

BEFORE THE HEARING BOARD  
OF THE  
ILLINOIS ATTORNEY REGISTRATION  
AND  
DISCIPLINARY COMMISSION

**FILED**

**APR - 3 2017**

**ATTY REG & DISC COMM  
CHICAGO**

In the Matter of:

ROBERT WILLIAM DEKELAITA,

Attorney-Respondent,

No. 6242769.

Commission No.

**2017PR00031**

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Sharon D. Opryszek, pursuant to Supreme Court Rule 761(d), complains of Respondent Robert William Dekelaita, who was licensed to practice law in Illinois on November 6, 1997, and alleges that Respondent has engaged in the following conduct which subjects Respondent to discipline pursuant to Supreme Court Rule 770:

*(Criminal Conviction – Conspiracy to Commit Asylum Fraud)*

1. From 2000 and continuing through at least 2011, Respondent concentrated his practice in immigration law, with offices in Skokie, Lincolnwood, and Morton Grove. To assist with foreign language translations, Respondent hired Yousif Yousif (“Yousif”) and Adam Benjamin (“Benjamin”) as translators. Yousif and Benjamin translated multiple languages, including Assyrian, for Respondent and his clients. In 2010 and 2011, Respondent employed two associate attorneys, Alen Takhsh (“Takhsh”) and Alan Jacob (“Jacob”)

2. From 2000 and continuing through at least 2011, Respondent obtained fraudulent Form I-94s<sup>1</sup>, documents that are evidence of a foreign national’s authorized stay in the United

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<sup>1</sup> Form I-94. If a foreign national was granted asylum, he would receive a completed form from United States Citizenship and Immigration Services (“USCIS”) reflecting that he would be entitled to legally reside and work in the United States. After holding the Form I-94 for one year, an applicant could apply for lawful permanent resident

States; knowingly subscribed as true, false statements related to a material fact in an application, affidavit or other document required by immigration laws and regulations and presented the document containing such false statements, namely Form I-589s<sup>2</sup> and accompanying documentation on behalf of his clients to eventually obtain the naturalization of his client, and documentary and other evidence of naturalization and of citizenship.

3. As part of the conspiracy, Respondent, Yousif and Benjamin, and others agreed to submit false information to the United States Citizenship and Immigration Services (“USCIS”) on behalf of foreign nationals who were Respondent’s clients, coach those clients in presenting false information to immigration officers while under oath during the asylum interviews in exchange for monetary payments from the clients.

4. Respondent conducted screening interviews of his clients to determine what information regarding the clients’ background may bar the client from lawfully receiving asylum. Respondent, or directed the two associate attorneys Takhsh, Jacob or others, to complete Form I-589s on behalf of his clients using false information, such as false names, dates of travel, dates of entry into the United States, information about foreign citizenship, and family history, and then submitted these fraudulent forms to the USCIS.

5. Respondent wrote and created false asylum statements detailing non-existent accounts of purported religious persecution, including fictitious accounts of rape and murder, and attached these statements to the Form I-589s he submitted on behalf of his clients. Respondent and two associate attorneys acting at Respondent’s direction prepared and submitted falsely-

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status by filling out a Form I-485 and submitting that form to USCIS. If the officer reviewing the Form I-485 found that the applicant was qualified, the applicant was granted lawful permanent resident status. After being a lawful permanent resident for five years, the applicant was eligible to apply for citizenship

<sup>2</sup> Form I-589. If a foreign national sought asylum in the United States, a completed Form I-589, application for asylum and withholding of removal, must be submitted to USCIS. The applicant must allege that a return to his home country could pose a serious threat to him based on race, political views, or religion. If an applicant was already facing removal from the United States, he could submit form I-589 and apply to halt the removal proceeding.

created affidavits, baptismal certificates, identity documents, and other documents to USCIS and the Executive Office for Immigration Review (“EOIR”) on behalf of their clients.

6. Without his clients’ knowledge or permission, Respondent signed his clients’ names on certain Form I-589s. Respondent, Yousif, Benjamin, and others instructed Respondent’s clients to memorize fictitious information on their Form I-589s and accompanying asylum statements. Respondent, Yousif, Benjamin, and others assisted Respondent’s clients to memorize fictitious information on their Form I-589s and accompanying asylum statements prepared for their asylum interviews. Respondent, Yousif, Benjamin, and others presented the false information outlined in the clients’ Form I-589s to asylum officers at the clients’ asylum interviews.

7. Respondent and Benjamin also provided false translations during asylum interviews. Specifically, Respondent and Benjamin intentionally mistranslated answers given by the clients and added testimony not actually stated by the clients during the course of the asylum interviews, in an effort to secure asylum for the clients in order for Respondent’s clients to successfully obtain asylum, receive Form I-94s, and then use that status to seek to obtain lawful permanent residence.

