

UNITED STATES DISTRICT COURT
for the
Western District of New York

United States of America
v.
DILBAR GUL DILBAR
a/k/a DILBAR GUL TAJ ALI KHAN
Case No.
25-MJ-4055
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 January 2021 through April 4, 2024 in the county of Monroe in the
Western District of NY, and elsewhere, the defendant(s) violated:

Code Section Offense Description
18 USC 1546(a) Visa Fraud

This criminal complaint is based on these facts:
See the attached Affidavit of FBI SA Timothy J. Klapec, with is incorporated herein by reference

Continued on the attached sheet.

Timothy J. Klapec
Complainant's signature
FBI SA Timothy J. Klapec
Printed name and title

Submitted electronically by email in .pdf format. Oath administered, and contents and signature attested to me as true and accurate telephonically pursuant to Fed. R. Crim. P. 4.1 and 41(d)(3).

Date: April 29, 2025

Colleen D. Holland
Judge's signature

City and state: Rochester, NY

Hon. Colleen D. Holland
Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF MONROE) SS:
CITY OF ROCHESTER)

I, Timothy J. Klapec, being duly sworn, depose and state the following:

INTRODUCTION AND AGENT BACKGROUND

1. I am employed as a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed for approximately twenty years. I am currently assigned to the Joint Terrorism Task Force (JTTF), Buffalo Division, in Rochester, New York. At the JTTF, I work with a team of federal, state, and local law enforcement agents and officers on investigations relating to domestic and international terrorism, weapons of mass destruction, and individuals posing a risk of engaging in acts of targeted violence. As a result of my training and experience, I am familiar with tactics, methods, and techniques used by terrorist organizations and their members, by individuals seeking to join or engage in acts on behalf of terrorist organizations, and by individuals acting on their own to plan and execute acts of violence in the community. I have also conferred with other federal agents who have expertise and experience in visa fraud investigations. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, unless noted otherwise.

2. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United

States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516.

3. I make this affidavit in support of an application for a criminal complaint charging DILBAR GUL DILBAR with violating Title 18, United States Code, Section 1546(a) (Fraud and Misuse of Visas, Permits, and Other Documents) (hereinafter the "TARGET OFFENSE").

4. The facts contained in this affidavit are based upon my personal involvement in this investigation and information provided to me by other law enforcement agents and private citizens. Because this affidavit is submitted for the limited purpose of obtaining a criminal complaint, I have not included each and every fact known to me concerning this investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause to believe DILBAR has committed the TARGET OFFENSE.

PROBABLE CAUSE

5. DILBAR GUL DILBAR, also known as DILBAR GUL TAJ ALI KHAN (hereinafter "DILBAR"), is a citizen of Afghanistan. The identification documents issued by Afghanistan, including DILBAR's original Afghan passport, are under the name Dilbar Gul Taj Ali Khan. However, beginning in or around 2020, DILBAR began using the name Dilbar Gul Dilbar. The name Dilbar Gul Dilbar is listed on his national ID card and his second Afghan passport. DILBAR also used the name Dilbar Gul Dilbar in the United States to obtain a New York State Driver's License.

6. As set forth in greater detail herein, in 2016 and 2021, DILBAR submitted two separate applications to the U.S. Department of State (DOS) for a Special Immigrant Visa (SIV). DILBAR's SIV applications included a counterfeit U.S. Embassy Kabul Chief of Mission (COM) approval, a fraudulent letter of employment, and a fraudulent Letter of Recommendation. In the applications, DILBAR falsely attested, under penalty of perjury, that these were authentic documents.

7. On or about March 20, 2024, DILBAR's fraudulent SIV application was approved and, on or about April 4, 2024, DILBAR was granted admission to the United States. He currently resides in the Western District of New York.

8. On the same day that DILBAR was granted admission to the United States, he applied for Legal Permanent Resident ("LPR") card (commonly referred to as a "green card"). DILBAR's green card was issued on or about July 22, 2024.

