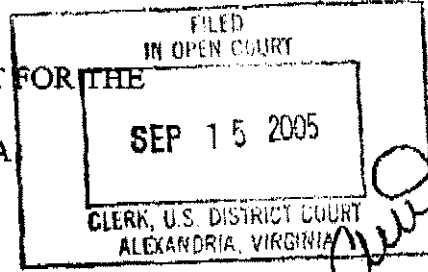




IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

ABDULLAH ALNOSHAN
a.k.a. ABDULLA ALNUSHAN
(Counts 1-4)

and
KHALID FADLALLA,
(Counts 1 and 2)

Defendants.

) CRIMINAL NO. 1:05CR335
)
)
) Count 1 : 18 U.S.C. § 371
) (Conspiracy)
) Count 2: 18 U.S.C. §§ 2 and 1546(a)
) (Immigration fraud and aiding and abetting)
) Count 3: 18 U.S.C. §1001(a)(1)
) (Concealing material facts)
) Count 4: 8 U.S.C. §1324
) (Harboring an illegal alien)
)
)

SEPTEMBER 2005 TERM - AT ALEXANDRIA

SUPERSEDING INDICTMENT


General Allegations

THE GRAND JURY CHARGES THAT AT ALL TIMES MATERIAL TO THIS
INDICTMENT:

A. Individuals and Entities Involved

1. Defendant, Abdullah ALNOSHAN, was a native and citizen of Saudi Arabia, who entered the United States with an F-1 student visa on September 4, 1998, using the name Abdullah Alnushan. Since in or around 1998, defendant ALNOSHAN was the Director of the Muslim World League office located at 360 South Washington Street, Suite 300, Falls Church, Virginia.

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2. Defendant, Khalid FADLALLA, was a native and citizen of the Sudan who entered the United States at New York, New York, on or about May 9, 1994, as a visitor for pleasure. Since in or around 1999, defendant FADLALLA worked closely with ALNOSHAN, while ALNOSHAN served as Director and defendant FADLALLA worked in the New York Office of Muslim World League.

3. The Virginia Employment Commission (VEC) was an agency of the government of the Commonwealth of Virginia and maintained offices in Alexandria and Richmond, Virginia.

4. The Department of Labor and the Immigration and Naturalization Service (INS), now Department of Homeland Security (DHS), Citizenship and Immigration Services (CIS), were agencies within the executive branch of the government of the United States.

B. F-1 Student Visas for Nonimmigrant Aliens

5. F-1 nonimmigrant visas authorized aliens from foreign countries to enter the United States temporarily for the sole purpose of pursuing a course of study at an approved educational institution. Aliens who were bona fide students qualified to pursue a full course of study seeking to enter the United States temporarily and solely for the purpose of pursuing such course of study could apply for an F-1 nonimmigrant visa through the United States Department of State. Absent express authorization from INS or CIS upon a demonstration of severe economic hardship, the holder of an F-1 nonimmigrant visa was prohibited by the terms of his visa from engaging in any employment except for that on the premise of this school or at an off-campus location affiliated with his school.




C. H-1B Employment Visas for Nonimmigrant Aliens

6. Generally, a nonimmigrant in the United States could not engage in any employment unless he was accorded a nonimmigrant classification that authorized employment or was granted permission by the INS or CIS to engage in employment.

7. An alien seeking to obtain permission to work in the United States temporarily to perform services in a specialty occupation could have an employer apply for an H1B classification for the alien by filing an INS Form I-129 Petition for Nonimmigrant Worker. If approved, this employment-based classification allowed the foreign worker to work for the petitioner, the employer, for the period authorized by the INS or CIS.

8. If an employer applied for an H1B visa on behalf of the holder of an F-1 student visa, the INS or CIS could extend the duration of the student's legal status in the United States for a period of time to complete adjudication of his H1B application. An alien who violated the terms of his F-1 status by maintaining prohibited employment, however, was ineligible by law from changing his status to an H1B that would otherwise authorize him to work for particular employer in the United States.

9. In order to receive an H1B classification, the alien's employer first had to obtain a formal certification from the Secretary of Labor that the prospective employer had filed a labor condition application. To obtain this certification, the alien's prospective employer had to file an Application for Alien Employment Certification, officially known as a form ETA 750, with the United States Department of Labor. This application had to be completed and signed under penalty of perjury by both the prospective employer and the alien. In part A of the application,




the employer represented that the employer had a specific job to fill; described the nature, location, terms, and requirements of the job; and listed the name, address, and immigration status of the alien seeking the job. In part B of the application, the alien listed his name, address, biographic information, and immigration status; described his experience and qualifications for the job the employer was offering; and represented that he was willing and qualified to accept the job.

