strict criteria to evaluate the applicants for U.S. visas. In order to be granted a visa, non-immigrant visa applicants must demonstrate strong ties to the

Colombian home community and show a clear non-immigrant intent. The Consular Officer must determine that the applicant intends to go to the United States only temporarily, will not overstay his/her visit, and that he/she will return to Colombia.

22. During the interview, a visa applicant may submit to the Consular Officer certain additional documentation in support of his/her application that substantiates the applicant's financial, professional, family, and social ties to Colombia. For example, a visa applicant may provide documents related to finances—such as bank statements, property ownership records, Colombian tax documentation, and chamber of commerce business registrations. Visa applicants may also provide documents related to family ties—such as marriage and birth certificates. In certain cases, a Consular Officer may require that a visa applicant submit such supporting documentation.

23. Visa applicants are required to provide truthful and accurate information on the DS-156 and DS-157 forms and to the Consular Officers. During the visa interview, applicants are asked questions about the answers they have written on their DS-156 and DS-157 forms and about any supporting documentation that they have provided.

24. When a Consular Officer approves the issuance of a non-immigrant visa, the visa applicant is required to leave his/her passport at the U.S. Embassy in Bogotá so that the visa can be affixed inside the passport. The process of affixing a visa inside a passport generally takes a few days. Before leaving the Non-Immigrant Visa Unit at the U.S. Embassy, in order to receive his/her passport (affixed with the U.S. visa) the applicant must submit a DOMESA mail delivery slip to the Embassy and pay the delivery fee. On the DOMESA mail delivery slip, the visa applicant is required to provide an address to which he/she would like the passport to be sent.

The U.S. Embassy will send the passport (affixed with the U.S. visa) using the DOMESA mail delivery service to the address that the applicant has provided.

25. Upon traveling to and then arriving in the United States, a Colombian citizen must present his/her visa to U.S. immigration authorities. The U.S. immigration officer at the port of entry (airport or land crossing) has the authority to permit the Colombian citizen to enter the United States.

Conspiracy to Commit Alien Smuggling

26. Beginning on or about July 15, 2005, and at times unknown to the Grand Jury preceding that date, and continuing through on or about March 20, 2007, in the Republic of Colombia, the United States and elsewhere, in the extraterritorial jurisdiction of the United States, and pursuant to Title 18, United States Code, Section 3238, within the venue of the United States District Court for the District of Columbia, the defendants

**HELIBER TORO MEJIA,
a.k.a. Eliberth,
a.k.a. Eliber,
a.k.a. Eliver,
a.k.a. Oliver,
HUMBERTO TORO MEJIA, and
LUZ ELENA ACUNA RIOS,
a.k.a. Lucy,
a.k.a. Luz Helena,**

knowingly combined, conspired, confederated, and agreed with each other and with others, both known and unknown to the Grand Jury, to commit alien smuggling, more particularly, knowingly to encourage and induce at least one alien to come to, enter, and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry, and residence was and

would be in violation of law, for the purpose of commercial advantage and private financial gain, in violation of 8 U.S.C. § 1324(a)(1)(A)(iv) & (a)(1)(A)(v)(I) & (a)(1)(B)(i).

Object of the Conspiracy

27. The object of the conspiracy was to obtain money by encouraging and inducing aliens to come to, enter, and reside in the United States.

Manner and Means of the Conspiracy

The conspirators would and did use the following manner and means, among others, to accomplish the object of the conspiracy:

28. Beginning on or about July 15, 2005, and at times unknown to the Grand Jury preceding that date, and continuing through on or about March 20, 2007, **HELIBER TORO MEJIA, HUMBERTO TORO MEJIA, and LUZ ELENA ACUNA RIOS** solicited aliens from the Coffee Country region of Colombia, who wished to emigrate to the United States, for the purpose of obtaining money from those aliens.

29. **HELIBER TORO MEJIA, HUMBERTO TORO MEJIA, LUZ ELENA ACUNA RIOS**, and other conspirators met with the aliens at an office in Bogotá, in shopping malls, and elsewhere, for the purpose of explaining how they would assist the aliens in obtaining visas from the U.S. Embassy by fraud and deceit.

30. **HELIBER TORO MEJIA, HUMBERTO TORO MEJIA, LUZ ELENA ACUNA RIOS**, and other conspirators demanded payment from the aliens, in exchange for their assistance in fraudulently procuring the U.S. visas.

