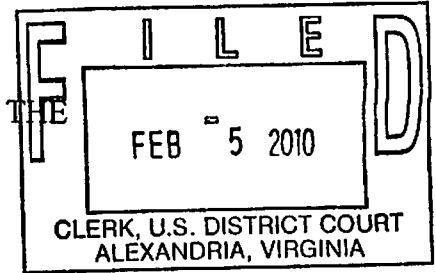


IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA )  
 )  
 v. )  
 )  
 ANTHONY JOSEPH TRACY, )  
 )  
 Defendant. )

CRIMINAL NO. 1:10-MJ-97

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Thomas K. Eyre, being duly sworn, depose and say:

1. I am a Special Agent employed by U.S. Immigration and Customs Enforcement (ICE), under the U.S. Department of Homeland Security (DHS). I am currently assigned to the ICE Office of Investigations in Sterling, Virginia, which currently covers seven Northern Virginia counties and the District of Columbia. I have been employed by ICE as a Special Agent since May 2004. From December 2003 to May 2004, I attended the Criminal Investigator Training Program and ICE Special Agent Training held at the Federal Law Enforcement Training Center in Georgia. I have a Bachelors of Science degree in Criminal Justice and am currently pursuing a Masters of Arts Degree in Strategic Security Studies with a concentration in Counter-Terrorism at National Defense University in Washington, D.C.

2. From May 2004 to January 2005, I was assigned to a squad that investigated human trafficking and alien smuggling. From January 2005 to the present I have been assigned to an ICE squad that primarily handles immigration and customs violations of individuals who are of national security interest. I have conducted numerous investigations

of alien smuggling and immigration benefit fraud. My duties as a Special Agent for ICE include, but are not limited to, investigating violations of the Immigration and Nationality Act (Title 8 of the United States Code) and Title 18 of the United States Code. I have received extensive training and experience in the investigation and enforcement of the immigration laws of the United States.

3. The facts and information contained in this affidavit are based upon my personal knowledge as well as the observations of other law enforcement officers involved in this investigation, including but not limited to the Federal Bureau of Investigation (FBI) and the New York Police Department (NYPD). All observations not personally made by me were related to me by the individuals who made them or were conveyed to me by my review of records, documents, and other physical evidence obtained during the course of this investigation. This affidavit contains information necessary to support probable cause for this application. This affidavit is not intended to include each and every fact and matter observed by me or known to the United States Government.

4. This affidavit is being submitted in support of an application for a criminal complaint charging Anthony Joseph Tracy with unlawfully and knowingly encouraging and inducing an 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, in violation of 8 U.S.C. § 1324(a)(1)(A)(iv).

5. Pursuant to 18 U.S.C. § 3238, charges for offenses begun or committed out of the jurisdiction of any particular State or district, as described herein, may be brought in the district where the offender is arrested. Tracy was placed under arrest by your affiant and other law enforcement officers on February 5, 2010 at the ICE Office of Investigations in

Sterling, Virginia, in Loudoun County, within the Eastern District of Virginia

6. Based on a review of identification records and other evidence, I know that Anthony Joseph Tracy is a white male who was born in Pennsylvania on October XX, 1974. Tracy is assigned Social Security Number 196-56-XXXX. Tracy converted to Islam while in a U.S. prison in the 1990's and also goes by the names Yusuf Tracy and Yusuf Noor. On or about April 9, 2009, Tracy departed the United States and traveled to Kenya. While in Kenya, Tracy reported to the U.S. Embassy in Nairobi that his U.S. passport bearing number 445982726 was seized by Kenyan authorities. On January 15, 2010, Tracy was subsequently issued a replacement U.S. passport, bearing number 720109785, and returned to the United States on or about January 18, 2010.

7. On January 18, 2010, Tracy entered the U.S. at JFK International Airport in New York and voluntarily consented to be interviewed by FBI and ICE Special Agents and a Detective with the NYPD. Tracy said that he helped approximately 272 Somalis travel illegally to the United States, using his business, Noor Services Limited. Tracy admitted that he would help the aliens by providing and manufacturing fake documents that are required to obtain Cuban visas, such as bank statements reflecting residency in Kenya for approximately 6 months, hotel accommodations in Cuba, and round trip airline tickets.

8. Through my prior training and experience regarding the visa process, I know that countries prefer to see visa applicants provide proof that they will return to their country of citizenship and that they will not be an intending immigrant in the country for which they are seeking a visa. One of the ways to indicate that you will not be an intending immigrant is by producing evidence of a temporary hotel reservation and a round trip ticket. Furthermore, aliens must provide proof of a consistent residence and stable livelihood in the

country where they are applying for a visa. Bank account information helps establish this.

9. Tracy stated that he would charge between \$100 and \$1,000 for these fake supporting documents and would take these documents to "Consuela," his contact at the Cuban Embassy in Kenya. Tracey advised that the Kenyan identification documents provided to the Cuban Embassy were fraudulently obtained by the Somalis. According to Tracy, Consuela would then grant Cuban visas in the Kenyan passports. According to Tracy, Consuela's involvement with the visa fraud scheme was discovered by the Cuban Embassy, and she was fired.

10. Tracey stated that after Consuela was removed, his new point of contact inside the Cuban Embassy in Kenya for obtaining visas with fraudulent supporting documents was a woman named "Helen." According to Tracy, Helen was also fired in December 2009.

