

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of South Carolina

2014 MAY 22 AM 9:00

United States of America

v.

Reginald Wayne Miller

Case No.

4:14mj66

Defendant(s)

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 the date(s) of May 21, 2014 in the county of Marion in the District of South Carolina, the defendant(s) violated:

Code Section

18 USC 1589

Forced Labor

Offense Description

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.



Complainant's signature

SA Christopher Scott Haviland

Printed name and title

Sworn to before me and signed in my presence.

Date:

May 21, 2014

City and state:

Florence, South Carolina



Judge's signature

Thomas E. Rogers, III, US Magistrate Judge

Printed name and title

STATE OF SOUTH CAROLINA)

)

AFFIDAVIT

COUNTY OF FLORENCE)

I, Christopher Scott Haviland, being duly sworn upon oath, depose and state as follows:

1. I am a Special Agent with the Homeland Security Investigations (HSI) and have been employed by HSI for approximately seven years. During that time I spent six months in training at the Federal Law Enforcement Training Center at Glynco, Georgia. In my previous employment I was an Officer with United States Customs and Border Protection for approximately three years and eight months.

2. During the course of my career including my training, I have been involved with several investigations involving Visa Fraud, Worksite Enforcement, Forced Labor, alien smuggling, the manufacture and sale of counterfeit documents and alien benefit fraud investigations.

3. As one of the investigative agents in this matter, I have participated in HSI's investigative activity in this case, and am thoroughly familiar with the information contained in this Affidavit, either through personal investigation, or through communications with other law enforcement personnel who have themselves obtained information, which they in turn have reported to me. Where conversations or statements of others are related herein, they are related in substance and in part only.

4. This affidavit is in support of an arrest warrant and application for a search warrant for the premises known as Cathedral Bible College which is located at 1108 N. Main Street in Marion, South Carolina. See Attachment A for a description of the premises.

5. Further, as set forth below, I have probable cause to believe that Dr. Reggie Miller, the head of Cathedral Bible College, is engaging in the practice of Forced Labor, a violation of Title 18 USC 1589.

PROBABLE CUASE TO BELIEVE THAT THE OFFENSE OF FORCED LABOR HAS BEEN COMMITTED

Background Regarding Student Visas

6. The United States requires individuals from most foreign countries to obtain a visa prior to entry into the United States. Immigrant visas are required for foreign citizens who intend to immigrate to the United States. Nonimmigrant visas are required for foreign

citizens who intend to enter on a temporary basis, such as for tourism, medical treatment, business, temporary work, or study.

7. A foreign citizen who wishes to enter and remain in the United States to pursue a course of study at a college, university, seminary, conservatory, academic high school, or other academic institution, or for English language training must first obtain a F-1 nonimmigrant visa.

8. In order to obtain a F-1 visa, a foreign citizen must first apply to study at a school within the United States that has been certified by the United States government to enroll and train foreign students. If accepted, the school will provide the foreign citizen with a "Certificate of Eligibility for Nonimmigrant (F-1) Student Status-For Academic and Language Students," also known as a Form I-20A-B ("Form I-20"). The Form I-20 is required for the foreign citizen to obtain a F-1 visa. Only schools which have been certified by the Student and Exchange Visitor Program ("SEVP") are authorized to issue Form I-20s to foreign citizens.

9. The SEVP-certified school involved in enrolling a foreign citizen has considerable responsibility in the F-1 visa process. A Primary Designated School Official ("PDSO") or a Designated School Official ("DSO") of the school certifies under penalty of perjury on the Form I-20 that the student's application, transcripts, or other records of courses taken and proof of financial responsibility-including proof that the student has the funds necessary to live and study in the United States without working illegally or suffering from poverty-were received by the school and the student met the qualifications for admission. The PDSO or DSO also certifies that the student will be required to pursue a full course of study as defined by the regulations in 8 C.F.R. 214.2(f)(6).