Background Regarding Special Immigrant Visas

9. Federal law authorizes a limited supply of SIVs each year for Afghan nationals. For example, Section 602(b) of the Afghan Allies Protection Act of 2009, as amended, is a special immigrant visa program, which authorizes the issuance of an SIV to a citizen or national of Afghanistan who, in addition to meeting other requirements, was or is employed in Afghanistan:

- By or on behalf of the U.S. government; or
- By the International Security Assistance Force (ISAF) (or any successor name for the ISAF) while:

- Traveling off-base with U.S. military personnel stationed at the ISAF (or any successor name for the ISAF), to serve as an interpreter or translator for such U.S. military personnel; or
- To perform activities for the U.S. military personnel stationed at the ISAF (or any successor name for the ISAF); and
- Was employed on or after October 7, 2001, and before the date established by the most recent program extension, for a period of not less than 1 year;
- Provided faithful and valuable service to the U.S. government, as documented in a positive recommendation or evaluation by the petitioner's employer;
- Has experienced or is experiencing an ongoing serious threat as a consequence of the petitioner's employment by the U.S. government;
- Has cleared a background check and appropriate screening as determined by the Secretary of Homeland Security; and
- Is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence.

10. As part of an Afghan SIV application, each applicant must complete a United States Citizenship and Immigrations Services (USCIS) Form I-360. At the conclusion of the form, each applicant must sign the following attestation under penalty of perjury:

Petitioner's Declaration and Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any and all of my records that USCIS may need to determine my eligibility for the immigration benefit I seek.

I further authorize release of information contained in this petition, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I understand that USCIS may require me to appear for an appointment to take my biometrics (fingerprints, photograph, and/or signature) and, at that time, if I am required to provide biometrics, I will be required to sign an oath reaffirming that:

- 1) I provided or authorized all of the information contained in, and submitted with, my petition;
- 2) I reviewed and understood all of the information in, and submitted with, my petition; and
- 3) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that all of the information in my petition and any document submitted with it were provided or authorized by me, that I reviewed and understand all of the information contained in, and submitted with, my petition, and that all of this information is complete, true, and correct.

11. An application for the Afghan SIV must include a supporting Letter of Recommendation (LOR) from a person associated with the U.S. Government or ISAF who has personal knowledge of the applicant's qualifying employment.

12. For an SIV applicant who was employed by or on behalf of the U.S. Government, the LOR must be from a direct, senior supervisor who knew the applicant personally. If the supervisor has left Afghanistan or is no longer employed by the employer, the author of the LOR may also be the person currently occupying that position or a more senior person. In all cases, the author of the LOR must be connected with the SIV applicant's qualifying employment. The supervisory period should overlap with the applicant's period of employment.

DILBAR's 2016 SIV Application

13. In or around July 2016, DILBAR began the process of applying for an SIV under Section 602(b) of the Afghan Allies Protection Act of 2009.

14. As part of the application process, on or about July 5, 2016, DILBAR applied to the Department of State (DOS) for U.S. Embassy Kabul Chief of Mission (COM) approval of an Afghan SIV.

15. On or about August 10, 2017, DOS denied DILBAR's application for a COM approval letter. DOS sent DILBAR the following COM Denial letter, dated August 10, 2017:



*Embassy of the United States of America
Kabul, Afghanistan*

10-Aug-2017

Denial of Chief of Mission Approval for Afghanistan Special Immigrant Visa Status

Case Number: NVCSIV2016187015

Dear DILBAR GUL TAJ ALI KHAN

We regret to advise you that your application for Chief of Mission (COM) approval to submit a petition for the SQ-Special Immigrant Visa (SIV) program has been denied for the following reason(s):

- Lack sufficient documents to make a determination

You did not provide a valid letter of recommendation, which is required for the SIV program. We were unable to verify the authenticity of the recommendation letter as the author did not respond to our requests to confirm the authenticity of the document. If you wish to appeal this decision, you must submit a new letter of recommendation

If you believe this denial was made in error, you may make one appeal of the decision. Your appeal must be submitted to AfghanSIVApplication@state.gov within 120 days of the date you received this letter. The appeal should include any new information (including documentation) that you believe will overcome the reasons for the denial. Please include a copy of this letter with your appeal.

