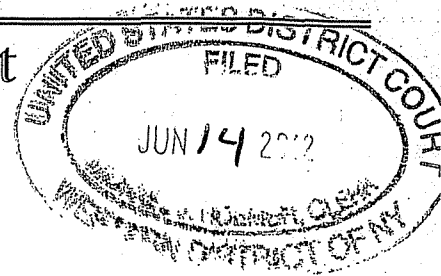


United States District Court
for the
Western District of New York



United States of America)

v.)

ZELJKO SAVIJA,)

Defendant)

Case No. 12-M-

87

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 January 24, 2010, in the Western District of New York, the defendant, ZELJKO SAVIJA, did knowingly utter, use and possess an alien registration receipt card for entry into and as evidence of authorized stay in the United States, that is, a Lawful Permanent Resident Alien Registration Receipt Card, Alien Registration Number A79 928 344 in the name of Zeljko Savija, which the defendant knew to be procured by means of a false claim and statement, in that the defendant presented said card to enter the United States from Canada at the Peace Bridge, in Buffalo, New York.

This criminal complaint is based on these facts:

Continued on the attached sheet.

Complainant's signature

MARK T. HAGGERTY, SPECIAL AGENT
U.S. DEPARTMENT OF HOMELAND SECURITY

Printed name and title

Sworn to before me and signed in my presence.

Date: June 14, 2012

Judge's signature

City and State: Buffalo, New York

HONORABLE H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

MARK T. HAGGERTY, being duly sworn, deposes and says:

1. I am a Special Agent with United States Homeland Security Investigations (hereinafter referred to as HSI) and its predecessor United States Immigration and Customs Enforcement (ICE), and have been so employed for approximately 3½ years. As a part of my duties with HSI, I have investigated violations of the Immigration and Nationality Act and violations of the United States Code, in particular, Title 18, United States Code, Section 1546, Fraud and Misuse of Visas, Permits, and Other Documents.

2. I make this affidavit in support of a Complaint and Arrest Warrant for ZELJKO SAVIJA, for a violation of Title 18, United States Code, Section 1546(a), Fraud and Misuse of Visas, Permits, and Other Documents.

3. Your affiant has probable cause to believe that SAVIJA violated Title 18, United States Code, Section 1546(a) on January 24, 2010 when he presented an alien registration receipt card in order to enter the United States from Canada at the Peace Bridge in

Buffalo, New York, knowing said card had been obtained by making a false claim and statement on his I-485 application for same, as described, infra. Investigation revealed SAVIJA failed to fully report his service in the Yugoslav People's Army and the Armed Forces of the Socialist Federal Republic of Yugoslavia. SAVIJA further misrepresented his time spent as a refugee and misstated his address history to conceal his time spent as a member of the police force in the former Yugoslavia. As a result of the defendant's false and fraudulent statements, SAVIJA entered the United States as a refugee without an investigation into his military service, obtained a Lawful Permanent Resident Alien Card ("Green Card"), and subsequently used that green card to enter the United States at the Peace Bridge, in Buffalo, New York.

4. An I-590 is an Immigration and Naturalization Service form entitled "Registration for Classification as Refugee". This form is used by refugee applicants to apply for refugee status in the United States. This form contains biographical information and is verified, sworn, and signed by both the applicant and a U.S. Immigration Official.

5. For the purposes of determinations, Section 101 of the Immigration and Nationality Act defines the term "refugee" and further states that the term refugee does not include any person

who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group or political opinion.

6. An I-485 is an Immigration and Naturalization Service form entitled "Application to Register Permanent Resident or Adjust Status". This form is used by applicants to apply for Lawful Permanent Resident (LPR) Alien status. This is more commonly known as a "Green Card". The I-485 Form is supported by the G-325A Biographic Information Form. Both the I-485 and G-325A forms are signed by the applicant at the time of filing.

7. Your affiant is aware that materials have been received which have been obtained from the Republic of Srpska, Ministry of Interior Affairs, Administration of Criminal Justice Police. These documents were obtained from the former Yugoslavia, specifically Bosnia and Herzegovina and are informally known as a "MUP file". Approximately 35 pages from the MUP file were obtained and translated. The documents are numbered 1-35, with two cover pages. These documents will be referred to below as "MUP-[page number]".

8. Your affiant has reviewed SAVIJA's Form I-590 that he completed under oath on June 25, 2002 at Belgrade, Serbia seeking

a determination of refugee status for admission into the United States. In that form, SAVIJA was directed to document his military service. SAVIJA documented his compulsory service for the former Yugoslavia from 1985 to 1986, and then three days of service, May 12-15, 1992, in the Bosnian-Serbian Army, wherein he reported he attained the rank of "Private." As a result of his application, SAVIJA was allowed to enter the United States as a refugee. In the Form I-590, SAVIJA listed his name as Zeljko Savija, with a date of birth of 5/19/65, and listing his city of birth as Visoko, Bosnia and Herzegovina.

9. Your affiant also reviewed an I-485 signed by SAVIJA on September 29, 2003 and approved on February 17, 2005. In this I-485 application, SAVIJA listed 21 Hartman Place, Buffalo, New York 14207 as his residence. As part of this application, Part 3, Question C asks to "include all foreign military service in this part. If none, write 'none'." SAVIJA answered "NONE".

10. On July 15, 2011, your affiant and Special Agent Brian Hurwitz interviewed SAVIJA in his garage at 30 Parkedge Court, Tonawanda, New York 14150. During the July 15, 2011 interview, SAVIJA admitted to the agents that he was interviewed in Belgrade, Yugoslavia (as part of the refugee claim) and that he initially admitted to being in the military and that he was not asked again.