10. If the foreign citizen is outside the United States at the time he obtains the Form I-20, the foreign citizen must present the Form I-20 to a United States Embassy or Consulate and apply for a nonimmigrant F-1 student visa. The foreign citizen then presents the F-1 student visa and the Form I-20 to U.S. Customs and Border Protection ("CBP") when entering the United States. Once the foreign citizen receives the F-1 visa from the Department of State, the foreign student may enter the United States prior to the start of his academic studies, but no earlier than thirty days before the start of classes.

11. If the foreign citizen is already present in the United States at the time he obtains the Form I-20, he must file a Form I-539 application with U.S. Citizenship and Immigration Services ("USCIS") to change (or extend) his status to nonimmigrant F-1 student status ("change of status application"). The change of status application must include, among other items, the Form I-20 and proof of financial responsibility.

12. A F-1 visa is valid for the duration of status, which is as long as the foreign citizen is enrolled as a full-time student in an educational program and making normal progress toward completion of the course of study. According to 8 C.F.R. 214.2(f)(6), a full course of study for a student studying another language or other non-vocational training program

is eighteen clock hours of attendance a week certified by a DSO, if the dominant part of the course of study consists of classroom instruction. For F-1 visa students, no more than the equivalent of one class or three credits per session or term which is taken online or through distance education may be counted toward the student's full course of study requirement. Furthermore, if the F-1 visa student's course of study is a language study program, no online or distance education classes may count toward the student's full course of study requirement.

13. Upon completion of the educational program, the foreign citizen must depart the United States within sixty days. Remaining in the United States beyond the authorized time is a violation of United States immigration laws. Further, if the foreign citizen violates his duration of status or the student status is terminated, the foreign citizen must make plans to immediately depart from the United States.

The SEVIS System

14. The Student and Exchange Visitor Information System ("SEVIS") is an internet-based system that provides users with access to current information on nonimmigrant foreign students, exchange aliens, and their dependents. SEVIS enables SEVP-certified schools to transmit electronic information and event notifications, via the internet, to the Department of Homeland Security and the Department of State during a foreign student's or exchange alien's stay in the United States. SEVP-certified schools also are required to maintain up-to-date and accurate records in SEVIS regarding the foreign students attending the school, and are required to input accurately when students have completed their studies so that their immigration status can be terminated. SEVIS is the method through which DHS and immigration officials are able to determine which foreign students are properly in the United States attending school. If a foreign student fails to maintain his student status or is deemed to have violated the terms of his F-1 student visa, then the student is no longer authorized to stay in the United States.

15. As stated above, only SEVP-certified schools can issue Form I-20s. In order to create a Form I-20, a SEVP-certified school must access SEVIS and enter the foreign student's information electronically, thereby allowing instant collection of the data in a central database before the form is even printed. All schools certified by SEVP must use SEVIS in order to accept foreign students and only Form I-20s generated from SEVIS can be used for entry into the United States, change of nonimmigrant classification, reinstatement, transfer, extension, or any other immigration benefit.

16. Each Form I-20 that is issued by a school to a foreign student will contain a system-generated identification number. This number is referred to as the "SEVIS ID number." The SEVIS ID number remains the same as long as the foreign student maintains his valid, original nonimmigrant status. This number will remain the same regardless of any changes or updates made by the school to the foreign student's record.

17. When a foreign student is inspected for admission into the United States, he will show the Form I-20 to the CBP inspecting officer and the CBP inspecting officer will record the SEVIS ID number. The inspector will then return the copy to the foreign student with the appropriate entry stamp.

18. According to 8 C.F.R. 214.3(l)(1)(ii), each SEVP-certified school must have at least one DSO who is authorized to enter information into SEVIS and to issue Forms I-20 to students who have been admitted for attendance at the school. Schools must also designate one official as the PDSO. The PDSO has the same authorities and responsibilities as the DSO, except that the PDSO is the primary point of contact for DHS and is responsible for submitting the school's recertification application every two years.

