

UNITED STATES DISTRICT COURT

for the
District of Columbia

United States of America
v.
SHARAFAT ALI KHAN
a/k/a "DR. NAKIB"
Case No.
Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 2014 to May 2016 in the county of in the
District of Columbia, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Includes 18 U.S.C. § 371, 18 U.S.C. § 1324(a)(1)(A)(iv);(a)(1)(B)(i), Conspiracy, Alien Smuggling.

This criminal complaint is based on these facts:

See attached Affidavit which is incorporated by reference as if fully stated herein

Continued on the attached sheet.

Complainant's signature
Frank Iervasi, Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 06/03/2016

Judge's signature
United States Magistrate Judge G. Michael Harvey
Printed name and title

City and state: District of Columbia

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. _____
	)	
SHARAFAT ALI KHAN	)	
a/k/a "DR. NAKIB"	)	
	)	
	)	
Defendant.	)	

**AFFIDAVIT IN SUPPORT OF  
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Frank Iervasi, being duly sworn, do hereby depose and state:

1. I am a Special Agent of the Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by ICE since in or around May of 2006. I am currently assigned to the ICE Office of the Special Agent in Charge, New York, in New York, NY. I have successfully completed the Criminal Investigators Training Program at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. My current duties and responsibilities as a Special Agent for ICE include, but are not limited to, investigating criminal and administrative violations of the Immigration and Nationality Act, including alien smuggling, misuse of passports and other identification documents, and immigration fraud. As a result of my training and experience, I am familiar with the manner in which alien smuggling organizations operate. I am also familiar with the federal criminal laws, particularly those relating to alien smuggling.

2. As set forth herein, your affiant has probable cause to believe that from in or around March 2014 to May 2016, SHARAFAT ALI KHAN conspired with others to encourage and induce undocumented aliens to enter the United States, in violation of Title 18, United States

Code, Section 371 (Conspiracy); and encouraged and induced undocumented aliens to enter the United States for profit, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv); (a)(1)(B)(i) (Alien Smuggling).

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. 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.

4. This affidavit does not contain all of the information known to me concerning this investigation. I have included in this affidavit facts that I believe are sufficient to support a probable cause finding for the issuance of the requested arrest warrant, but I do not purport to include each and every matter of fact observed or known to me or other law enforcement agents involved in this investigation. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only.

**DEFENDANT**

5. SHARAFAT ALI KHAN (“KHAN”) was born on February 1, 1985 in Pakistan; KHAN currently resides in Brazil with pending status to become a Brazilian lawful permanent resident. KHAN has no known address in the United States.

**PROBABLE CAUSE FOR THE OFFENSE**

***Overview of the Alien Smuggling Investigation***

6. In March of 2014, ICE Special Agents learned of an Alien Smuggling Organization operating in South and Central America focusing on the movement of

Undocumented Aliens (UAs) from Bangladesh, Pakistan and Afghanistan through South and Central America en route to the United States. In July of 2015, interviews conducted during this investigation identified SHARAFAT ALI KHAN as a Brazil-based facilitator of such alien smuggling activities.

7. Interviews and other investigation methods have determined that KHAN receives undocumented aliens in Brazil from Pakistan and Afghanistan and facilitates their illicit movement to the United States. KHAN is known to charge between \$5,000 USD and \$12,000 USD per person to facilitate the smuggling and movement of the undocumented aliens by bus, foot and plane to the United States. The general route KHAN and his co-conspirators use to smuggle the undocumented aliens is: Pakistan – Dubai – Brazil – Peru – Ecuador - Colombia – Panama – Costa Rica – Nicaragua – El Salvador – Guatemala – Mexico, before illegally entering the United States.

8. Based on interviews, statements, and other information gathered during the course of this investigation, approximately 81 foreign nationals have identified SHARAFAT ALI KHAN by name and/or photograph as the smuggler who arranged for their travel from Brazil for the purpose of illegal entry into the United States between May 2014 and June 2016.

