

CCC:BTK/OG/JG  
F. #2020R00154

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
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UNITED STATES OF AMERICA

- against -

IBRAHIM AKSAKAL,  
also known as "Dennis,"  
[REDACTED],  
ENES BURAK CAKIROGLU,  
SARAH KAPLAN,  
also known as "Hatun Kaplan"  
and "Hatin Kaplan,"  
FIORDALISA MARTE,  
also known as "Lisa," and  
EDGAR RODRIGUEZ,  
also known as "Eddie,"

Defendants.

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THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this Indictment, unless otherwise indicated:

I. The B-1/B-2 Visa Program

1. Generally, a foreign national ("Alien") who wished to enter the United States was required to first obtain a visa from the United States Government: either a nonimmigrant visa for temporary stay, or an immigrant visa for permanent residence. The Department of State ("DOS") issued nonimmigrant visas for persons who wanted to enter the United States: temporarily for business, under visa category B-1; for tourism, under visa

INDICTMENT

Cr. No. **CR 20 400**

(T. 18, U.S.C., §§ 371, 982(a)(1),  
982(a)(6)(A), 982(a)(7), 982(b)(1),  
1349, 1956(a)(1)(A)(i), 1956(h), 2 and  
3551 et seq.; T. 21, U.S.C., § 853(p))

**SEYBERT, J.**

**LOCKE, M. J.**

category B-2; or for both purposes, under visa category B1/B2 (collectively, “Tourist Visas”).

2. To obtain a Tourist Visa, an Alien was required to submit a Nonimmigrant Visa Application to DOS and schedule an appointment for a visa interview (the “Tourist Visa Application”). Generally, the visa interview would take place at a United States Embassy or Consulate in the Alien’s home country. The Tourist Visa Application included questions related to an Alien’s purported tourist or business activities, including the purpose of his/her visit and his/her housing accommodations during the visit to the United States. An Alien was required to answer these questions under penalty of perjury, pursuant to Title 28, United States Code, Section 1746.

3. Receiving a Tourist Visa from DOS was a privilege, not a right. To be granted a nonimmigrant visa to visit the United States, applicants were required to overcome the presumption in the Immigration and Nationality Act, set forth in Title 8, United States Code, Section 1184(b), that all visa applicants are immigrants who intend to remain in the United States.

## II. The Medicaid Program

4. The New York State Medicaid Program (“Medicaid”) was a federal and state health care program providing benefits to individuals and families who met specified financial and other eligibility requirements, and certain other individuals who lacked adequate resources to pay for medical care. The Centers for Medicare and Medicaid Services, a federal agency under the United States Department of Health and Human Services, was responsible for overseeing the Medicaid program in participating states,

including New York. Individuals who received benefits under Medicaid were referred to as “beneficiaries.”

5. Medicaid qualified as a “health care benefit program,” as defined by Title 18, United States Code, Section 24(b).

6. Medicaid covered the costs of medical services and products ranging from routine preventive medical care for children to institutional care for the elderly and disabled. Among the medical services covered by Medicaid were prenatal and delivery services for eligible pregnant beneficiaries.

7. Aside from meeting certain income thresholds, beneficiaries of Medicaid were required to be New York State residents. Medicaid also provided funding for emergency care for applicants temporarily in New York State, such as tourists traveling under nonimmigrant visas, provided that they did not enter New York State for the purpose of receiving such medical care.

8. Individuals applying for Medicaid were able to receive help to complete their applications from assistors. Marketplace facilitated enrollers, certified application counselors, and licensed insurance brokers were categories of assistors who were trained and certified to help individuals in New York State apply for health coverage, including Medicaid. Each assistor was required to complete annual training for recertification to ensure, among other requirements, that they understood the eligibility rules for Medicaid.

