

11-cv-10389

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

UNITED STATES OF AMERICA	)	CRIMINAL NUMBER:	2011 NOV 29 P 2: 58
	)		
v.	)	Violations:	U.S. DISTRICT COURT
	)	18 U.S.C. § 1546(a)	DISTRICT OF MASS.
	)	(Fraud and Misuse of Visas, Permits and	
	)	Other Documents)	
INOCENTE ORLANDO MONTANO	)	18 U.S.C. § 1621(2)	
	)	(Perjury)	

**INFORMATION**

The United States Attorney charges that, at all relevant times:

1. The defendant, Inocente Orlando Montano (“Montano”), was a citizen of El Salvador.
2. Montano received military training and served as an officer in the military of El Salvador. He was a military officer during a civil war in El Salvador that spanned the period from 1979 through 1991.
3. Throughout the civil war, Montano held positions of authority within El Salvador’s Armed Forces. While a colonel in El Salvador’s Armed Forces, Montano served, from on or about June 1, 1989, until on or about March 2, 1992, in the military government as the Vice-Minister for Public Security.
4. Several reports published by governmental and non-governmental organizations in the early 1990s documented human rights violations committed by the Salvadoran military during that country’s civil war. Such violations include torture, arbitrary detention, extrajudicial killings, and disappearances.
5. For example, in 1990, the Arms Control and Foreign Policy Caucus, a group made up of members of the United States Congress, published a report entitled “Barriers to Reform: A

Profile of El Salvador's Military Leaders.” That report alleges that human rights abuses were committed by troops directly under Montano’s command.

6. As another example, in 1993, the United Nations Commission on the Truth for El Salvador published a report entitled “From Madness to Hope: The 12 Year War in El Salvador” (“U.N. Truth Commission Report”). The U.N. Truth Commission Report found that there was substantial evidence that Montano colluded with other Salvadoran military officers to issue an order to murder a particular Jesuit priest at San Salvador’s Central American University and to leave no witnesses. As described in the U.N. Truth Commission Report, the consequence of that order was the murder, on November 15, 1989, of six Jesuit priests, an employee of the priests, and the employee’s daughter. The Report further found that there was evidence that Montano and others took steps to conceal the truth regarding said murders.

7. In 1994, Montano retired from service as an officer of El Salvador’s Armed Forces and at some point thereafter left El Salvador and came to the United States.

8. In or about 2002, Montano was present in the United States and, on several occasions thereafter, applied for and received Temporary Protected Status (“TPS”), a benefit the United States government extends to certain foreign nationals, permitting them to remain in the United States if unable to safely return to their home country because of ongoing armed conflict, the temporary effects of an environmental disaster, or other extraordinary and temporary conditions. To be eligible for TPS, a foreign national must submit to the Department of Homeland Security (and previously to the Immigration and Naturalization Service) a Form I-821, Application for Temporary Protected Status. The Form I-821 calls for information necessary to determine whether the applicant is eligible for TPS. Montano has resided in the District of Massachusetts since he filed his initial TPS Application.

COUNT ONE  
18 U.S.C. § 1546(a)  
Fraud and Misuse of Visas,  
Permits and Other Documents

The United States Attorney re-alleges and incorporates by reference paragraphs 1-8 of this Information and further charges that, on or about the November 10, 2008, in the District of Massachusetts, the defendant,

INOCENTE ORLANDO MONTANO,

did knowingly make under oath, and did knowingly subscribe as true under penalty of perjury under 28 U.S.C. § 1746, a false statement with respect to a material fact in an application and document required by the immigration laws and regulations prescribed thereunder, that is, a Form I-821, Application for Temporary Protected Status, to wit, the defendant responded to each of the following questions by putting an "X" in the box indicating that the answer was "No."

Have you EVER . . . served in, been a member of, assisted in, or participated in any military unit, paramilitary unit, police unit . . . ?

Have you EVER been a member of, assisted in, or participated in any group, unit, or organization of any kind in which you or other persons used any type of weapon against any person or threatened to do so?

Have you EVER received any type of military, paramilitary, or weapons training?

As the defendant then and there well knew, his response to each of the questions above was false, in that (1) he had served in, been a member of, assisted in, and participated in a military unit in El Salvador; (2) in that capacity, he had assisted in and participated in a group, unit, and organization in which persons used weapons against persons and threatened to do so; and (3) he received military training and weapons training.

All in violation of Title 18, United States Code, Section 1546(a).

