

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

) CRIMINAL NUMBER: 12-cr-10044
)
)

v.

) Violations:

) 18 U.S.C. § 1546(a)

) Fraud and Misuse of Visas,

) Permits and Other Documents

INOCENTE ORLANDO MONTANO

) 18 U.S.C. § 1621(2)

) Perjury

INDICTMENT

The Grand Jury charges that:

I. BACKGROUND

At all times relevant to this Indictment:

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 U.N. Truth Commission 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. Information necessary to determine eligibility for TPS included the date on which Montano entered the United States. To be eligible for TPS, Montano must have entered on or before February 13, 2001. To be eligible for TPS, Montano also must have continuously resided in the United States since March 9, 2001. In fact, Montano entered the United States on or about July 2, 2001.

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

The Grand Jury re-alleges and incorporates by reference paragraphs 1-8 of this Indictment and charges that, on or about August 24, 2007, 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, and did knowingly present such application and document, which contained a false statement and which failed to contain any reasonable basis in law or fact. Specifically the defendant did knowingly prepare, sign, and present a Form I-821, Application for Temporary Protected Status, knowing it contained a false statement, to wit, that the defendant entered the United States on September 30, 2000, which statement the defendant then and there knew was false, in that he had, in fact, entered the United States on or about July 2, 2001.

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

COUNT TWO
18 U.S.C. § 1621(2)
Perjury

The Grand Jury re-alleges and incorporates by reference paragraphs 1-8 of this Indictment and further charges that, on or about August 24, 2007, 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 28 U.S.C. § 1746, 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 a question asking for the date when he entered the United States by indicating that he entered on September 30, 2000, which statement the defendant then and there knew was false, in that he had, in fact, entered the United States on or about July 2, 2001.

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).

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

The Grand Jury re-alleges and incorporates by reference paragraphs 1-8 of this Indictment and charges that, on or about November 10, 2008, in the District of Massachusetts and elsewhere, 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, and did knowingly present such application and document, which contained a false statement and which failed to contain any reasonable basis in law or fact. Specifically the defendant did knowingly prepare, sign, and present a Form I-821, Application for Temporary Protected Status, knowing it contained a false statement, to wit, that the defendant entered the United States on September 30, 2000, which statement the defendant then and there knew was false, in that he had, in fact, entered the United States on or about July 2, 2001.

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

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

The Grand Jury re-alleges and incorporates by reference paragraphs 1-8 of this Indictment and further charges that, on or about 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, and did knowingly present such application and document, which contained a false statement and which failed to contain any reasonable basis in law or fact. Specifically the defendant did knowingly prepare, sign, and present a Form I-821, Application for Temporary Protected Status, knowing it contained a false statement, to wit, the defendant responded to the following question by putting an "X" in the box indicating that the answer was "No."

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

As the defendant then and there well knew, his response to the question above was false, in that he received military training and weapons training as a member of the military of El Salvador.

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

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

The Grand Jury re-alleges and incorporates by reference paragraphs 1-8 of this Indictment and further charges that, on or about 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 28 U.S.C. § 1746, 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 a question asking for the date when he entered the United States by indicating that he entered on September 30, 2000, which statement the defendant then and there knew was false, in that he had, in fact, entered the United States on or about July 2, 2001.

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

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

As the defendant then and there well knew, his response to the question above was false, in that he received military training and weapons training as a member of the military of El Salvador.

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).

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

The Grand Jury re-alleges and incorporates by reference paragraphs 1-8 of this Indictment and charges that, on or about August 27, 2010, in the District of Massachusetts and elsewhere, 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, and did knowingly present such application and document, which contained a false statement and which failed to contain any reasonable basis in law or fact. Specifically the defendant did knowingly prepare, sign, and present a Form I-821, Application for Temporary Protected Status, knowing it contained a false statement, to wit, that the defendant entered the United States on September 30, 2000, which statement the defendant then and there knew was false, in that he had, in fact, entered the United States on or about July 2, 2001.

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

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

The Grand Jury re-alleges and incorporates by reference paragraphs 1-8 of this Indictment and further charges that, on or about August 27, 2010, 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, and did knowingly present such application and document, which contained a false statement and which failed to contain any reasonable basis in law or fact. Specifically the defendant did knowingly prepare, sign, and present a Form I-821, Application for Temporary Protected Status, knowing it contained a false statement, to wit, the defendant responded to the following question by putting an "X" in the box indicating that the answer was "No."

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

As the defendant then and there well knew, his response to the question above was false, in that he received military training and weapons training as a member of the military of El Salvador

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

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

The Grand Jury re-alleges and incorporates by reference paragraphs 1-8 of this Indictment and further charges that, on or about August 27, 2010, 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 28 U.S.C. § 1746, 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 a question asking for the date when he entered the United States by indicating that he entered on September 30, 2000, which statement the defendant then and there knew was false, in that he had, in fact, entered the United States on or about July 2, 2001.

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

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

As the defendant then and there well knew, his response to the question above was false, in that he received military training and weapons training as a member of the military of El Salvador.

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

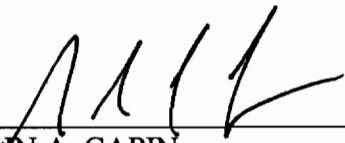
laws of the United States of America that the answers he provided on said Form I-821 were true and correct.

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

A TRUE BILL



FOREPERSON OF THE GRAND JURY



JOHN A. CAPIN
DONALD L. CABELL
ASSISTANT UNITED STATES ATTORNEYS

Returned into the District Court by the Grand Jurors and filed.



DEPUTY CLERK 2/8/2012
@ 2:42pm

DISTRICT OF MASSACHUSETTS
DATE AND TIME: 2/8/2012 @ 2:42pm

Criminal Case Cover Sheet

U.S. District Court - District of Massachusetts

Place of Offense: _____ Category No. 11 Investigating Agency _____

City Everett

Related Case Information:

County Middlesex

Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number 11:MJ-05193-JGD (11-CR-10389)
Search Warrant Case Number 11m-5191-JGD
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 8

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: February 8, 2012

Signature of AUSA: *John A. Capin*

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	<u>18 USC 1546(a)</u>	<u>Making a materially false statement</u>	<u>1,3, 5, 7</u>
Set 2	<u>18 USC 1621</u>	<u>Perjury</u>	<u>2,4,6,8</u>
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: _____
