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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

BY _____

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

September 2015 Grand Jury

UNITED STATES OF AMERICA,
Plaintiff,
v.
MARIYA CHERNYKH,
TATIANA FAROOK, and
SYED RAHEEL FAROOK,
Defendants.

ED CR No 16-00292

I N D I C T M E N T

[18 U.S.C. § 371 Conspiracy;
18 U.S.C. § 1546: Fraud and Misuse
of Visas, Permits, and Other
Documents; 18 U.S.C. § 1621:
Perjury; 18 U.S.C. § 1001(a)(2):
Material False Statements]

UNDER SEAL

The Grand Jury charges:

COUNT ONE

[18 U.S.C. § 371]

A. OBJECTS OF THE CONSPIRACY

Beginning on a date unknown to the Grand Jury and continuing up to and including at least February 19, 2016, in Riverside County, California, within the Central District of California, and elsewhere, defendants MARIYA CHERNYKH ("CHERNYKH"), TATIANA FAROOK, and SYED RAHEEL FAROOK, and others known and unknown to the Grand Jury, conspired and agreed with each other to knowingly and intentionally commit the following offenses against the United States:

1 1. To knowingly make under oath a false statement with respect
2 to a material fact in an application, affidavit, and other document
3 required by the immigration laws and regulations prescribed
4 thereunder, in violation of Title 18, United States Code, Section
5 1546(a); and

6 2. To knowingly make under oath a false statement with respect
7 to a material fact in violation of Title 18, United States Code,
8 Section 1621.

9 B. MEANS BY WHICH THE OBJECTS OF THE CONSPIRACY WERE TO BE
10 ACCOMPLISHED

11 The objects of the conspiracy were to be accomplished in
12 substance as follows:

13 1. A co-conspirator, Enrique Marquez, Jr., would agree to
14 enter into a marriage with defendant CHERNYKH, who is defendant SYED
15 RAHEEL FAROOK's sister-in-law, for the purpose of obtaining
16 immigration benefits for CHERNYKH.

17 2. Defendant CHERNYKH would pay Enrique Marquez, Jr. to marry
18 her in order to obtain immigration benefits.

19 3. Defendant TATIANA FAROOK, defendant CHERNYKH's sister,
20 would aid E.M. and defendant CHERNYKH in obtaining and filing a
21 license and certificate of marriage with the County of Riverside.

22 4. Defendants SYED RAHEEL FAROOK and TATIANA FAROOK would sign
23 the license and certificate of marriage purporting to be witnesses to
24 Enrique Marquez, Jr. and defendant CHERNYKH's marriage.

25 5. Defendant SYED RAHEEL FAROOK would aid Enrique Marquez, Jr.
26 and defendant CHERNYKH in establishing a joint banking account.

1 6. Defendant SYED RAHEEL FAROOK would create a fictitious
2 lease agreement purportedly establishing a joint residency for
3 Enrique Marquez, Jr. and defendant CHERNYKH.

4 7. Defendant CHERNYKH and Enrique Marquez, Jr. would file
5 documents with the Department of Homeland Security, United States
6 Citizenship and Immigrations Services ("USCIS"), seeking status for
7 CHERNYKH to stay in the United States based on her marriage to
8 Enrique Marquez, Jr. in which they falsely represented that they
9 resided at an address on Forum Way in Corona, California ("the Forum
10 Way Address"), which was also defendants RAHEEL and TATIANA FAROOK's
11 address.

12 8. Defendant SYED RAHEEL FAROOK would file documents with
13 USCIS offering to provide financial support for CHERNYKH, so that she
14 could be permitted to remain in the United States based on her
15 marriage to Enrique Marquez, Jr.

16 9. Defendants CHERNYKH, TATIANA FAROOK, and Enrique Marquez,
17 Jr. would meet to prepare for Enrique Marquez, Jr. and defendant
18 CHERNYKH's immigration interview, to collect documents and items
19 purporting to support Enrique Marquez, Jr. and defendant CHERNYKH's
20 fraudulent marriage, and to purchase a wedding band for Enrique
21 Marquez, Jr.

22 C. OVERT ACTS

23 In furtherance of the conspiracy and to accomplish the objects
24 of the conspiracy, defendants CHERNYKH, TATIANA FAROOK, SYED RAHEEL
25 FAROOK, and Enrique Marquez, Jr., and others known and unknown to the
26 Grand Jury, committed the following overt acts, among others, within
27 the Central District of California, and elsewhere:
28

1 Overt Act No. 1: In or around November 2014, Enrique Marquez,
2 Jr. agreed to marry defendant CHERNYKH so that she could obtain legal
3 status to remain in the United States.

4 Overt Act No. 2: On or about November 14, 2014, Enrique
5 Marquez, Jr. obtained a valid California Driver License for the
6 purpose of marrying defendant CHERNYKH.