19. DSOs and PDSOs are required to maintain up-to-date and accurate records in the SEVIS database for status events of students attending their school including, but not limited to: entry/exit data, changes of current United States address (residence), program extensions, employment notifications, changes in program of study, and completion of studies so the student's immigration status can be terminated (at which time the student is required to return to his country of origin or obtain valid immigration status in the United States through other means).

20. As part of their responsibility to maintain up-to-date and accurate records of each foreign student, DSOs and PDSOs are required to make entries into SEVIS several times over the course of the student's tenure at their school, including: when the Form I-20 is first issued, when the student reports to the school, when the student has registered for a full-time course, and to confirm the student's continued enrollment every semester.

21. DHS officials issue each individual authorized to act as a DSO or PDSO a unique username for accessing the SEVIS system, and the DSO or PDSO must establish a password. When DSO's and PDSO's are designated and granted access to SEVIS, they are required to certify that they will comply with the regulations governing the student visa program and that they will not delegate their designation to other individuals. Each time a DSO or PDSO logs into SEVIS, he encounters a warning banner which includes language stating that the system is for authorized users only.

22. According to 8 C.F.R. 214.3(g)(1), a SEVP-certified school must keep student records, such as a copy of the student's Form I-20, proof of financial ability, transcripts, proof of English as Second Language ("ESL") proficiency, and attendance records, during the student's enrollment and for at least three years after the termination or withdrawal of a student from the school or the completion of the student's course of study.

23. According to 8 CFR 214.2(f)(9)(i), On-campus employment must either be performed on the school's premises, (including on-location commercial firms which provide services for students on campus, such as the school bookstore or cafeteria), or at an off-campus location which is educationally affiliated with the school. In the case of off-campus locations, the educational affiliation must be associated with the school's established

curriculum or related to contractually funded research projects at the post-graduate level. In any event, the employment must be an integral part of the student's educational program. Employment authorized under this paragraph must not exceed 20 hours a week while school is in session, unless the Commissioner suspends the applicability of this limitation due to emergent circumstances, as determined by the Commissioner.

24. On May 21, 2014, HSI Special Agents conducted interviews with eight individuals who provided statements as to their experiences at Cathedral Bible College under the supervision of Dr. Miller. These individuals described a pervasive climate of fear in which their legal status as nonimmigrant students was in constant jeopardy, at the sole discretion of Dr. Miller, who threatened expulsion and therefore termination of their legal presence in the United States for noncompliance with his demands. These individuals paid significant sums of money to travel to the US to attend the college. These students committed and traveled to attend at personal expense as a result of Dr. Miller's misrepresentations regarding their education, working, and housing situations. Once they arrived these individuals found a pervasive climate of fear and intimidation.

25. These demands and threats were viewed as credible by the individuals interviewed by HSI on May 21, 2014 due to Dr. Miller's ability to enter and modify information in the SEVIS system. Therefore, although these individuals possessed their immigration documents, the benefits inferred by these documents were subject to adjustment and nullification by Dr. Miller. As such, these students endured work schedules that were outside the bounds of those permitted by federal regulations for F-1 students, including performing work under hostile conditions and duress, and work serving a primary benefit to Dr. Miller himself, including labor and upkeep at his personal residence. Furthermore, these individuals reported not receiving promised compensation, and living in conditions that were substandard, including long periods of no hot water, heat, and air conditioning, and food that was expired or insufficient for consumption and nutrition.

26. On May 21, 2014 an interview was conducted with [REDACTED] and [REDACTED]. [REDACTED] stated that on May 12, 2014 she received an email from Dr. Miller threatening that if she does not show up for graduation at the college then Dr. Miller would cancel her status and her F1 optional practical training. [REDACTED] also stated that Dr. Miller conducts most of his correspondence using his laptop.

