

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO. 08-_____</b>
<b>v.</b>	<b>:</b>	<b>DATE FILED: September 25, 2008</b>
<b>HABEEB MALIK</b>	<b>:</b>	<b>VIOLATIONS:</b>
<b>IRA WEINER</b>	<b>:</b>	<b>18 U.S.C. § 371 (conspiracy - 1 count)</b>
<b>THONGCHAI VORASINGHA</b>	<b>:</b>	<b>18 U.S.C. § 1425 (naturalization fraud – 11 counts)</b>
	<b>:</b>	<b>26 U.S.C. § 7601(1) (filing false tax returns – 4 counts)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting)</b>

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**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

At all times material to this indictment:

1. Defendant HABEEB MALIK operated a business known as The Foundation of Human Services in Broomall, Pennsylvania, which purported to assist foreign individuals in becoming naturalized United States citizens.
2. Defendant IRA WEINER was an osteopathic physician and surgeon, licensed to practice in Pennsylvania since 1979.
3. Defendant THONGCHAI VORASINGHA was a medical physician and surgeon, licensed to practice in Pennsylvania since 1986.
4. Naturalization is the process by which U.S. citizenship is conferred upon a foreign citizen or national after he or she fulfills the requirements established by Congress in the Immigration and Nationality Act.

5. Immigration and Naturalization Service (“INS”) Form N-400, titled “Application for Naturalization,” is the application form every individual applying for naturalization in the United States must complete. Individuals applying for naturalization in the United States must demonstrate, among other things, knowledge of the English language, including an ability to read, write, and speak words in ordinary usage in the English language. Individuals who are unable, because of a disability, to learn and/or demonstrate this required knowledge may apply for a waiver.

6. INS Form N-648, titled “Medical Certification for Disability Exceptions,” is the waiver form to the Form N-400, which is to be completed by a licensed medical doctor, doctor of osteopathy, or licensed clinical psychologist. An individual is eligible for the waiver if he or she is unable to learn and/or demonstrate knowledge of the English language because of a physical or mental impairment, or a combination of such impairments.

### **THE CONSPIRACY**

7. From in or about a date unknown to the grand jury, beginning at least in or about 2000 through in or about July 2005, in the Eastern District of Pennsylvania, and elsewhere, defendants

### **HABEEB MALIK, IRA WEINER, and THONGCHAI VORASINGHA**

conspired and agreed, together and with others known and unknown to the grand jury, to commit an offense against the United States, that is, to procure and obtain, contrary to law, naturalization as a United States citizen for foreign individuals by making false statements on the Form N-648, including statements that the applicants suffered from various impairments that made it

impossible for them to learn and understand the English language, in an effort to obtain waivers of the language requirement on the Form N-400 for the foreign applicants, in violation of Title 18, United States Code, Section 1425.

### **MANNER AND MEANS**

It was part of the conspiracy that:

8. Defendant HABEEB MALIK, under the auspices of his business, the Foundation of Human Services, told foreign individuals whom he knew were able to speak English, but had difficulty reading or writing English, that he could help them obtain naturalization in the United States.

9. For a fee of approximately \$2,000, defendant HABEEB MALIK brought these foreign individuals to various doctors, including, but not limited to, defendants IRA WEINER and THONGCHAI VORASINGHA, who, for a fee of approximately \$120, “examined” the applicants to determine if they qualified for a waiver of the English requirement on the Form N-400.

10. Defendant IRA WEINER’s “examination” consisted of talking to the foreign individuals for approximately 3 minutes, and later having a private conversation with defendant HABEEB MALIK for approximately 10 minutes.

11. Defendant THONGCHAI VORASINGHA’s “examination” consisted of drafting a written questionnaire, which, at defendant VORASINGHA’s direction, a medical assistant then read to the foreign individuals defendant HABEEB MALIK brought to him. One of the questions on the form was whether the applicant would agree if defendant VORASINGHA diagnosed him or her with mild retardation. The medical assistant wrote the answers to the

questions on the questionnaire itself, and later handed it to defendant VORASINGHA, who diagnosed the client based solely on the written answers.