31. **HELIBER TORO MEJIA, HUMBERTO TORO MEJIA, LUZ ELENA ACUNA RIOS**, and other conspirators agreed to create fictitious backgrounds for the aliens.

32. **HELIBER TORO MEJIA, HUMBERTO TORO MEJIA, LUZ ELENA ACUNA RIOS**, and other conspirators instructed the aliens to provide the conspirators with copies of certain legitimate documents, such as their passports, cédula cards, and bank statements.

33. The conspirators would then use those documents to create fraudulent financial and family records, which would represent that the aliens had more wealth or stronger family ties to Colombia than was true.

34. **HELIBER TORO MEJIA, HUMBERTO TORO MEJIA, LUZ ELENA ACUNA RIOS**, and other conspirators would then meet with the aliens, a day or so before their visa interview at the U.S. Embassy in Bogotá, and provide those fraudulent documents to the aliens for them to submit to the Embassy as supporting documentation for their U.S. visa applications.

35. In certain cases, **HELIBER TORO MEJIA, HUMBERTO TORO MEJIA, LUZ ELENA ACUNA RIOS**, and other conspirators provided fraudulent financial documents, such as fraudulent bank statements, property ownership records, Colombian tax documentation, and chamber of commerce business registrations, to the aliens, for the purpose of creating the appearance to the Consular Officer that after their trip to the United States the aliens would return to Colombia because of their business and property ties.

36. In certain cases, **HELIBER TORO MEJIA, HUMBERTO TORO MEJIA, LUZ ELENA ACUNA RIOS**, and other conspirators paired single individuals together to pose as a married couple during the visa interview and coached the aliens on how to pretend to be married, for the purpose of creating the appearance to the Consular Officer that after their trip to

the United States the aliens would return to Colombia because of their joint family ties.

37. In certain cases, **HELIBER TORO MEJIA, HUMBERTO TORO MEJIA, LUZ ELENA ACUNA RIOS**, and other conspirators instructed the aliens to pretend that the aliens had children that they were leaving behind in Colombia. The conspirators would provide the aliens with fraudulent birth certificates and school records for these fictitious "children." The conspirators would then instruct the aliens to say during their visa interview that the children would not be traveling to the United States, for the purpose of creating the appearance to the Consular Officer that after their trip to the United States the aliens would return to Colombia because of their parental obligations.

38. **HELIBER TORO MEJIA, HUMBERTO TORO MEJIA, LUZ ELENA ACUNA RIOS**, and other conspirators met with the aliens, a day or so before their visa interview at the U.S. Embassy in Bogotá, and coached them on how to deceive the Consular Officer about their fictitious backgrounds and fraudulent documents.

39. In certain cases, **HELIBER TORO MEJIA, HUMBERTO TORO MEJIA, LUZ ELENA ACUNA RIOS**, and other conspirators provided the aliens with scripts that included fabricated information regarding the fictitious backgrounds of the aliens, so that the aliens could study and practice the untruthful answers to the visa interview questions on their own.

40. **HELIBER TORO MEJIA, HUMBERTO TORO MEJIA, LUZ ELENA ACUNA RIOS**, and other conspirators provided the aliens with the contact information for an associate of the conspirators and required that the aliens have the U.S. Embassy use the

DOMESA mail delivery service to send the aliens' passports (affixed with the U.S. visa) to that associate.

41. **HELIBER TORO MEJIA, HUMBERTO TORO MEJIA, LUZ ELENA ACUNA RIOS**, and other conspirators instructed the aliens to make an initial payment to pay for the fraudulent documents and the coaching for the visa interview.

42. If the aliens were successful in obtaining approval for their visas, **HELIBER TORO MEJIA, HUMBERTO TORO MEJIA, LUZ ELENA ACUNA RIOS**, and other conspirators required the aliens to make a second, larger payment.

43. In many cases, **HELIBER TORO MEJIA, HUMBERTO TORO MEJIA, LUZ ELENA ACUNA RIOS**, and other conspirators would not return the aliens' passports (affixed with the U.S. visa) until the aliens made the final payment.