8. On September 4, 2014, the United States Attorney for the Northern District of Illinois formally charged Respondent, by way of a seven-count indictment, with the offenses of conspiracy to commit asylum fraud, knowingly offering false statements in an asylum application, and suborning perjury during asylum interviews in the matter of *United States of America v. Robert Dekelaita*, docket number 14 CR 497.<sup>3</sup>

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<sup>3</sup>On March 31, 2015, a superseding indictment was filed in case number 14 CR 497, charging Respondent with the offenses of knowingly attempting to obtain asylum on behalf of clients by submitting false documents, conspiracy to commit asylum fraud, knowingly offering false statements in an asylum application and suborning perjury during asylum interviews.

9. On August 4, 2015, an eight-count second superseding indictment (“indictment”) was filed in case number 14 CR 497, charging Respondent with the offenses of knowingly attempting to obtain asylum on behalf of clients by submitting false documents, conspiracy to commit asylum fraud, knowingly offering false statements in an asylum application, suborning perjury during asylum interviews, and conspiracy to enter into marriages to evade immigration laws. Count One of the indictment charged Respondent with conspiracy to commit asylum fraud in violation of Title 18, United States Code, Section 371. Counts Two, Three, Five and Six of that indictment charged Respondent with knowingly offering false statements in asylum applications, in violation of Title 18, United States Code, Section 1546(a) ¶1, ¶ 4 and Section 2. Counts Four and Seven of that indictment charged Respondent with suborning perjury during asylum interviews, in violation of Title 18, United States Code, Section 1622. Count Eight of that indictment charged Respondent with conspiracy to enter into marriages for purposes of evading immigration laws, in violation of Title 18, United States Code, Section 1325(c).

10. On May 9, 2016, following a twelve-day trial, a jury in case number 14 CR 497 found Respondent guilty of Counts One, Five, Six, and Seven of the second superseding indictment and not guilty of Count Eight of that indictment.

11. On June 30, 2016, Respondent filed a motion for acquittal in case number 14 CR 497.

12. On February 17, 2017, United States District Court Judge Matthew F. Kennelly granted Respondent’s motion for acquittal as to Counts Five, Six, and Seven, but denied the motion for acquittal as to Count One.

13. On March 15, 2017, the Government filed its motion for a fine and issuance of a payment order in the amount of \$71,250 against Respondent.

14. On March 24, 2017, Judge Kennelly sentenced Respondent to 15 months incarceration in the Bureau of Prisons and granted the Government's motion for a fine and payment order in the amount of \$70,100.

15. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. ordering or ratifying a subordinate lawyer's conduct that would be a violation of the Rules of Professional Conduct, by allowing or ordering associate lawyers Takhsh and Jacob to prepare false documents on behalf of clients for submission to immigration officials, in violation of Rule 5.1(c)(1) of the Illinois Rules of Professional Conduct (2010);
- b. as a lawyer with direct supervisory authority over associate attorneys Takhsh and Jacob, failing to avoid, mitigate, or to take reasonable remedial action regarding the subordinate lawyer's conduct of preparing false documents on behalf of clients for submission to immigration officials, in violation of Rule 5.1(c)(2) of the Illinois Rules of Professional Conduct (2010);
- c. ordering or ratifying a nonlawyer assistant's conduct that would be a violation of the Rules of Professional Conduct, by allowing or ordering translators Yousif and Benjamin to misinterpret or provide false information on behalf of clients for submission to immigration officials, in violation of Rule 5.3(c)(1) of the Illinois Rules of Professional Conduct (2010);
- d. as a lawyer with direct supervisory authority over nonlawyer assistants Yousif and Benjamin, failing to avoid, mitigate, or to take reasonable remedial action regarding the nonlawyer's of misinterpreting or providing false information on behalf of clients for submission to immigration officials, in violation of Rule 5.1(c)(2) of the Illinois Rules of Professional Conduct (2010);
- e. committed a criminal act that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in other respects, in violation of Rule 8.4(b) (2010) of the Illinois Rules of Professional Conduct, by committing the offense

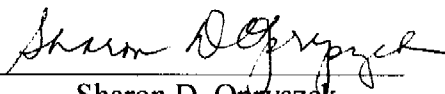
of conspiracy to commit asylum fraud, in violation of Title 18, United States Code, Section 371; and

- f. conduct involving dishonesty, fraud, deceit or misrepresentation, in violation of Rule 8.4(a)(4) (1990) and Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010) by participating in a scheme to submit false information regarding clients' asylum claims to the United States Citizenship and Immigration Service.

WHEREFORE, the Administrator requests that this matter be assigned to a panel of the Hearing Board, that a hearing be held pursuant to Supreme Court Rule 761, and that the panel make findings of fact, conclusions of fact and law, and a recommendation for such discipline as is warranted.

Respectfully Submitted

Jerome Larkin, Administrator  
Attorney Registration and  
Disciplinary Commission

By:   
Sharon D. Opryszek

Sharon D. Opryszek  
Counsel for the Administrator  
One Prudential Plaza  
130 East Randolph Drive, Suite 1500  
Chicago, Illinois 60601-6219  
Telephone: (312) 565-2600  
Email: [sopryszek@iadc.org](mailto:sopryszek@iadc.org)  
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