COUNT TWO  
18 U.S.C. § 1621(2)  
Perjury

The United States Attorney re-alleges and incorporates by reference paragraphs 1-8 of this Information and further charges that, on or about the November 10, 2008, in the District of Massachusetts, the defendant,

INOCENTE ORLANDO MONTANO,

in a declaration, certificate, verification, and statement under the penalty of perjury as permitted under section 1746 of Title 28, United States Code, did willfully subscribe as true material matters which he did not then and there believe to be true, that is to say:

At the time and on the date stated above, on a Form I-821, Application for Temporary Protected Status, the defendant responded to each of the following questions by putting an "X" in the box indicating that the answer was "No."

Have you EVER . . . served in, been a member of, assisted in, or participated in any military unit, paramilitary unit, police unit . . . ?

Have you EVER been a member of, assisted in, or participated in any group, unit, or organization of any kind in which you or other persons used any type of weapon against any person or threatened to do so?

Have you EVER received any type of military, paramilitary, or weapons training?

As the defendant then and there well knew, his response to each of the questions above was false, in that (1) he had served in, been a member of, assisted in, and participated in a military unit in El Salvador; (2) in that capacity, he had assisted in and participated in a group, unit, and organization in which persons used weapons against persons and threatened to do so; and (3) he received military training and weapons training.

The Defendant signed said Form I-821 and certified under penalty of perjury under the

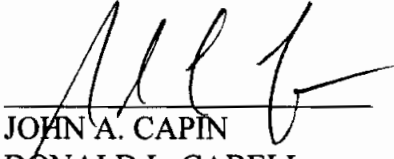
laws of the United States of America that the answers he provided on said Form I-821 were true and correct.

All in violation of Title 18, United States Code, Section 1621(2).

Respectfully submitted,

CARMEN M. ORTIZ  
United States Attorney

By:

  
\_\_\_\_\_  
JOHN A. CAPIN  
DONALD L. CABELL  
Assistant U.S. Attorneys  
617-748-3100

Dated: November 29, 2011

JS 45 (5/97) - (Revised U.S.D.C. MA 3/25/2011)

**Criminal Case Cover Sheet**

**U.S. District Court - District of Massachusetts**

Place of Offense: \_\_\_\_\_ Category No. II Investigating Agency ICE  
 City Everett Related Case Information: IN CLERKS OFFICE  
 County Middlesex Superseding Ind./ Inf. 2011 NOV 29 Case No. 11MJ05193-JGD  
 Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_  
 Magistrate Judge Case Number \_\_\_\_\_  
 Search Warrant Case Number \_\_\_\_\_  
 R 20/R 40 from District of \_\_\_\_\_

**Defendant Information:**

Defendant Name Inocente Orlando Montano Juvenile:  Yes  No  
 Is this person an attorney and/or a member of any state/federal bar:  Yes  No  
 Alias Name \_\_\_\_\_  
 Address (City & State) Everett, Massachusetts  
 Birth date (Yr only): 1942 SSN (last4#): 4164 Sex M Race: Hisp. Nationality: Salvadoran

Defense Counsel if known: \_\_\_\_\_ Address \_\_\_\_\_  
 Bar Number \_\_\_\_\_

**U.S. Attorney Information:**

AUSA John A. Capin Bar Number if applicable \_\_\_\_\_

Interpreter:  Yes  No List language and/or dialect: Spanish

Victims:  Yes  No If yes, are there multiple crime victims under 18 USC§3771(d)(2)  Yes  No

Matter to be SEALED:  Yes  No

Warrant Requested  Regular Process  In Custody

**Location Status:**

Arrest Date \_\_\_\_\_

Already in Federal Custody as of \_\_\_\_\_ in \_\_\_\_\_  
 Already in State Custody at \_\_\_\_\_  Serving Sentence  Awaiting Trial  
 On Pretrial Release: Ordered by: Magistrate Judge Dein on August 24, 2011

Charging Document:  Complaint  Information  Indictment

Total # of Counts:  Petty \_\_\_\_\_  Misdemeanor \_\_\_\_\_  Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: November 29, 2011 Signature of AUSA: [Signature]

JS 45 (5/97) (Revised U.S.D.C. MA 12/7/05) Page 2 of 2 or Reverse

**District Court Case Number** (To be filled in by deputy clerk): \_\_\_\_\_

**Name of Defendant** Inocente Orlando Montano

**U.S.C. Citations**

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	18 U.S.C. 1546(a)	Making a materially false statement	1
Set 2	18 U.S.C. 1621	Perjury	2
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

**ADDITIONAL INFORMATION:** \_\_\_\_\_  
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