### III. The Defendants

9. The defendant IBRAHIM AKSAKAL, also known as “Dennis,” a Turkish citizen, was a resident of Patchogue, New York.

10. The defendant [REDACTED]

11. The defendant ENES BURAK CAKIROGLU, a Turkish citizen, was a resident of Turkey.

12. The defendant SARAH KAPLAN, also known as “Hatun Kaplan” and “Hatin Kaplan,” a naturalized United States citizen, was a resident of West Babylon, New York.

13. The defendant FIORDALISA MARTE, also known as “Lisa,” a United States citizen, was a resident of Lindenhurst, New York. MARTE was an insurance broker, trained and certified to assist individuals in New York State apply for health coverage, including Medicaid.

14. The defendant EDGAR RODRIGUEZ, also known as “Eddie,” a United States citizen, was a resident of Farmingville, New York. RODRIGUEZ was a marketplace facilitated enroller, trained and certified to help individuals in New York State apply for health coverage, including Medicaid.

#### IV. The Fraudulent Scheme

15. “Birth tourism” businesses were operations that housed pregnant Aliens in properties in the United States so that their children could be born in the United States and receive United States birthright citizenship. The operators helped Aliens fraudulently obtain visas to come to the United States, by filing visa applications that contained false statements and that misrepresented the true intention of the Aliens’ visits. Birth tourism businesses maintained “Birth Houses,” or residences in the United States where pregnant Aliens would be housed while waiting to give birth.



16. In or about and between January 2017 and September 2020, both dates being approximate and inclusive, the defendants IBRAHIM AKSAKAL, [REDACTED], [REDACTED], ENES BURAK CAKIROGLU, SARAH KAPLAN, FIORDALISA MARTE and EDGAR RODRIGUEZ, together with others, operated a Birth Tourism scheme. In connection with that scheme, the defendants charged pregnant Turkish Aliens (the “pregnant Turkish Aliens”) a fee of approximately \$7,500 in exchange for housing, transportation, medical care funded by Medicaid and other accommodations during their stays in the United States in the weeks leading up to and following the birth of the Aliens’ newborn child. In some instances, the fees were paid by wire transfers from banks located in Turkey to banks located in the United States.

17. As part of the scheme, the defendants IBRAHIM AKSAKAL, [REDACTED], [REDACTED], ENES BURAK CAKIROGLU, SARAH KAPLAN, FIORDALISA MARTE and EDGAR RODRIGUEZ, together with others, operated two Turkish-language Facebook pages, [www.facebook.com/bebegimamerikadadogsun](http://www.facebook.com/bebegimamerikadadogsun) and [www.facebook.com/amerikadadogum.org](http://www.facebook.com/amerikadadogum.org), and a Turkish-language website <https://amerikadadogum.org> (collectively, the “defendants’ webpages”). Translated into English “bebegimamerikadadogsun” means “Let my baby be born in America,” while “amerikadadogum” means “Giving Birth in America.” The defendants advertised their Birth Tourism scheme on these webpages.

18. As a further part of the scheme, the defendants IBRAHIM AKSAKAL, [REDACTED], [REDACTED], ENES BURAK CAKIROGLU and SARAH KAPLAN, together with others, caused pregnant Turkish Aliens to submit fraudulent Tourist Visa applications falsely stating, among other things, that the Aliens were traveling to the United States for tourism or business when, in fact, the Aliens’ purpose in traveling to the United States was to give birth

in the United States. In addition, the Tourist Visa applications falsely stated that the Aliens would be staying at locations, such as hotels in New York City, when in fact, they actually would be staying at Birth Houses maintained by the defendants. In causing the submission of these false Tourist Visa applications, the defendants AKSAKAL, [REDACTED], CAKIROGLU, KAPLAN and others, caused pregnant Turkish Aliens to enter the United States under fraudulently obtained Tourist Visas knowing that the Aliens did not intend to engage in tourist or business activities in the United States, but rather intended to obtain medical care and give birth to children who would obtain birthright United States citizenship.

