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UNITED STATES DISTRICT COURT FOR THE CHARLOTTE, N.C.  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

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U.S. DISTRICT COURT  
W. DIST. OF N.C.

UNITED STATES OF AMERICA )  
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)  
v. )  
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)  
KAMRAN AKHTAR )  
a/k/a Kamran Shaikh )  
)  
\_\_\_\_\_ )

DOCKET NO. 3.04CR207-Mu

**BILL OF INDICTMENT**

Violations:

- 18 U.S.C. 1001(a)(2)
- 8 U.S.C. 1253(a)(1)(A)
- 18 U.S.C. 1028(a)(4)

THE GRAND JURY CHARGES:

**INTRODUCTORY PARAGRAPHS**

On or about July 20, 2004, a Charlotte Mecklenburg Police Officer was on routine patrol when he noticed someone using a camcorder to videotape the buildings in downtown Charlotte, North Carolina. The police officer then got out of his patrol car to further investigate. As the Officer approached, the defendant, KAMRAN AKHTAR, also known as Kamran Shaikh, began to walk away.

The officer then asked AKHTAR what he was doing. AKHTAR responded that he was just walking to the bus station. The police officer then pointed out to AKHTAR that he was not heading in the right direction to reach the bus station. The officer then asked AKHTAR if he could speak to him for a few minutes. AKHTAR agreed to speak to the officer.

The officer then called a Detective from of the Charlotte Mecklenburg Police Department who is currently assigned to the Joint Terrorism Task Force. The Detective responded to the scene and asked AKHTAR if he would voluntarily speak to him at the F.B.I. offices. The detective clearly explained to AKHTAR that he was not under arrest. AKHTAR agreed to voluntarily go with the Detective.

Once at the offices of the F.B.I., AKHTAR was introduced to a Special Agent who was with U.S. Immigration and Customs Enforcement. The Special Agent asked AKHTAR about his country of origin and AKHTAR replied that he was born in Pakistan. The Special Agent then asked AKHTAR several questions about his immigration status. AKHTAR stated that he had a "Green Card" (Immigration and Naturalization form I-551, also known as the Alien Registration card).

AKHTAR went on to show the agents his New York City driver's license and a Social Security Card, both in the name of Kamran Shaikh. The Special Agent asked AKHTAR if he had ever had a hearing in immigration court and AKHTAR replied that he had not. The Special Agent also asked AKHTAR if he had ever been ordered deported, AKHTAR replied that he had not. AKHTAR went on to say that he came to the United States by illegally crossing from Tijuana, Mexico into the U.S. AKHTAR continued to maintain that his name was Shaikh, even when he was confronted with the fact that his brother's last name was AKHTAR.

A review of the videotape contained in AKHTAR's video camera showed video of the downtown area of Charlotte, North Carolina including the Bank of America Building and the building at 400 South Tryon where the local F.B.I. office is located. AKHTAR allowed agents to view other tapes in his possession. These tapes included video of buildings in the downtown areas of Atlanta, Georgia; Austin, Texas; Houston, Texas; Dallas, Texas; and New Orleans, Louisiana. He also had video of what appeared to be Mansfield Dam in Austin, Texas. AKHTAR also had video of public transportation such as MARTA in Atlanta, the Downtown Transit Center and the Downtown Metro Trolley in Houston, trolley cars in Dallas and New Orleans.

A review of Department of Homeland Security immigration records and the immigration file A72 567 612 show that AKHTAR, under the name of Kamran Shaikh, claimed to have entered the United States on December 10, 1991 by entering from Mexico into the United States without being admitted after inspection by an Immigration Officer. He applied for political asylum in 1992. On August 6, 1997, the application for political asylum was denied and AKHTAR was placed in removal (deportation) proceedings. On March 4, 1998 at the Immigration Court in New York City, AKHTAR was found removable and given until July 12, 1998 to voluntarily depart the United States. The judge's order stated that if AKHTAR failed to depart by July 12, 1998 then the voluntary departure would be withdrawn and the order would become an order of removal to the country of Pakistan. There is no record that AKHTAR ever filed an I-485 Petition to Adjust Status to Permanent Resident nor any record of a motion to reopen his removal case to seek time to apply to become a lawfully admitted permanent resident. There is also no record that AKHTAR has ever applied for or received an advance parole travel document.

AKHTAR later admitted to the agents involved that his true name is KAMRAN AKHTAR. He admitted that he had applied for political asylum in the alias of Kamran Shaikh solely for the purpose of obtaining an immigration work permit. AKHTAR also admitted that he did not have a "green card" and that he did not enter the United States by crossing the border near Tijuana, Mexico but instead came to the United States in 1989 via a flight into New York City with a student visa to attend Phillips University in Enid, Oklahoma. AKHTAR admitted that he never attended Phillips University.

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**COUNT ONE**

The introductory paragraphs are adopted and incorporated by reference herein.

On or about July 20, 2004, in Mecklenburg County, within the Western District of North Carolina, the defendant,

**KAMRAN AKHTAR**

did knowingly and willfully, in a matter within the jurisdiction of the executive, legislative and judicial branch of the Government of the United States, make a materially false, fictitious and fraudulent statement and representation by stating that he was legally in the United States and that he possessed a "green card" also known as an Alien Registration Card, in violation of Title 18, United States Code, Section 1001(a)(2).

**COUNT TWO**

The introductory paragraphs are adopted and incorporated by reference herein.

On or about July 20, 2004, in Mecklenburg County, within the Western District of North Carolina, the defendant,

**KAMRAN AKHTAR**

did knowingly and willfully, in a matter within the jurisdiction of the executive, legislative and judicial branch of the Government of the United States, make a materially false, fictitious and fraudulent statement and representation by representing that his name was Kamran Shaikh, in violation of Title 18, United States Code, Section 1001(a)(2).

**COUNT THREE**

The introductory paragraphs are adopted and incorporated by reference herein.

On or about July 20, 2004, in Mecklenburg County, within the Western District of North Carolina, the defendant,

**KAMRAN AKHTAR**

did knowingly and willfully, in a matter within the jurisdiction of the executive, legislative and judicial branch of the Government of the United States, make a materially false, fictitious and fraudulent statement and representation by stating that he had never had a hearing in front of an immigration judge, in violation of Title 18, United States Code, Section 1001(a)(2).

**COUNT FOUR**

The introductory paragraphs are adopted and incorporated by reference herein.

On or about July 20, 2004, in Mecklenburg County, within the Western District of North Carolina, the defendant,

KAMRAN AKHTAR

did knowingly and willfully, in a matter within the jurisdiction of the executive, legislative and judicial branch of the Government of the United States, make a materially false, fictitious and fraudulent statement and representation by stating that he had never been ordered to be deported from the United States, in violation of Title 18, United States Code, Section 1001(a)(2).

**COUNT FIVE**

The introductory paragraphs are adopted and incorporated by reference herein.

From on or about July 12, 1998, until the present, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, the defendant,

KAMRAN AKHTAR

willfully failed and refused to depart from the United States within a period of 90 days from the date of his final order of removal from the immigration court, all while being an alien against whom a final order of removal was outstanding by reason of being a member of one or more of the classes described in section Title 8, United States Code, Section 1227, all in violation of Title 8, United States Code, Section 1253(a)(1)(A).