44. **HELIBER TORO MEJIA, HUMBERTO TORO MEJIA, LUZ ELENA ACUNA RIOS**, and other conspirators instructed the aliens to return the fraudulent documents to the conspirators after the visa interview and took other steps to conceal and maintain the secrecy of their alien smuggling and visa fraud activities, for the purpose of protecting themselves from prosecution, concealing their illegal activities, and to allow them to continue to engage in alien smuggling and visa fraud.

45. For the aliens who successfully obtained visas, in certain cases the conspirators coached the aliens on how to deceive U.S. immigration officers about their fictitious backgrounds when presenting their visas to U.S. immigration authorities at the U.S. port of entry.

Number of Aliens

46. In the course of this conspiracy more than 100 aliens were encouraged and

induced illegally to come to the United States for the conspirators' commercial advantage and private financial gain. Many of those aliens did come to and enter the United States.

Overt Acts

In furtherance of the conspiracy, one or more of the conspirators committed one or more of the following overt acts:

47. On or about the dates below, the defendants and other conspirators caused a fraudulent visa application and supporting documentation to be presented to a Consular Officer at the U.S. Embassy in Bogotá, Colombia for the following aliens.

Overt Act	Alien	Date
1	Alien-1	July 15, 2005
2	Alien-2	July 15, 2005
3	Alien-3	July 15, 2005
4	Alien-4	July 15, 2005
5	Alien-5	December 22, 2005
6	Alien-6	December 22, 2005
7	Alien-7	December 22, 2005
8	Alien-8	January 10, 2006
9	Alien-9	January 10, 2006
10	Alien-10	February 14, 2006
11	Alien-11	February 14, 2006
12	Alien-12	February 14, 2006
13	Alien-13	February 14, 2006
14	Alien-14	February 14, 2006
15	Alien-15	February 14, 2006
16	Alien-16	February 23, 2006
17	Alien-17	February 23, 2006
18	Alien-18	April 18, 2006
19	Alien-19	April 18, 2006

20	Alien-20	September 29, 2006
21	Alien-21	September 29, 2006
22	Alien-22	September 29, 2006
23	Alien-23	August 3, 2005
24	Alien-24	August 3, 2005
25	Alien-25	August 23, 2005
26	Alien-26	August 23, 2005
27	Alien-27	August 23, 2005
28	Alien-28	August 23, 2005
29	Alien-29	November 16, 2005
30	Alien-30	November 16, 2005
31	Alien-31	November 22, 2005
32	Alien-32	November 22, 2005
33	Alien-33	November 22, 2005
34	Alien-34	November 22, 2005
35	Alien-35	December 16, 2005
36	Alien-36	December 16, 2005
37	Alien-37	December 20, 2005
38	Alien-38	December 20, 2005
39	Alien-39	December 20, 2005
40	Alien-40	January 13, 2006
41	Alien-41	January 13, 2006
42	Alien-42	January 13, 2006
43	Alien-43	February 6, 2006
44	Alien-44	February 6, 2006
45	Alien-45	April 3, 2006
46	Alien-46	April 3, 2006
47	Alien-47	April 12, 2006
48	Alien-48	April 12, 2006
49	Alien-49	April 12, 2006
50	Alien-50	May 9, 2006
51	Alien-51	May 9, 2006
52	Alien-52	September 21, 2006
53	Alien-53	September 21, 2006
54	Alien-54	September 21, 2006

55	Alien-55	March 20, 2007
56	Alien-56	March 20, 2007

(Conspiracy to commit Alien Smuggling for Profit, in violation of Title 8, United States Code Section 1324(a)(1)(A)(iv) & (a)(1)(A)(v)(I) & (a)(1)(B)(i).)

COUNT 2

Alien Smuggling

Encouraging and Inducing an Alien to Come to the United States for Profit

1. Paragraphs 1 through 25 of Count 1 of this Indictment are re-alleged as if fully set forth herein.

2. On or about the dates listed below, in the Republic of Colombia, the United States and elsewhere, in the extraterritorial jurisdiction of the United States, and pursuant to Title 18, United States Code, Section 3238, within the venue of the United States District Court for the District of Columbia, the defendants

HELIBER TORO MEJIA,
a.k.a. Eliberth,
a.k.a. Eliber,
a.k.a. Eliver,
a.k.a. Oliver,
HUMBERTO TORO MEJIA, and
LUZ ELENA ACUNA RIOS,
a.k.a. Lucy,
a.k.a. Luz Helena,

aiding and abetting each other and others known and unknown to the Grand Jury, knowingly encouraged and induced at least one alien, as set forth below, to come to, enter, and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry, and residence was and would be in violation of law, for the purpose of commercial advantage and private financial gain.