19. As a further part of the scheme, the defendants IBRAHIM AKSAKAL, [REDACTED], ENES BURAK CAKIROGLU, SARAH KAPLAN, FIORDALISA MARTE and EDGAR RODRIGUEZ, together with others, maintained seven Birth Houses in Suffolk County, New York. Two of these Birth Houses were located in Smithtown, New York and the remaining five were located in Center Moriches, Dix Hills, East Northport, East Patchogue and West Babylon, New York. The defendants used the Birth Houses to house pregnant Turkish Aliens before and after they gave birth in the United States.

20. It was a further part of the scheme that the defendants IBRAHIM AKSAKAL, [REDACTED], [REDACTED], ENES BURAK CAKIROGLU, SARAH KAPLAN, FIORDALISA MARTE and EDGAR RODRIGUEZ, together with others, secured medical care for the pregnant Turkish Aliens by causing the submission of fraudulent applications for Medicaid benefits, which falsely claimed that the pregnant Turkish Aliens were residents of Suffolk County, New York, when, in fact, the defendants knew well and believed that the pregnant Turkish Aliens were residents of Turkey, who had traveled to the United States for the purpose of obtaining medical care and birthright citizenship for their children.

21. In total, in or about and between January 2017 and September 2020, the defendants caused approximately 117 pregnant women to travel to the United States, causing approximately 119 children to fraudulently obtain birthright United States citizenship and causing the improper disbursement of more than \$2.1 million in Medicaid funds.

COUNT ONE

(Conspiracy to Defraud the United States, Commit Visa Fraud and Unlawfully Bring in Aliens)

22. The allegations contained in paragraphs one through 21 are realleged and incorporated as if fully set forth in this paragraph.

23. In or about and between January 2017 and September 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants IBRAHIM AKSAKAL, also known as “Dennis,” [REDACTED], ENES BURAK CAKIROGLU and SARAH KAPLAN, also known as “Hatun Kaplan” and “Hatin Kaplan,” together with others, did knowingly and willfully conspire to commit one or more offenses against the United States, to wit:

(a) to defraud the United States by impeding, impairing, and obstructing the lawful governmental functions of DOS to administer, regulate, and enforce the regulations and laws relating to the implementation of the B1/B2 visa program;

(b) to knowingly subscribe as true, under penalty of perjury under Title 28, United States Code, Section 1746, one or more false statements with respect to material facts, to wit: that pregnant Turkish Alien applicants for Tourist Visas intended to travel to the United States to engage in tourism or business and would reside, during their time in the United States, in places other than the defendants’ Birth Houses, in applications,



affidavits and other documents required by the immigration laws and regulations prescribed thereunder, to wit: Tourist Visas Applications and supporting documents, and knowingly present such applications, affidavits and other documents which contained false statements and which failed to contain any reasonable basis in law and fact, contrary to Title 18, United States Code, Section 1546(a); and

(c) to encourage and induce the pregnant Turkish Aliens to come to, enter and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entering and residing in the United States was and would be in violation of law, contrary to Title 8, United States Code, Section 1324(a)(1)(A)(iv).

24. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, the defendants IBRAHIM AKSAKAL, also known as "Dennis," [REDACTED], ENES BURAK CAKIROGLU and SARAH KAPLAN, also known as "Hatun Kaplan" and "Hatin Kaplan," together with others, did commit and cause to be committed, among others, the following:

OVERT ACTS

(a) On or about March 27, 2019, AKSAKAL and CAKIROGLU met with Jane Doe #1, a Turkish Alien whose identity is known to the Grand Jury, at one of the defendants' Birth Houses in Smithtown, New York, approximately two days after Jane Doe #1 gave birth to a child, whose identity is known to the Grand Jury, in Smithtown, New York.

(b) On or about May 29, 2019, AKSAKAL spoke to a Department of Homeland Security employee, who was acting in an undercover capacity and whose identity is known to the Grand Jury, to discuss the defendants' Birth Tourism business.



