

## Man charged with immigration fraud denies he agreed to search

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DATELINE: RALEIGH, N.C. BODY:

A native of Pakistan fighting in court to keep his U.S. citizenship didn't consent to a search of his house that turned up fraudulent passports, his attorney said Thursday.

Viqar Ali, 47, only agreed to let federal agents review documents in his Fayetteville house to prove that he was a naturalized citizen, Robert Hale told federal magistrate Judge William A. Webb. Anything found in the house after that should be suppressed as evidence in the case against Ali, Hale argued.

Assistant U.S. Attorney Scott Wilkinson argued that agents of the Immigration and Naturalization Service and the Federal Bureau of Investigation obtained consent several times before and during the search of the house.

During the three-hour search Sept. 13, investigators found a U.S. passport in Ali's name and a Pakistani passport with the name Waqar Ali Khan.

Both were obtained illegally, prosecutors say. Ali has been charged with two counts of immigration fraud. He faces up to 10 years in prison and loss of his American citizenship if convicted. His wife and two daughters could also lose their citizenship.

Ali and his housemate, Iftikhar Ahmed, 46, were detained for questioning after workers at an office supply store said Ahmed tried to have an ink stamp made that would mark passports as being renewed.

Ahmed has been in custody since Sept. 13 after the investigators found fake Pakistani passports and U.S. employment documents in his room in Ali's house.

Ahmed pleaded guilty in March to six charges of immigration fraud. He was sentenced Wednesday to time served and turned over to the INS for deportation.

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2002, Thursday, BC cycle

His friend, Ali, appeared in court Thursday in an orange jumpsuit with his hands cuffed and his feet shackled. He didn't testify, but watched the proceedings intently.

In a suppression motion filed May 24 in U.S. District Court, Hale wrote that Ali offered to retrieve his citizenship documents for investigators gathered around his front door. He said the investigators then followed Ali into the house without invitation.

INS Special Agent Michael Mahaffey disputed that account during his testimony. He said he asked Ali, during an interview at the FBI office in Fayetteville, for permission to search the house, then asked again at the door of the house. He said he also asked during the course of the search for permission to open particular drawers and closet doors.

"It was crystal clear communication," Mahaffey said.

Ali's wife offered the investigators food and drink during the search, Mahaffey said. They were never asked to leave, he said.

FBI agent Thomas J. Sobocinski and Fayetteville Police Department Sgt. Mark Bridgeman each testified that they also believed that Ali had consented to a search of his house. They also agreed that the search had gone smoothly without protest from Ali or his family.

"This was a very low-key search," Sobocinski said.

Webb told the lawyers he wouldn't rule on the suppression motion for at least two weeks. He said he would first review a transcript of Thursday's hearing and any supplemental material the lawyers wanted to file with the court.