Also during the July 15, 2011 interview, SAVIJA was shown the question and response on his original I-485, wherein he listed his military service as "NONE." SAVIJA stated that he did not admit his prior military service because, in sum and substance, he was told that it was best not to mention, that "they" (applicant adjudicators) might get the wrong idea, and that he might not be able to remain in the United States.

11. Also during the July 15, 2011 interview, SAVIJA was shown the listing of members of the Special Police Service, Janga Police Station Personnel Roster, dated 10/28/99. SAVIJA identified roster #80 as his name, date of birth, in the unit since 4/27/93, and his address in Bijeljina. SAVIJA admitted to being in the service from 1992 or 1993 until 1999 or 2000. SAVIJA stated that he was not present during the 1995 Srebrenica massacres, as he was selling ice cream in Montenegro during the summer of 1995.

12. On MUP-21, a Republic of Srpska, Ministry of Defense document denotes that SAVIJA was drafted and fulfilled his mandatory military service in the Yugoslav People's Army - the Army of the Republic of Srpska - from 2/5/85 through 3/13/86.

13. On MUP-17, a Republic of Srpska, Ministry of Defense document denotes that SAVIJA was a member of the armed forces of

the Socialist Federal Republic of Yugoslavia from 5/3/92 to 10/5/92.

14. The information in MUP-21 and MUP-17, that is, SAVIJA'S prior military service, was not disclosed in the aforementioned I-485 Application, signed by SAVIJA on September 29, 2003. Thus, on this basis alone, SAVIAJA'S Lawful Permanent Resident Alien Registration Receipt Card, Alien Registration Number A79 928 344, was procured by means of a false claim and statement.

15. In addition to the false claim and statement referenced supra, additional information provided by SAVIJA appears to be false. In order to understand the motivation for providing false information concerning military service and residency, the following is noted. Between 1991 and 1995, the former Yugoslavia was embroiled in civil war. In 1995, a genocide at Srebrenica, Bosnia and Herzegovina garnered significant publicity. Based on your affiant's training and experience, members of both the armed services and the police force of the former Yugoslavia sometimes either fail to disclose or minimize their involvement in the Yugoslavian civil war. Any disclosure invites further Immigration officer scrutiny to properly verify the nature and location of service.

16. On SAVIJA'S I-590 application, executed on June 25, 2002, SAVIJA indicates he had fled or was displaced from Bosnia on or about May 15, 1992. On SAVIJA's I-485 application, executed on September 29, 2003, SAVIJA indicates on the accompanying G-325A Biographical Information Forms that his residence for the previous five years was Loznica, Yugoslavia, from 1996-2002. Loznica is in fact in Serbia. If either of these statements on the I-590 or I-485 is true, which would mean that SAVIJA left Bosnia in either 1992 or 1996, then the information related below from the documentation in the "MUP" file contradicts these statements.

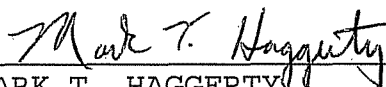
17. On MUP-11, SAVIJA is listed as being a member of the "Unit IV" of a Police Brigade in Janga, near Bijeljina, Republika Srpska, Bosnia and Herzegovina from April 27, 1993 to the date of the document on December 11, 1997. On MUP-15, SAVIJA attended a police seminar from April 13, 1998 to July 1, 1998 in Banja Luka, Republika Srpska, Bosnia and Herzegovina. On MUP-19, a document dated June 27, 1997, proof of residence and employment, from the Republika Srpska, Bosnia and Herzegovina Appellate Court in Bijeljina, denotes Zeljko SAVIJA, born on May 19, 1965, is employed as a policeman and lives in Bijeljina, with personal identification card number 3197/93. The information in these documents shows that SAVIJA was not a refugee in Serbia for the time period he indicated on his I-590 and I-485, rather, he was in Bosnia and an

active member of the police force until his request for termination from the police force in 2001.

18. On February 17, 2005, SAVIJA's I-485 application was approved and he was later granted a Lawful Permanent Resident Alien Registration Receipt Card, commonly referred to as a "Green Card," on the basis of the answers he had provided. Much of that information was false, as detailed supra, and thus the Green Card was fraudulently obtained.

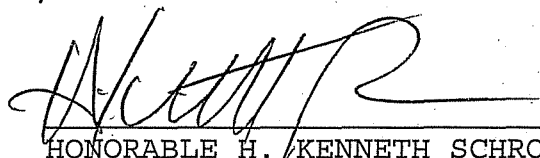
19. A record query of SAVIJA in a law enforcement database known as the Treasury Enforcement Communications System (TECS) revealed that on January 24, 2010, SAVIJA entered the United States at the Peace Bridge Port of Entry (POE) as a Lawful Permanent Resident and the record further referred to his Alien Registration Number, A79 928 344. These records further indicate, as would be expected given the database entry, that SAVIJA was granted entry into the United States on this occasion based upon his actual use and presentation of the fraudulently obtained "Green Card" which indicates SAVIJA'S lawful permanent resident status under the aforementioned alien registration number assigned to him.

WHEREFORE, it is respectfully submitted that probable cause exists that the defendant has violated Title 18, United States Code, Section 1546(a), Fraud and Misuse of Visas, Permits, and Other Documents, and a Complaint and Arrest Warrant should be issued by this Court charging the defendant with this offense.



MARK T. HAGGERTY
Special Agent
Department of Homeland Security
Homeland Security Investigations

Sworn to before me this
14th day of June, 2012.



HONORABLE H. KENNETH SCHROEDER, JR.
United States Magistrate Judge