(c) On or about January 13, 2020, AKSAKAL and [REDACTED] met Jane Doe #2, a pregnant Turkish Alien whose identity is known to the Grand Jury, at John F. Kennedy International Airport in Queens, New York.

(d) On or about February 20, 2020, KAPLAN sent MARTE a text message containing a picture of the Tourist Visa issued to Jane Doe #3, a pregnant Turkish Alien whose identity is known to the Grand Jury.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT TWO

(Conspiracy to Commit Health Care and Wire Fraud)

25. The allegations contained in paragraphs one through 21 are realleged and incorporated as if fully set forth in this paragraph.

26. In or about and between January 2017 and September 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants IBRAHIM AKSAKAL, also known as “Dennis,” [REDACTED], ENES BURAK CAKIROGLU and SARAH KAPLAN, also known as “Hatun Kaplan” and “Hatun Kaplan,” FIORDALISA MARTE, also known as “Lisa,” and EDGAR RODRIGUEZ, also known as “Eddie,” together with others, did knowingly and intentionally conspire to:

(a) execute a scheme and artifice to defraud Medicaid, and to obtain, by means of one or more materially false and fraudulent pretenses, representations and promises, money and property owned by, and under the custody and control of, Medicaid, in connection with the delivery of and payment for health care benefits, items and services, contrary to Title 18, United States Code, Section 1347.

(b) devise a scheme and artifice to defraud Medicaid, and to obtain money and property from them by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, to transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce writings, signs, signals, pictures and sounds, contrary to Title 18, United States Code, Section 1343.

(Title 18, United States Code, Sections 1349 and 3551 et seq.)

COUNT THREE  
(Money Laundering Conspiracy)

27. The allegations contained in paragraphs one through 21 are realleged and incorporated as if fully set forth in this paragraph.

28. In or about and between January 2017 and September 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants IBRAHIM AKSAKAL, also known as “Dennis,” [REDACTED], ENES BURAK CAKIROGLU and SARAH KAPLAN, also known as “Hatun Kaplan” and “Hatun Kaplan,” FIORDALISA MARTE, also known as “Lisa,” and EDGAR RODRIGUEZ, also known as “Eddie,” together with others, did knowingly and intentionally conspire to: (a) conduct one or more financial transactions in and affecting interstate commerce, to wit: wire transfers of money, which transactions in fact involved the proceeds of specified unlawful activity, to wit: visa fraud, health care fraud and wire fraud, in violation of Title 18, United States Code, Sections 1546(a), 1347 and 1343, respectively, knowing that the property involved in the transactions represented the proceeds of some form of unlawful activity, and with the intent to promote the carrying on of the specified unlawful activity, contrary to Title

18, United States Code, Section 1956(a)(1)(A)(i); and (b) conduct one or more financial transactions in and affecting interstate commerce, to wit: wire transfers of money, which transactions in fact involved the proceeds of some form of unlawful activity, to wit: visa fraud, health care fraud and wire fraud, in violation of Title 18, United States Code, Sections 1546(a), 1347 and 1343, respectively, knowing that the property involved in the transactions represented the proceeds of some form of unlawful activity, and knowing that the transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of the specified unlawful activity, contrary to Title 18, United States Code, Section 1956(a)(1)(B)(i).

(Title 18, United States Code, Sections 1956(h) and 3551 et seq.)

COUNT FOUR  
(Money Laundering)

29. The allegations contained in paragraphs one through 21 are realleged and incorporated as if fully set forth in this paragraph.

30. On or about and between December 31, 2017 and January 11, 2018, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants IBRAHIM AKSAKAL, also known as “Dennis,” ENES BURAK CAKIROGLU and SARAH KAPLAN, also known as “Hatun Kaplan” and “Hatin Kaplan,” together with others, did knowingly and intentionally conduct one or more financial transactions in and affecting interstate commerce, to wit: one or more wire transfers of money, which transactions involved the proceeds of specified unlawful activity, to wit: visa fraud, health care fraud and wire fraud, in violation of Title 18, United States Code, Sections 1546(a), 1347 and 1343, respectively, knowing that the property involved in the financial

transactions represented the proceeds of some form of unlawful activity, and with the intent to promote the carrying on of the specified unlawful activity.