Chief of Mission
U.S. Embassy Kabul

16. Notwithstanding the fact that he had been denied a COM approval letter, DILBAR continued to pursue an SIV. On or about November 13, 2017, DILBAR filed USCIS Form I-360 (which was required as part of the SIV application), signed the required attestation under penalty of perjury, and included the below COM approval letter, dated August 10, 2017 (the exact same date on the COM denial letter that was sent to DILBAR):



*Embassy of the United States of America
Kabul, Afghanistan*

10-Aug-2017

Chief of Mission Approval for Afghanistan Special Immigrant Visa Status

Case Number: NVCSIN2016187015
Date: DILBAR GULTAJ ALI KHAN

The United States Embassy in Kabul, Afghanistan has reviewed the qualifications of the principal applicant named above and has established that:

- The individual is a national of Afghanistan;
- The individual has been employed by, or on behalf of the United States Government or by the International Security Assistance Force (or any successor name for such Force) in Afghanistan, on or after October 7, 2001, for a period of not less than one year; or, if submitting an application for COM Approval after September 30, 2015, for a period of not less than two years;
- The individual has provided faithful and valuable service to the United States Government or the International Security Assistance Force (or any successor name for such Force);
- The individual named above has experienced or is experiencing an ongoing serious threat as a consequence of the employment by or on behalf of the United States Government or by the International Security Assistance Force (or any successor name for such Force).

The principal applicant named above is hereby authorized to submit a petition for special immigrant status under Section 602(b) of the "Afghan Allies Protection Act of 2009."

Chief of Mission
U.S. Embassy Kabul

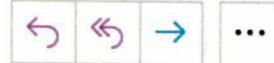
17. DILBAR used email address dilberfahim@yahoo.com to email the Form I-360, which contained the counterfeit DOS COM Approval letter, as shown below:

Dilbar Gul Taj Ali Khan_DOB_30 Jan 1992 NVCSIV2016187...

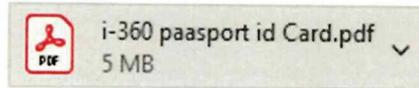


Dilber Fahim <dilberfahim@yahoo.com>

To NSC I360 SIV APP



11/12/2017



Hi dear sir/madam

Here you have my completed I360 and other documents please find the attached PDF file if you need any thing else please let me know.

Thanks from your kindness.

Dilbar Gul Taj Ali Khan_DOB_30 Jan 1992 NVCSIV2016187015

18. The purported COM approval letter is counterfeit. As such, on or about January 23, 2018, USCIS denied DILBAR's SIV application.

DILBAR's 2021 SIV Application

19. In or around 2021, DILBAR re-applied for a SIV.

20. As part of this second application, on or about October 16, 2021, DILBAR filed another USCIS I-360 and signed the required attestation under penalty of perjury. In the petition, DILBAR included a letter of employment dated January 5, 2021, from a U.S.-based company. A redacted copy of the letter of employment is shown below:



EMPLOYEE VERIFICATION LETTER

05 January, 2021

From: [REDACTED]
 To: Chief of Mission, Embassy of the United State of America - Kabul
Name of Applicant: Mr. Dilbar Gul Taj Ali Khan
Date of Birth: [REDACTED]
Badge #: [REDACTED]
Position: Interpreter
Start Date: 01 January 2017
End Date: 10 August 2019
Reason of Separation: Project Completion

This letter has been prepared to verify the employment of Mr. Dilbar Gul Taj Ali Khan in below listed individual contract with [REDACTED] which was denoted by the US Army in Afghanistan.