12. Based on these limited “examinations,” defendants IRA WEINER and THONGCHAI VORASINGHA completed N-648 waiver forms, falsely stating that the foreign individuals, each of whom spoke English, suffered from various permanent maladies that impaired their ability to learn English, including learning disorder, depression, anxiety, post traumatic stress disorder resulting from the hostilities overseas, and mental retardation, despite the fact that they did not suffer from these ailments.

13. Defendant HABEEB MALIK subsequently assisted the applicants in preparing the Form N-400, which included the representations that the applicants could not speak English, which defendant MALIK submitted to the INS on the foreign applicants’ behalf.

### **OVERT ACTS**

In furtherance of the conspiracy, defendants HABEEB MALIK, IRA WEINER, and THONGCHAI VORASINGHA, and others known and unknown to the grand jury, committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

1. On or about February 7, 2002, defendant HABEEB MALIK brought A.F., a person known to the grand jury, to defendant IRA WEINER under the pretext of having defendant WEINER “examine” A.F. before completing Form N-648 on A.F.’s behalf.

2. On or about February 7, 2002, defendant IRA WEINER signed Form N-648 on behalf of A.F., falsely stating that A.F. suffered from post-traumatic stress disorder,

depression, anxiety, and mental retardation to allow A.F. to qualify for a medical exception to the English requirement on Form N-400.

3. On or about February 12, 2002, defendant HABEEB MALIK brought N.F., a person known to the grand jury, to defendant IRA WEINER under the pretext of having defendant WEINER “examine” N.F. before completing Form N-648 on N.F.’s behalf.

4. On or about February 12, 2002, defendant IRA WEINER signed Form N-648 on behalf of N.F., falsely stating that N.F. suffered from post-traumatic stress disorder, mental retardation, learning disorder, and anxiety to allow N.F. to qualify for a medical exception to the English requirement on Form N-400.

5. On or about February 21, 2002, defendant HABEEB MALIK brought R.H., a person known to the grand jury, to defendant IRA WEINER under the pretext of having defendant WEINER “examine” R.H. before completing Form N-648 on R.H.’s behalf.

6. On or about February 21, 2002, defendant IRA WEINER signed Form N-648 on behalf of R.H., falsely stating that R.H. suffered from mental retardation, learning disorder, post-traumatic stress disorder, anxiety, and depression to allow R.H. to qualify for a medical exception to the English requirement on Form N-400.

7. On or about April 8, 2002, defendant HABEEB MALIK brought W.A., a person known to the grand jury, to defendant IRA WEINER under the pretext of having defendant WEINER “examine” W.A. before completing Form N-648 on W.A.’s behalf.

8. On or about April 11, 2002, defendant IRA WEINER signed Form N-648 on behalf of W.A., falsely stating that W.A. suffered from mental retardation, learning disorder,

depression, and post-traumatic stress disorder to allow W.A. to qualify for a medical exception to the English requirement on Form N-400.

9. On or about April 18, 2002, defendant HABEEB MALIK brought B.A., a person known to the grand jury, to defendant IRA WEINER under the pretext of having defendant WEINER “examine” B.A. before completing Form N-648 on B.A.’s behalf.

10. On or about May 7, 2002, defendant IRA WEINER signed Form N-648 on behalf of B.A., falsely stating that B.A. suffered from mental retardation, learning disorder, depression, and post-traumatic stress disorder to allow B.A. to qualify for a medical exception to the English requirement on Form N-400.

11. On or about May 21, 2002, defendant HABEEB MALIK brought W.K., a person known to the grand jury, to defendant IRA WEINER under the pretext of having defendant WEINER “examine” W.K. before completing Form N-648 on W.K.’s behalf.