***Conspiracy to Encourage and Induce,  
and the Encouraging and Inducing of Aliens 1-6***

9. Pursuant to the investigation, your affiant learned that an Undocumented Alien (UA#1) illegally entered the United States on or about May 25, 2015 at the Pharr, Texas Port of Entry.

10. UA#1 was interviewed on November 12, 2015 and provided information including but not limited to the following: UA#1 and/or his family paid an unknown smuggler to

facilitate his travel from Pakistan to Brazil. In Brazil, UA#1 traveled to the home of KHAN in Brasilia, Brazil as directed by his Pakistani smuggler. KHAN advised UA#1 he would have to pay KHAN \$6,000 USD for KHAN to bring UA#1 to the United States. KHAN told UA#1 that as long as he continued to pay KHAN, UA#1 would continue his travel to the United States and that other associates along the way would refer to KHAN as “DR. NAKIB” and would assist UA#1 in his travel. UA#1 paid KHAN via the deposit of money into a bank account in Pakistan provided by KHAN. Following an initial payment of \$2,000 USD, KHAN kept UA#1 in a home in Brasilia for several months. Throughout the next several months KHAN facilitated travel to the United States for UA#1, which included UA#1 being forced to walk through the Colombian jungle for approximately three days. KHAN arranged for UA#1 to travel from Brazil through South and Central America en route to the United States, maintaining contact with UA#1 via phone at various points to provide instructions on where to go, who to contact, and how to proceed. KHAN requested that UA#1 make additional deposits totaling \$4,000 USD to pay for his smuggling at various points during UA#1’s journey towards the United States. In Guatemala, UA#1 was taken to the house of a Guatemalan-based smuggler (GS-1). KHAN had arranged GS-1 to receive and assist UA#1. While UA#1 was at the house, he and other travelers asked GS-1 to leave the house, and UA#1 told GS-1 that the money for his travel had already been cleared with KHAN. GS-1 then pointed a firearm at UA#1 and other travelers in the house and told them to get back inside. KHAN directed UA#1 to remain in contact with him during his travel specifically by using WhatsApp<sup>1</sup> to call and text him. KHAN further directed UA#1 to

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<sup>1</sup> WhatsApp Messenger is a proprietary cross-platform instant messaging application for smartphones that operates under a subscription business model. It uses the Internet to send text messages, images, video, user location and audio media messages to other users using standard cellular mobile numbers.

delete all of his/her WhatsApp conversations and not to mention KHAN's name when caught at the United States border.

11. UA#1 identified the photograph of KHAN from a photographic array as the individual in Brazil who facilitated his travel to the United States. Based on law enforcement database checks, biometric data had been officially collected from UA#1 during encounters with immigration officials in foreign countries that UA#1 identified as part of UA#1's route during the time period of his KHAN-facilitated illicit travel to the United States.

12. Pursuant to the investigation, your affiant learned that an Undocumented Alien (UA#2) illegally entered the United States on or about February 24, 2015 at the Otay Mesa, California Port of Entry.

13. UA#2 was interviewed on January 11, 2016 and provided information including but not limited to the following: UA#2 used an unknown smuggler to facilitate his travel from Pakistan to Brazil and was provided with suspected fraudulent documents to facilitate that travel. Upon arrival in Brazil, an unidentified man holding a sign with UA#2's name was waiting for UA#2 at the Sao Paulo airport. UA#2 approached the man and the man stated that he was there on behalf of "DR. NAKIB". UA#2 was then taken to a house in Brasilia, Brazil where he was introduced to a man who identified himself as DR. NAKIB. DR. NAKIB took \$10,000 USD in cash from UA#2 as a fee for his smuggling services, as well as UA#2's Pakistani passport. DR. NAKIB told UA#2 that he was not allowed to leave the house and if he needed anything UA#2 should tell the employee who was working for DR. NAKIB in the house. Every two to three days thereafter DR. NAKIB would come to the house and sometimes collect money from the employee. DR. NAKIB arranged for UA#2 to travel from Brazil through South and Central

America en route to the United States, including a several days walk through the Colombian jungle with a group of other Pakistani and Indian men being smuggled to the United States. During the journey, DR. NAKIB kept in contact with UA#2 by messaging him using WhatsApp, and told UA#2 that if he ever needed to speak to him along the route, to tell any of the associates he encountered during his travel to call DR. NAKIB. While in Tapachula, Mexico, DR. NAKIB told UA#2 to purchase airline tickets to Tijuana, and when he arrived in Tijuana, to take a taxi to the Mexico and U.S. border. DR. NAKIB told him to enter the United States and to raise his hands when he saw U.S. authorities. DR. NAKIB told UA#2 not to tell the U.S. authorities anything about him, anything that happened along his trip, or how he got there.