11. Harakat al-Shabaab Mujahideen, more commonly known as al-Shabaab, is an Islamist terrorist organization in Somalia. Al-Shabaab was designated a Foreign Terrorist Organization by the State Department in 2008. The group controls a large portion of southern Somalia and imposes its own harsh form of Sharia Law. In addition, al-Shabaab describes itself as waging jihad against enemies of Islam and is engaged in combat against the U.S. backed Somali Transitional Federal Government. Al-Shabaab has reportedly declared war on the United Nations and on Western non-governmental organizations. In early 2010, al-Shabaab declared its alliance with al-Qaeda. On September 17, 2009, members of al-Shabaab conducted a suicide bombing attack on DynCorp International, an American Corporation operating in Somalia.

12. On February 4, 2010, Tracy voluntarily consented to a polygraph examination which was conducted at the ICE Office of Investigations in Sterling, Virginia. During the

polygraph examination, Tracy was asked if he knowingly assisted any al-Shabaab members attempting to travel out of Kenya. Tracy admitted that he was approached by al-Shabaab in Kenya, but he claimed that he refused to assist them.

13. Tracy stated that after he arrived in Kenya in April 2009 it took him a couple of weeks to establish his visa fraud business. Tracy further stated that he helped 272 Somalis obtain fraudulent visas in Kenya between May 2009 and December 2009, at a rate of approximately five to ten Somalis a week.

14. On the evening of February 4, 2010, Tracy voluntarily provided access to allow law enforcement officers to view his email account, "noor786services@yahoo.com." A review of this email account revealed one email in his inbox, dated January 15, 2010. This email had been sent to Tracy in response to an email Tracy had sent the day before, using his alias "Yusuf." It was addressed to another user whose hotmail screen name begins with a "g". In the body of Tracy's email, he stated "...i will be back in kenya at the end of february, so contact me then and i will assist you inshallah. i helped alot of somalis and most are good but there are some who are bad and i leave them to ALLAH...."

15. A review of Tracy's email address also revealed approximately 80 contacts. Tracy was asked how many of these contacts he helped in obtaining immigration benefits, and he responded that all contacts on the list were related to the visa procurement process and/or family sponsored immigration benefits. Two of the contacts on his list are identified below. The affiant is aware of the alleged full names of the aliens but is using their initials in this affidavit.

16. A Somali male with the initials K.A. was in his early twenties when Tracy obtained a Cuban visa in Kenya with fraudulent supporting documents, around September

2009. K.A. had a Yahoo email account. Tracy believes that K.A. is currently in Minnesota.

17. Tracy also obtained a Cuban visa in Kenya with fraudulent supporting documents for another Somali male in his early twenties with the initials D.H. Tracy procured this visa in November 2009 and was paid approximately \$600. D.H. had a hotmail email account. Tracy said that D.H. traveled with two other unknown males. D.H. called a secretary used by Tracy in Kenya after he entered the United States.

18. Tracy said that the routes K.A. and D.H. took once they fraudulently obtained their Cuban visas was to travel from Kenya to Dubai to Moscow to Cuba to South America to Mexico and then to the United States.

19. Regarding family based immigration applications, a review of the email account noor786services@yahoo.com revealed that on September 17, 2009, Tracy sent an email to a Yahoo account whose user name starts with a "k". Replying to "k's" inquiry about getting assistance for immigration benefits, Tracy stated, "...it is possible for your mother to assist you, even if she didn't claim you when she entered the United States. She only has to state that she believed you were killed, but later discovered you were living and a DNA test will verify relationship."

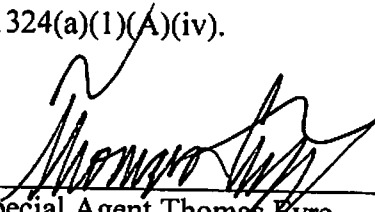
20. A review of email addresses among the approximately 80 contacts revealed that five email addresses had profiles/accounts with the social networking website Facebook. Preliminary analysis of these five accounts on Facebook revealed that the five email accounts are linked to profile owners who appear to be black males and females who reside in the states of New York, Tennessee, North Carolina, Washington, and Arizona.

21. Tracy said that he obtained visas at the Cuban Embassy in Kenya for 268 Somalis by submitting fraudulent supporting documents in support of their applications.

Tracy also utilized a contact at the Embassy of a South American country in Kenya where he secured three visas for three Somalis using fraudulent supporting documents. Tracy stated that he knew that the final destination for the Somalis for whom he obtained visas was the United States, with the visas fraudulently obtained in Kenya being the first step in the process.

22. After Tracy returned to the U.S. on January 18, 2010, he stated to law enforcement officers that he would like to return to Kenya shortly.

23. Based on the foregoing, I submit that probable cause exists to believe that between in or about May 2009 and in or about December 2009, in the extraterritorial jurisdiction of the United States, Anthony Joseph Tracy did unlawfully and knowingly encourage and induce an alien to come to, enter, and reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, and residence was or would be in violation of law, in violation of 8 U.S.C. § 1324(a)(1)(A)(iv).

  
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Special Agent Thomas Eyre  
U.S. Department of Homeland Security  
Immigration and Customs Enforcement  
Office of Investigations

Sworn to and subscribed before me  
this 5<sup>th</sup> day of February 2010.

/s/Thomas Rawles Jones, Jr.

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Thomas Rawles Jones, Jr.  
United States Magistrate Judge