7 Overt Act No. 3: On November 15, 2014, defendant CHERNYKH and
8 Enrique Marquez, Jr., accompanied by defendant SYED RAHEEL FAROOK,
9 opened a Wells Fargo joint banking account ending in 5929 ("the Wells
10 Fargo account") and listed an address located on Tomlinson Avenue in
11 Riverside, California ("the Tomlinson Address") as their address of
12 record.

13 Overt Act No. 4: On November 25, 2014, Enrique Marquez, Jr.
14 and defendant CHERNYKH obtained a marriage license in Riverside
15 County, California.

16 Overt Act No. 5: On or about November 29, 2014, Enrique
17 Marquez, Jr. and defendant CHERNYKH each affirmed in writing on an
18 official Riverside County certificate of marriage that they were
19 married at a religious institution located in Corona, California.

20 Overt Act No. 6: On or about November 29, 2014, defendant
21 TATIANA FAROOK and defendant SYED RAHEEL FAROOK each signed an
22 official Riverside County certificate of marriage that they were
23 physically present at, and witnessed the marriage of, Enrique
24 Marquez, Jr. and defendant CHERNYKH.

25 Overt Act No. 7: On or about November 29, 2014, Enrique
26 Marquez, Jr. and defendant CHERNYKH posed for photographs to create
27 the false impression that he and defendant CHERNYKH had a legitimate
28 marriage.

1 Overt Act No. 8: On or about December 25, 2014, defendant
2 TATIANA FAROOK directed defendant CHERNYKH not to post photographs of
3 defendant CHERNYKH with the father of defendant CHERNYKH's child on
4 defendant CHERNYKH's social website.

5 Overt Act No. 9: On or about July 17, 2015, Enrique Marquez,
6 Jr. signed a Form I-130, Petition for Alien Relative, indicating that
7 he was married to defendant CHERNYKH and was seeking resident status
8 in the United States for her.

9 Overt Act No. 10: On or about July 17, 2015, Enrique Marquez,
10 Jr. submitted to USCIS a Form G-325A, Biographic Information, in
11 which he indicated that he had resided at the Tomlinson Address from
12 July 2005 to November 2014, and that from November 2014 to "Present
13 Time," he lived at the Forum Way Address.

14 Overt Act No. 11: On or about July 17, 2015, defendant
15 CHERNYKH signed a Form I-485/Application to Register Permanent
16 Residence or Adjust Status, indicating that she was married to
17 Enrique Marquez, Jr. and seeking resident status in the United States
18 because of her marriage.

19 Overt Act No. 12: On or about July 17, 2015, defendant SYED
20 RAHEEL FAROOK signed a Form I-864/Affidavit of Support, indicating
21 his financial support of defendant CHERNYKH, who was seeking resident
22 status in the United States.

23 Overt Act No. 13: On or about September 18, 2015, defendant
24 SYED RAHEEL FAROOK signed a second Form I-864/Affidavit of Support,
25 indicating his financial support of defendant CHERNYKH, who was
26 seeking resident status in the United States.

27 Overt Act No. 14: On or about September 28, 2015, defendant
28 CHERNYKH deposited \$200 into the Wells Fargo account.

1 Overt Act No. 15: On October 6, 2015, defendant TATIANA FAROOK
2 told Enrique Marquez, Jr. in an electronic message exchange to change
3 his address on his driver license to the Forum Way Address

4 Overt Act No. 16: On or about October 28, 2015, defendant
5 CHERNYKH deposited \$200 into the Wells Fargo account.

6 Overt Act No. 17: In or around early November 2015, in an
7 electronic message exchange, Enrique Marquez, Jr. and defendant
8 CHERNYKH discussed their mutual anxiety for their upcoming
9 immigration interview due to the lack of contact with each other.

10 Overt Act No. 18: On November 4, 2015, Enrique Marquez, Jr.
11 told defendant CHERNYKH that he was concerned about being imprisoned
12 for fraud after their upcoming immigration interview.

13 Overt Act No. 19: On November 5, 2015, Enrique Marquez, Jr.
14 changed his address with the California Department of Motor Vehicles
15 to the Forum Way Address.

16 Overt Act No. 20: On November 5, 2015, Enrique Marquez, Jr.
17 stated on his social media account that he was involved in terrorist
18 plots and he might go to prison for fraud.

19 Overt Act No. 21: On November 21, 2015, Enrique Marquez, Jr.
20 obtained his driver license from defendant TATIANA FAROOK at the
21 Forum Way Address.

22 Overt Act No. 22: On or about November 30, 2015, defendant
23 CHERNYKH deposited \$200 into the Wells Fargo account.

24 Overt Act No. 23: On or about November 30, 2015, in an
25 electronic message exchange, defendant CHERNYKH told defendant
26 TATIANA FAROOK that she planned to meet Enrique Marquez, Jr. at the
27 Forum Way Address the following day to prepare for their upcoming
28 immigration interview.