10. Once the ETA 750 Application for Alien Employment Certification was signed and completed, the alien's prospective employer had to file the application with a state employment agency. In Virginia, this agency was the Virginia Employment Commission. The state employment agency reviewed the application for completeness, ensured that the employer was offering the prevailing wage for the job listed in the application, and oversaw any recruiting and advertising the employer might be required to do as part of the certification process. Once the state agency completed this portion of the certification process, the agency forwarded the application to the appropriate Department of Labor regional office for final determination. The regional office reviewed the application and then either issued a final certification on behalf of the Secretary of Labor or denied the application.

11. Upon the Department of Labor's approval of an ETA 750 Application for Alien Employment Certification, it issued a certification. The alien's prospective employer then filed a Petition for a Nonimmigrant Worker, officially known as a form I-129, with the INS, or CIS, on the alien's behalf. If approved, this petition would result in the issuance of an H1B classification to the alien that would have allowed the alien to work in the United States for that employer for the authorized period of time.

12. The ETA 750 Application for Alien Employment Certification and the form I-129



Petition for Nonimmigrant Worker were applications required by the immigration laws of the United States and the rules prescribed thereunder.

D. A-3 Visas for Servants of Embassy Officers and Employees

13. A nonimmigrant alien who was an ambassador, public minister, diplomatic officer, consular officer, embassy official, or embassy employee accredited by a foreign government and recognized by the United States, could employ nonimmigrant aliens as servants who would be designated and admitted into the United States with A-3 nonimmigrant visas.



Count 1: Conspiracy to Commit Visa Fraud

THE GRAND JURY FURTHER CHARGES THAT:

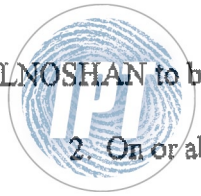
1. The Grand Jury realleges and incorporates by reference the General Allegations of this Superseding Indictment.

2. From in or around November 1998 through in or around October 2004, in Springfield, Virginia, in the Eastern District of Virginia and elsewhere, the defendants, ABDULLAH ALNOSHAN and KHALID FADLALLA, did knowingly and unlawfully combine, conspire, confederate, and agree with other persons, known and unknown to the Grand Jury, to commit an offense against the United States, namely visa fraud, a violation of Title 18, United States Code, Section 1546(a). Specifically, defendants ALNOSHAN and FADLALLA agreed to submit false statements to agencies of the United States government to enable ALNOSHAN to remain in the United States to work at the Muslim World League when, as they well knew, he was prohibited from maintaining such employment by the terms of his F-1 student visa, and that he was prohibited from changing his status through acquisition of an H1B work visa because he had been in violation of the terms of his F-1 student visa since 1998 as a result of his employment at Muslim World League.

Overt Acts

In furtherance of the conspiracy and to effect the objects thereof, defendants ABDULLAH ALNOSHAN, and KHALID FADLALLA and other co-conspirators knowingly performed overt acts in the Eastern District of Virginia and elsewhere. Those acts included the following:

1. On or about April 28, 2001, ALNOSHAN AND FADLALLA caused the Muslim World League to file a Form ETA 750 with the VEC located in Richmond, Virginia, for defendant



ALNOSHAN to be employed temporarily as a "Public Relations Representative."

2. On or about April 27, 2001, defendant KHALID FADLALLA signed Part A of the Form ETA 750, Offer of Employment, under penalty of perjury, for Muslim World League as the Assistant Director, attesting to his representations that Muslim World League sought to hire ALNOSHAN as a Public Relations Representative to be supervised by an Executive Director.

3. On or about April 28, 2001, defendant ALNOSHAN signed Part B of the Form ETA 750, Statement of Qualifications of Alien, under penalty of perjury, attesting to his representation that he had not been employed for the prior three years and that he sought employment as a Public Relations Representative at Muslim World League.

4. On or about October 24, 2001, ALNOSHAN AND FADLALLA caused to be mailed to the INS Vermont Service Center from Springfield, Virginia, a Form I-129 Petition for Non-Immigrant Worker on behalf of ALNOSHAN , for ALNOSHAN to be employed as a "Religious Affairs Director," signed under penalty of perjury by FADLALLA, for Muslim World League, as the "Executive Director," and listing ALNOSHAN'S current non-immigrant status as an F-1.

5. On or about December 7, 2001, ALNOSHAN and FADLALLA induced INS to approve the Petition I-129 Petition for Nonimmigrant Worker for ALNOSHAN to be employed as an H1-B1 foreign worker at Muslim World League as a "Religious Affairs Director."