14. UA#2 identified the photograph of KHAN from a photographic array as the individual he knew as DR. NAKIB in Brazil who facilitated his illicit travel to the United States.

15. Pursuant to the investigation, your affiant learned that two Undocumented Aliens (UA#3 and UA#4) illegally entered the United States near San Ysidro, California and were apprehended by U.S. Border Patrol Agents on October 28, 2015.

16. Your affiant interviewed UA#3 and UA#4 separately on November 16, 2015 and UA#3 and UA#4 provided information including but not limited to the following: A family member of UA#3 and UA#4 paid a Pakistani based smuggler (PS-1) to arrange their travel from Pakistan to the United States. UA#3 and UA#4 traveled from Pakistan to Dubai then to Brazil with suspected fraudulent documents provided by PS-1. In Brazil, UA#4 contacted PS-1 and PS-1 gave him the phone number for KHAN and directed UA#4 to contact KHAN, which he did. UA#3 and UA#4 rebuffed KHAN when he tried to negotiate a separate deal to smuggle them to the United States for a cheaper price than what had been negotiated with PS-1. UA#3 and UA#4

advised Khan that they would keep PS-1 as their agent since the deal had been made with him, and KHAN would receive payment from PS-1 for his services in facilitating their illicit travel from Brazil to the United States. KHAN subsequently arranged for UA#3 and UA#4 to travel from Brazil through South and Central America en route to the United States. In Guatemala, UA#3 and UA#4 were also placed in the home of a Guatemala-based smuggler (GS-1) by KHAN. During the journey, KHAN kept in contact with UA#3 and UA#4 by messaging and calling them using WhatsApp. KHAN directed them to delete all conversations from their phones and also directed them to never mention his name to authorities.

17. UA#4 and UA#3 each identified the photograph of KHAN from a photographic array as the individual in Brazil who facilitated their illicit travel to the United States. Based on law enforcement database checks, biometric data had been officially collected from UA#4 during an encounter with immigration officials in one of the foreign countries that UA#4 identified as part of UA#4's route during the time period of his KHAN-facilitated illicit travel to the United States.

18. Pursuant to the investigation, your affiant learned that an Undocumented Alien (UA#5) illegally entered the United States near Otay Mesa, California and was apprehended by U.S. Border Patrol Agents on January 29, 2016.

19. UA#5 was interviewed on February 17, 2016 and provided information including but not limited to the following: UA#5's family member paid a Pakistani based smuggler (PS-2) the equivalent of \$9,500 USD to arrange his travel from Pakistan to Brazil, then onwards to the United States, using a suspected fraudulent Austrian Passport. PS-2 advised UA#5 that he would be responsible for getting UA#5 to Brazil and that KHAN would get UA#5 to the United States,

and PS-2 provided UA#5 with KHAN's phone number. In Brazil, UA#5 contacted KHAN by using WhatsApp and KHAN told UA#5 that he would arrange his travel to the United States. KHAN arranged for UA#5 to travel from Brazil through South and Central America en route to the United States, maintaining contact with UA#5 via phone at various points to provide instructions on where to go, who to contact, and how to proceed. Along the route, UA#5 needed money from KHAN to pay immigration and other fees that KHAN had not paid. UA#5 contacted KHAN, and KHAN in turn sent money to UA#5 using a money remitter service.