12. On or about May 28, 2002, defendant IRA WEINER signed Form N-648 on behalf of W.K., falsely stating that W.K. suffered from mental retardation, learning disability, depression, and post-traumatic stress disorder to allow W.K. to qualify for a medical exception to the English requirement on Form N-400.

13. On or about October 31, 2002, defendant HABEEB MALIK brought S.K., a person known to the grand jury, to defendant IRA WEINER under the pretext of having defendant WEINER “examine” S.K. before completing Form N-648 on S.K.’s behalf.

14. On or about October 31, 2002, defendant IRA WEINER signed Form N-648 on behalf of S.K., falsely stating that S.K. suffered from mental retardation, anxiety disorder,

and depression to allow S.K. to qualify for a medical exception to the English requirement on Form N-400.

15. On or about November 7, 2002, defendant HABEEB MALIK brought M.H., a person known to the grand jury, to defendant IRA WEINER under the pretext of having defendant WEINER “examine” M.H. before completing Form N-648 on M.H.’s behalf.

16. On or about November 7, 2002, defendant IRA WEINER signed Form N-648 on behalf of M.H., a person known to the grand jury, falsely stating that M.H. suffered from learning disorder, depression, anxiety, post-traumatic stress disorder, and mental retardation to allow M.H. to qualify for a medical exception to the English requirement on Form N-400.

17. On or about May 26, 2003, defendant HABEEB MALIK brought F.S., a person known to the grand jury, to defendant IRA WEINER under the pretext of having defendant WEINER “examine” F.S. before completing Form N-648 on F.S.’s behalf.

18. On or about May 28, 2003, defendant IRA WEINER signed Form N-648 on behalf of F.S., falsely stating that F.S. suffered from mental retardation, learning disorder, depression, and post-traumatic stress disorder to allow A.F. to qualify for a medical exception to the English requirement on Form N-400.

19. On or about June 1, 2005, defendant HABEEB MALIK brought I.P., a person known to the grand jury, to defendant THONGCHAI VORASINGHA under the pretext of having defendant VORASINGHA “examine” I.P. before completing Form N-648 on I.P.’s behalf.

20. On or about June 3, 2005, defendant THONGCHAI VORASINGHA signed Form N-648 on behalf of I.P., falsely stating that I.P. suffered from dementia, senility,

cognitive disorder, and impaired memory to allow I.P. to qualify for a medical exception to the English requirement on Form N-400.

21. On or about July 28, 2005, defendant HABEEB MALIK brought S.P., a person known to the grand jury, to defendant THONGCHAI VORASINGHA under the pretext of having defendant VORASINGHA “examine” S.P. before completing Form N-648 on S.P.’s behalf.

22. On or about July 29, 2005, defendant THONGCHAI VORASINGHA signed Form N-648 on behalf of S.P., falsely stating that S.P. suffered from dementia, senility, cognitive disorder, and impaired memory to allow S.P. to qualify for a medical exception to the English requirement on Form N-400.

All in violation of Title 18, United States Code, Section 371.



**COUNTS TWO THROUGH TWELVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 6 and 8 through 13 and Overt Acts 1 through 22 of Count One of this indictment are incorporated here.

2. On or about the dates listed below, in the Eastern District of Pennsylvania and elsewhere, the defendants, listed below, knowingly attempted to procure and obtain, contrary to law, and did procure and obtain, and aided and abetted the procuring and obtaining of, naturalization as a United States citizen for the foreign individuals, identified by initials in the chart below, by falsely stating on INS Forms N-648 that these foreign individuals seeking naturalization in the United States were unable to learn English, when in fact, as the defendants knew, these statements were false and fictitious.