(Title 18, United States Code, Sections 1956(a)(1)(A)(i), 2 and 3551 et seq.)

COUNT FIVE  
(Money Laundering)

31. The allegations contained in paragraphs one through 21 are realleged and incorporated as if fully set forth in this paragraph.

32. On or about and between February 20, 2018 and April 2, 2018, within the Eastern District of New York and elsewhere, the defendants IBRAHIM AKSAKAL, also known as “Dennis,” ENES BURAK CAKIROGLU and SARAH KAPLAN, also known as “Hatun Kaplan” and “Hatin Kaplan,” together with others, did knowingly and intentionally conduct one or more financial transactions in and affecting interstate commerce, to wit: one or more wire transfers of money, which transactions involved the proceeds of specified unlawful activity, to wit: visa fraud, health care fraud and wire fraud, in violation of Title 18, United States Code, Sections 1546(a), 1347 and 1343, respectively, knowing that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, and with the intent to promote the carrying on of the specified unlawful activity.

(Title 18, United States Code, Sections 1956(a)(1)(A)(i), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT ONE

33. The United States hereby gives notice to the defendants charged in Count One that, upon their conviction of such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(6)(A), which requires the



forfeiture of (a) any conveyance, including any vessel, vehicle, or aircraft used in the commission of such offense; and (b) any property, real or personal that: (i) constitutes, or is derived from or is traceable to, the proceeds obtained directly or indirectly from the commission of such offense; and (ii) is used to facilitate, or is intended to be used to facilitate, the commission of such offense.

34. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(6)(A) and 982(b)(1); Title 21, United States Code, Section 853(p))

#### CRIMINAL FORFEITURE ALLEGATION AS TO COUNT TWO

35. The United States hereby gives notice to the defendants charged in Count Two that, upon their conviction of such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(7), which requires any person

convicted of a federal health care offense to forfeit property, real or personal, that constitutes, or is derived directly or indirectly from, gross proceeds traceable to the commission of such offense.

36. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(7) and 982(b)(1); Title 21, United States Code, Section 853(p))

CRIMINAL FORFEITURE ALLEGATION AS TO COUNTS THREE THROUGH FIVE

37. The United States hereby gives notice to the defendants charged in Counts Three through Five that, upon their conviction of such offenses, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(1), which requires any person convicted of such offenses to forfeit any property, real or personal, involved in such offenses, or any property traceable to such property.

38. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be

divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Sections 982(a)(1) and 982(b)(1); Title 21, United States Code, Section 853(p))

A TRUE BILL

FOREPERSON

\_\_\_\_\_  
SETH D. DUCHARME  
ACTING UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK

No. \_\_\_\_\_

UNITED STATES DISTRICT COURT

EASTERN District of NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

IBRAHIM ALI KAI, known as \_\_\_\_\_ ENES BURAK AKCOGLU, SARAH  
KAPLAN, \_\_\_\_\_  
\_\_\_\_\_ et al.

Defendants.

INDICTMENT

18, § \_\_\_\_\_ (a)(1), \_\_\_\_\_ (A), 93 \_\_\_\_\_ (1), 13 \_\_\_\_\_ (1)(A)(i), 1956(h), 2 and  
3551 et seq.; T. 21, U.S.C., § 853(p))

A true bill.

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\_\_\_\_\_ returned this \_\_\_\_\_

A.D. 20 \_\_\_\_\_

Clerk

It is ordered that \_\_\_\_\_  
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*Bradley T. King and Oren Gleich, Assistant U.S. Attorneys,  
Jeremy Glicksman, Special Assistant U.S. Attorney, (631) 715-7900*