Mr. Dilbar Gul Taj Ali Khan has worked as Interpreter in the duration of various projects in below [REDACTED] was a prime contractor with US Army in concerned projects as well

SR #	Project Name	Contract #	SR #	Project Name	Contract #
1	Bala Hissar Renovation	[REDACTED]	7	MVACIS Lane	[REDACTED]
2	GDPSU Transformer & Connexes	[REDACTED]	8	Construct Temporary Signal School	[REDACTED]
3	PD2 force upgrade	[REDACTED]	9	Gravel Base Power Plant Installation	[REDACTED]
4	Fuel Point Expansion	[REDACTED]	10	ABP KAJA HQ	[REDACTED]
5	NCO School	[REDACTED]	11	Tangri Kelay	[REDACTED]
6	Afghan National Detention Facility	[REDACTED]	12	Moe Facility Property Upgrade	[REDACTED]

Dilbar Gul has been working in our company since 2017. He has worked in the position of an Interpreter. He has always been an efficient and hardworking employee and we are very happy to have worked with him during employment years. In case you require any other information from our end feel free to contact us. We will provide you with the require information.

Sincerely,

[REDACTED]

21. The DOS has investigated the U.S.-based company that issued DILBAR’s purported employment verification letter, and determined that the company was engaged in a large-scale scheme to provide fraudulent documents, such as employment verification letters, in exchange for a fee. All SIV employment verification letters authored by this entity are fraudulent.

22. On or about January 11, 2021, DILBAR also submitted a Letter of Recommendation to the DOS as part of his second SIV Application. The Letter of Recommendation was dated January 5, 2021, and was signed by “Ray James” with the name MANUEL RAY JAMES in the signature block. In the Letter of Recommendation, JAMES claimed to be a Project Engineer for a “US Army Corps of Engineering [sic]” funded project and asserted that he had supervised DILBAR since on or about January 1, 2017.

23. A separate DOS investigation has determined that MANUEL RAY JAMES, using email address robert1king@afghan.swa.army.mil, is involved in an “advance-fee” scam, through which he sells fraudulent immigration documents, like DILBAR’s Letter of Recommendation, to unqualified aliens.

24. On or about December 9, 2024, law enforcement executed a federal search warrant on DILBAR’s Google mail account. That search revealed that, on or about April 26, 2021, an individual using the name MANUEL JAMES and email address robertking2211@outlook.com forwarded an email to DILBAR. The forwarded email was from the DOS National Visa Center to email addresses robert1king@afghan.swa.army.mil and robertking2211@outlook.com. The email requested verification of DILBAR’s Letter of Recommendation. The bottom of the email contained an attachment entitled “Dilbar Gul REC”. On or about July 6, 2021, DILBAR responded to robertking2211@outlook.com stating “Got it, thanks!”

Approval of DILBAR’S SIV and LPR Applications

25. On or about March 20, 2024, DILBAR’s fraudulent SIV application was approved. On or about April 4, 2024, DILBAR applied for and was granted admission to the

United States using his SIV. On the same date, on or about April 4, 2024, DILBAR applied for Legal Permanent Resident (LPR) card.

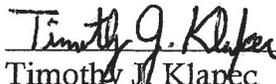
26. On or about July 22, 2024, DILBAR's received a ten-year LPR card (i.e., a "green card"), which was shipped to his residence in the Western District of New York.

27. The United States government relied upon the false documents DILBAR submitted in support of his SIV application when it reviewed and approved DILBAR's LPR application and issued him a green card.

28. As outlined above, on multiple occasions DILBAR submitted fraudulent documents to the United States Government and falsely certified, under penalty of perjury, that those documents were authentic, all in an effort to obtain his SIV and green card. As a result, he fraudulently obtained an SIV, admission to the United States, and a green card.

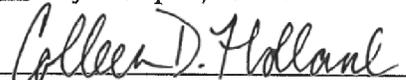
CONCLUSION

29. Based on the foregoing, there is probable cause to believe DILBAR knowingly violated Title 18, United States Code, Section 1546(a).



Timothy J. Klapac
Special Agent
Federal Bureau of Investigation

Affidavit submitted electronically by email in .pdf format. Oath administered, and contents and signature attested to me as true and accurate telephonically pursuant to Fed. R. Crim. P. 4.1 and 41(d)(3) on this 29th day of April, 2025.



HON. COLLEEN D. HOLLAND
United States Magistrate Judge