<b>COUNT</b>	<b>DATE</b>	<b>DEFENDANTS</b>	<b>DESCRIPTION</b>
2	2-7-02	HABEEB MALIK IRA WEINER	Form N-648 signed by IRA WEINER on behalf of A.F., stating that A.F. suffered from various mental disabilities and impairments that qualified him for a medical exception to Form N-400
3	2-12-02	HABEEB MALIK IRA WEINER	Form N-648 signed by IRA WEINER on behalf of N.F., stating that N.F. suffered from various mental disabilities and impairments that qualified him for a medical exception to Form N-400

<b>COUNT</b>	<b>DATE</b>	<b>DEFENDANTS</b>	<b>DESCRIPTION</b>
4	2-21-02	HABEEB MALIK IRA WEINER	Form N-648 signed by IRA WEINER on behalf of R.H., stating that R.H. suffered from various mental disabilities and impairments that qualified him for a medical exception to Form N-400
5	4-11-02	HABEEB MALIK IRA WEINER	Form N-648 signed by IRA WEINER on behalf of W.A., stating that W.A. suffered from various mental disabilities and impairments that qualified him for a medical exception to Form N-400
6	5-7-02	HABEEB MALIK IRA WEINER	Form N-648 signed by IRA WEINER on behalf of B.A., stating that B.A. suffered from various mental disabilities and impairments that qualified him for a medical exception to Form N-400
7	5-28-02	HABEEB MALIK IRA WEINER	Form N-648 signed by IRA WEINER on behalf of W.K., stating that W.K. suffered from various mental disabilities and impairments that qualified him for a medical exception to Form N-400
8	10-31-02	HABEEB MALIK IRA WEINER	Form N-648 signed by IRA WEINER on behalf of S.K., stating that S.K. suffered from various mental disabilities and impairments that qualified him for a medical exception to Form N-400

<b>COUNT</b>	<b>DATE</b>	<b>DEFENDANTS</b>	<b>DESCRIPTION</b>
9	11-7-02	HABEEB MALIK IRA WEINER	Form N-648 signed by IRA WEINER on behalf of M.H., stating that M.H. suffered from various mental disabilities and impairments that qualified him for a medical exception to Form N-400
10	5-28-03	HABEEB MALIK IRA WEINER	Form N-648 signed by IRA WEINER on behalf of F.S., stating that F.S. suffered from various mental disabilities and impairments that qualified him for a medical exception to Form N-400
11	6-3-05	HABEEB MALIK THONGCHAI VORASINGHA	Form N-648 signed by THONGCHAI VORASINGHA on behalf of I.P., stating that I.P. suffered from various mental disabilities and impairments that qualified him for a medical exception to Form N-400
12	7-29-05	HABEEB MALIK THONGCHAI VORASINGHA	Form N-648 signed by THONGCHAI VORASINGHA on behalf of S.P., stating that S.P. suffered from various mental disabilities and impairments that qualified him for a medical exception to Form N-400

In violation of Title 18, United States Code, Sections 1425 and 2.

**COUNTS THIRTEEN THROUGH SIXTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about the dates listed below, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**HABEEB MALIK**

willfully made and subscribed a United States income tax return, Form 1040, for the calendar years, listed below, which were verified by written a declaration that each return was made under the penalty of perjury and filed with the Director, Internal Revenue Service Center, at Philadelphia, Pennsylvania, which defendant MALIK did not believe to be true and correct as to every material matter, in the following manner:

<b><u>COUNT</u></b>	<b><u>TAX YEAR</u></b>	<b><u>DATE FILED</u></b>	<b><u>REPORTED AGI</u></b>	<b><u>TRUE AGI</u></b>
13	2002	2-13-03	\$11,086	\$46,503
14	2003	1-21-04	\$12,194	\$54,754
15	2004	4-8-05	\$23,277	\$155,889
16	2005	1-30-06	\$15,601	\$93,135

In violation of Title 26, United States Code, Section 7206(1).

**A TRUE BILL:**

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GRAND JURY FOREPERSON**

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LAURIE MAGID  
ACTING UNITED STATES ATTORNEY**