20. UA#5 identified the photograph of KHAN from a photographic array as the individual in Brazil who facilitated his illicit travel to the United States. The money KHAN sent to UA#5 via a wire transfer was corroborated via records gathered during the investigation. UA#5 was also found in possession of several handwritten phone numbers, including one he identified as the phone number he used to contact KHAN, which had previously been identified as KHAN's number during the course of the investigation. Based on law enforcement database checks, biometric data had been officially collected from UA#5 during encounters with immigration officials in foreign countries that UA#5 identified as part of UA#5's route during the time period of his KHAN-facilitated illicit travel to the United States.

21. Pursuant to the investigation, your affiant learned that an Undocumented Alien (UA#6) illegally entered the United States near Calexico, California and was apprehended by U.S. Border Patrol Agents on February 10, 2016.

22. UA#6 was interviewed on May 11, 2016 and provided information including but not limited to the following: UA#6 arranged his own travel from Pakistan to Brazil and when UA#6 arrived in Brazil he made contact with KHAN. KHAN took UA-6 to his house and UA-6

paid the negotiated smuggling fee in person to KHAN. KHAN arranged for UA-6 to travel from Brazil through South and Central America en route to the United States. Along the route, KHAN stopped communicating with UA-6; however, the other smugglers along the route knew that UA#6 belonged to KHAN. In Guatemala, UA-#6 was also placed in the home of a Guatemalan-based smuggler (GS-1) by KHAN. KHAN told UA-6 that he had sent many people to the United States.

23. UA#6 identified the photograph of KHAN from a photographic array as the individual in Brazil who facilitated his travel to the United States. Based on law enforcement database checks, biometric data had been officially collected from UA#6 during encounters with immigration officials in foreign countries that UA#6 identified as part of UA#6's route during the time period of his KHAN-facilitated illicit travel to the United States.

24. During the course of the investigation, various Sources of Information (SOIs) in contact with KHAN have provided law enforcement with information related to KHAN and his smuggling activities, based on their personal dealings with KHAN and to include recordings and electronic communications with KHAN. In those communications, KHAN provided details of his alien smuggling activities, including moving individuals to the United States, the routes he uses, how much he charges, his smuggling associates and how he receives payment for his smuggling associates.

25. Source of Information 1 (SOI-1) provided ICE Agents with electronic communications between SOI-1 and KHAN in the Urdu language. The conversations were translated into the English language and determined to relate to KHAN's smuggling activities, to include KHAN acknowledging he receives individuals in Brazil for further transport to the

United States from other smugglers.

26. Source of Information 2 (SOI-2) met with KHAN in person. SOI-2 recorded said conversation and provided ICE Agents with the recording of his/her meeting with KHAN. The recording was provided in the Urdu Language and translated into the English language. In the conversation, KHAN provided details of his smuggling operations to the United States. SOI-2 identified KHAN from a photographic array.

27. Source of Information 3 (SOI-3) advised Law Enforcement Officials that KHAN works at the airport in Brazil. SOI-3 stated that KHAN possesses multiple communication devices, and uses WhatsApp to communicate using the devices regularly. SOI-3 further stated that KHAN has had numerous unknown foreigners show up at his residence looking for him. SOI-3 also stated that KHAN is regularly in possession of foreign documents of various persons from several different nationalities, without any justification, as well as in possession of foreign currencies.

28. Source of Information 4 (SOI-4), an alien smuggler who facilitates the movement of undocumented aliens to the United States, provided a statement to Law Enforcement Officials stating that KHAN is a well-known alien smuggler operating in Brazil and is responsible for the movement of individuals from Brazil to the United States.

### **CONCLUSION**

29. Based on the above, your affiant believes that there is probable cause that from in or around March 2014 to May 2016, SHARAFAT ALI KHAN conspired with others to encourage and induce undocumented aliens to enter the United States, in violation of Title 18, United States Code, Section 371 (Conspiracy); and encouraged and induced undocumented

aliens to enter the United States for profit, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv); (a)(1)(B)(i) (Alien Smuggling).

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Frank Iervasi  
Special Agent  
Department of Homeland Security  
Immigration and Customs Enforcement

Sworn to and subscribed before me this \_\_\_\_\_ day of June 2016

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HONORABLE G. MICHAEL HARVEY  
UNITED STATES MAGISTRATE JUDGE