(In violation of Title 18, United States Code, Sections 371 and 1546).



Count 2: Immigration Fraud

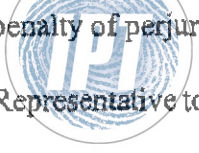
THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the General Allegations of this Superseding Indictment.

2. On or about April 27, 2001, and April 28, 2001, in Springfield, Virginia, in the Eastern District of Virginia and elsewhere, the defendants, ABDULLAH ALNOSHAN and KHALID FADLALLA, aiding and abetting each other, did unlawfully and knowingly subscribed as true, under penalty of perjury (as permitted under Title 28, United States Code, Section 1746), a false statement with respect to a material fact in an application and document required by the immigration laws and the regulations prescribed thereunder, and knowingly presented such application and document which contained said false statement and which failed to contain any reasonable basis in law and fact.

3. Specifically, on or about April 27 and 28, 2001, defendants ALNOSHAN and FADLALLA knowingly assisted in the preparation of a fraudulent United States Department of Labor, Application for Employment Certification, officially known as a form ETA 750, and then submitted the same petition to Virginia Employment Commission (VEC) by having it mailed it from Springfield, Virginia, in the Eastern District of Virginia, to the VEC in Richmond, Virginia, also in the Eastern District of Virginia. In this application, defendant ALNOSHAN sought to obtain a certification from the Department of Labor, which is a general requirement for a Nonimmigrant Classification of H1B.

4. On or about April 27, 2001, defendant FADLALLA signed Part A of the ETA 750, under



penalty of perjury, with an offer of employment to defendant ALNOSHAN as a Public Relations Representative to be supervised by an Executive Director, when in fact he knew that Muslim World League, of which ALNOSHAN was already the director, did not seek to employ ALNOSHAN as a Public Relations Representative to be supervised by an Executive Director.

5. On or about April 28, 2001, defendant ALNOSHAN signed Part B of the ETA 750, under penalty of perjury, in which he falsely stated that he had held no job during the past three years and was seeking to work as a Public Relations Representative for Muslim World League, when in fact he had already been working illegally for Muslim World League as the Director since in or around 1998, and was not seeking to work as a Public Relations Representative for Muslim World League. (In violation of Title 18, United States Code, Sections 2 and 1546(a)).



Count 3: Concealing a Material Fact

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the General Allegations of this Superseding Indictment.

2. On or about April 28, 2001, in Springfield, Virginia, in the Eastern District of Virginia, and elsewhere, the defendant, ABDULLAH ALNOSHAN, in a matter within the jurisdiction of the Immigration and Naturalization Service, an agency of the executive branch of the government of the United States, did unlawfully, knowingly, and willfully falsify, conceal and cover up by a trick, scheme or device a material fact, to wit: that between 1998 and 2001 he had been a paid employee of the Muslim World League.

3. Specifically, ALNOSHAN caused to be submitted to the INS Part B of an ETA 750 Application for Alien Employment Certification, which in the work experience section required ALNOSHAN as the applicant to list the jobs that he had held in the last three years. In response to that requirement, ALNOSHAN stated on the application that he had been a student from 1989 to the present. ALNOSHAN's response concealed the material fact that between 1998 and 2001 he had been a paid employee of the Muslim World League, a fact which he well knew would cause his Application for Alien Employment Certification to be denied if discovered by the INS.

(In violation of Title 18, United States Code, Section 1001(a)(1))



Count 4: Harboring an Illegal Alien

THE GRAND JURY FURTHER CHARGES THAT:

From in or around November 2001 through in or around July 2005, in Fairfax County, in the Eastern District of Virginia, the defendant ABDULLAH ALNOSHAN, knowing and in reckless disregard of the fact that an alien, namely Suratemi Matsalim, had come to, entered, and remained in the United States in violation of the law, did unlawfully and knowingly conceal, harbor, and shield from detection, such alien in places, including buildings, specifically at defendant ALNOSHAN'S personal residence, located at 4708 Autumn Cove Court, Alexandria, Virginia, for the purpose of private financial gain, to wit: receipt of cleaning, cooking, child care, and other domestic labor for little or no wages or pay.

(In violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii) and (B)(i))

A TRUE BILL:

FOREPERSON OF THE GRAND JURY

Date: _____

PAUL J. MCNULTY
UNITED STATES ATTORNEY

By: _____

Neil Hammerstrom Jr.
Chief, Terrorism and National Security Unit

Jeanine Linehan
Assistant United States Attorney