Alien	Date
Alien-1	July 15, 2005
Alien-2	July 15, 2005
Alien-3	July 15, 2005
Alien-4	July 15, 2005
Alien-5	December 22, 2005
Alien-6	December 22, 2005
Alien-7	December 22, 2005
Alien-8	January 10, 2006
Alien-9	January 10, 2006
Alien-10	February 14, 2006
Alien-11	February 14, 2006
Alien-12	February 14, 2006
Alien-13	February 14, 2006
Alien-14	February 14, 2006
Alien-15	February 14, 2006
Alien-16	February 23, 2006
Alien-17	February 23, 2006
Alien-18	April 18, 2006
Alien-19	April 18, 2006
Alien-20	September 29, 2006
Alien-21	September 29, 2006
Alien-22	September 29, 2006

(Encouraging and Inducing an Alien to Enter the United States for Profit, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv) & (a)(1)(B)(i); Aiding and Abetting and Causing an Act to Be Done, in violation of Title 18, United States Code, Section 2.)

COUNT 3
Conspiracy to commit Visa Fraud

1. Paragraphs 1 through 25 of Count 1 of this Indictment are re-alleged as if fully set forth herein.
2. Beginning on or about July 15, 2005, and at times unknown to the Grand Jury

preceding that date, and continuing through on or about March 20, 2007, in the Republic of Colombia, the United States and elsewhere, in the extraterritorial jurisdiction of the United States, and pursuant to Title 18, United States Code, Section 3238, within the venue of the United States District Court for the District of Columbia, the defendants

HELIBER TORO MEJIA,
a.k.a. **Eliberth,**
a.k.a. **Eliber,**
a.k.a. **Eliver,**
a.k.a. **Oliver,**
HUMBERTO TORO MEJIA, and
LUZ ELENA ACUNA RIOS,
a.k.a. **Lucy,**
a.k.a. **Luz Helena,**

knowingly combined, conspired, confederated, and agreed with each other and with others, both known and unknown to the Grand Jury, to commit visa fraud, more particularly, to:

- (a) utter, use, attempt to use, possess, obtain, accept, and receive a visa, permit, border crossing card, alien registration receipt card, and other document prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, knowing it to have been procured by means of a false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained;
- (b) knowingly make under oath, and as permitted under penalty of perjury under section 1746 of Title 28, United States Code, knowingly subscribe as true, a false statement with respect to a material fact in an application, affidavit, and other document required by the immigration laws or regulations prescribed thereunder, and knowingly present such an application, affidavit, or other document which

contains such a false statement and which fails to contain any reasonable basis in law and fact.

Object of the Conspiracy

3. The object of the conspiracy was to obtain money by assisting aliens in fraudulently procuring non-immigrant visas from the U.S. Embassy in Bogotá, authorizing those aliens to seek entry into the United States by using those fraudulently obtained visas.

Manner and Means of the Conspiracy

4. Paragraphs 28 through 45 of Count 1 of this Indictment are re-alleged as if fully set forth herein.

Number of Visas

5. In the course of this conspiracy the conspirators caused the fraudulent procurement and attempted fraudulent procurement of more than 100 visas from the U.S. Embassy in Bogotá, Colombia. Many of those visas were used by aliens to enter or attempt to enter the United States.

Overt Acts

6. Paragraph 47 of Count 1 of this Indictment is re-alleged as if fully set forth herein.
(Conspiracy to commit Visa Fraud, in violation of Title 18, United States Code, Sections 371 and 1546(a).)

Criminal Forfeiture

Upon conviction of the offenses charged in Counts 1 through 3, the defendants shall forfeit to the United States any property, real or personal, that constitutes, or is derived from or is traceable to, the proceeds obtained directly or indirectly from the commission of those offenses,

or any property, real or personal, that is used to facilitate, or is intended to be used to facilitate,
the commission of those offenses.

(Forfeiture, pursuant to Title 18, United States Code, Section 982(a)(6).)

A TRUE BILL


JEFFREY A. TAYLOR
UNITED STATES ATTORNEY