1 Overt Act No. 24: On December 1, 2015, in an electronic
2 message exchange, defendant TATIANA FAROOK asked defendant SYED
3 RAHEEL FAROOK to create a lease agreement dating back to November 1,
4 2014 for Enrique Marquez, Jr. and defendant CHERNYKH at the Forum Way
5 Address.

6 Overt Act No. 25: On or about December 1, 2015, defendant SYED
7 RAHEEL FAROOK created a lease agreement dating back to November 1,
8 2014 for Enrique Marquez, Jr. and defendant CHERNYKH at the Forum Way
9 Address.

10 Overt Act No. 26: On December 1, 2015, defendant TATIANA
11 FAROOK accompanied defendant CHERNYKH to purchase a wedding ring for
12 Enrique Marquez, Jr. for \$50 from a retail jewelry store located in
13 Riverside, California.

14 Overt Act No. 27: On December 3, 2015, defendant TATIANA
15 FAROOK told Federal Agents that Enrique Marquez, Jr. and defendant
16 CHERNYKH were married in November 2014 and were living at the Forum
17 Way Address.

COUNT TWO

[18 U.S.C. § 1546(a)]

1 On or about July 17, 2015, in Riverside County, within the
2 Central District of California, defendant MARIYA CHERNYKH ("defendant
3 CHERNYKH") knowingly made under oath, and as permitted under penalty
4 of perjury under Section 1746 of Title 28, United States Code,
5 knowingly subscribed as true, a false statement with respect to a
6 material fact in an application, affidavit, and other document
7 required by the immigration laws and regulations prescribed
8 thereunder, and knowingly presented such application, affidavit, and
9 other document which contained such false statement and which failed
10 to contain any reasonable basis in law or fact. Specifically, on or
11 about July 17, 2015, defendant CHERNYKH knowingly signed, under
12 penalty of perjury, a Form I-485/ Application to Register Permanent
13 Residence or Adjust Status, knowing of its content and knowing that
14 it would be submitted to United States Citizenship and Immigration
15 Services. On that petition, defendant CHERNYKH knowingly certified,
16 under oath, false statements with respect to a material fact,
17 specifically, that the address for both her and her spouse, Enrique
18 Marquez, Jr., was the same address on Forum Way in Corona, California
19 ("Forum Way Address"). As defendant CHERNYKH then well knew, this
20 statement was false because defendant CHERNYKH knew that neither she
21 nor Enrique Marquez, Jr. resided at the Forum Way Address.
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COUNT THREE

[18 U.S.C. § 1621]

On or about July 17, 2015, in Riverside County, within the Central District of California, defendant MARIYA CHERNYKH ("CHERNYKH"), did submit a Form I-485/ Application to Register Permanent Residence or Adjust Status, knowing of its content and knowing that it would be submitted to United States Citizenship and Immigration Services, which was executed by defendant CHERNYKH under penalty of perjury under the format of Section 1746 of Title 28, United States Code, in which she did willfully and knowingly state a material matter which she did not believe to be true, that is, that the address for both her and her spouse, Enrique Marquez, Jr., was the same address on Forum Way in Corona, California ("Forum Way Address"). In fact, as defendant CHERNYKH then well knew, defendant CHERNYKH did not reside at the Forum Way Address, all in violation of Title 18, United States Code, Section 1621.

COUNT FOUR

[18 U.S.C. § 1001(a)(2)]

On or about December 9, 2015, in Riverside County, within the Central District of California, defendant MARIYA CHERNYKH ("CHERNYKH") knowingly and willfully made a materially false, fictitious, and fraudulent statement and representation, in that defendant CHERNYKH told agents from the FBI that she and her spouse, Enrique Marquez, Jr., resided at the same address on Forum Way in Corona, California, between in or around November 2014 and December 2, 2015, whereas, in truth and fact, as defendant CHERNYKH then knew, she resided with her child and an adult male other than Enrique Marquez, Jr. at an address on Plum Drive in Ontario, California, during the time period between in or around November 2014 and December 2, 2015.

COUNT FIVE

[18 U.S.C. § 1001(a)(2)]

On or about February 19, 2016, in Riverside County, within the Central District of California, defendant MARIYA CHERNYKH ("CHERNYKH") knowingly and willfully made a materially false, fictitious, and fraudulent statement and representation, in that defendant CHERNYKH told agents from the FBI that she and her spouse, Enrique Marquez, Jr., resided at the same address on Forum Way in Corona, California, between in or around November 2014 and December 2, 2015, whereas, in truth and fact, as defendant CHERNYKH then knew, she resided with her child and an adult male other than Enrique

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1 Marquez, Jr. at an address on Plum Drive in Ontario, California,
2 during the time period between in or around November 2014 and
3 December 2, 2015.

4 A TRUE BILL

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7 Foreperson

8 EILEEN M. DECKER
9 United States Attorney

10 *Patricia A. Donahue*

11 PATRICIA A. DONAHUE
12 Assistant United States Attorney
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