27. On May 21, 2014, an interview was conducted with [REDACTED]. [REDACTED] is a student at Cathedral Bible College (CBC) who advised he is here on scholarship. Immediately after arriving, he noticed that the classes were not real and they are set around a work schedule which is set by Dr. Miller. [REDACTED] stated he works approximately 30-35 hours per week at the school. [REDACTED] stated on May 14, 2014, he was working outside with three other individuals, two of which were Americans. When it started to rain, the Americans were allowed to go inside but he and the other individual were told to keep working by Dr. Miller. Dr. Miller also threatened to call the police if he complained. [REDACTED] stated he was supposed to be paid \$50 per week, according to

the contract with the college and that it is normal for him to work additional hours outside of his work schedule. [REDACTED] also said that he goes to Dr. Miller's residence twice a month to do work.

28. On May 21, 2014, an interview was conducted with [REDACTED] stated he was told to teach science at the college while he is a student there, but he has no training in teaching science. [REDACTED] also said that he tutors Dr. Miller's grandson at the college and also runs the audio/visual equipment at the college. [REDACTED] said that Dr. Miller is the one who makes the schedule for the work at the school and that he is afraid to say anything to Dr. Miller for fear of being expelled. [REDACTED] also stated that he has done work at Dr. Miller's residence in the past.

29. On May 21, 2014, an interview was conducted with [REDACTED] stated he was a student at the college and would work approximately 32 hours per week and get paid \$50 per week, most of the time. Before coming to the United States, [REDACTED] was told he would only be working 15-20 hours per week. Dr. Miller told [REDACTED] if he did not like this work, he could go home (to Nepal) or he would call the Immigration and Naturalization Service (INS).

30. On May 21, 2014, an interview was conducted with [REDACTED] stated that he was a student at the college and said he worked 32-33 hours per week and was getting paid \$50 per week. [REDACTED] said he recently received a raise and is now making \$91 per week.

31. On May 21, 2014, an interview was conducted with [REDACTED] stated he was a student at the college and he was told he would make \$100 per week for work study, but only makes \$50 per week. [REDACTED] stated that he works between 46-56 hours per week and that he worked for over two months without any pay. [REDACTED] said that he has been to Dr. Miller's residence multiple times to do work.

32. On May 21, 2014, an interview was conducted with [REDACTED] stated he was a student at the college and worked about 40 hours per week while earning \$50 per week. At one point, Dr. Miller told [REDACTED] he needed to work harder in order to receive the necessary paperwork (I-20) to return back to the United States from a visit to Costa Rica to visit his family. When Dr. Miller finally gave [REDACTED] the paperwork, Dr. Miller told him when he returned from Costa Rica he would then work 28 hours per week, but get paid \$25 per week until his work improved.

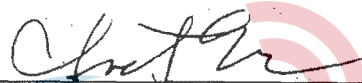
33. On May 21, 2014, an interview was conducted with [REDACTED] stated he was a student at the college on scholarship and that he works about 30 hours per week. At one point, Dr. Miller told [REDACTED] he could have Americans do his work and he could go back to Peru. [REDACTED] also stated when he first arrived he did not get paid for over a month while he was working.

34. The students' work is subject to US minimum wage and hour laws. Dr. Miller does not have an exemption or authorization to pay the students at the below-minimum wage rates described by the students.

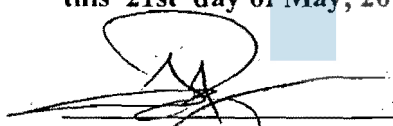
35. Of the individuals interviewed multiple individuals stated that they originally communicated with Dr. Miller via Facebook and email. Therefore, there is reason to believe that Dr. Miller uses a computer and/or other electronic device capable of electronic communication.

36. Based on the foregoing facts, there is probable cause to believe that an arrest warrant should be issued for Reginald Wayne Miller for violations of Title 18, United States Code, Section 1589 (forced labor).

FURTHER YOUR AFFIANT SAYETH NOT.


Christopher Scott Haviland
Special Agent
Homeland Security Investigations
Charleston, South Carolina

Signed and Sworn to before me,
this 21st day of May, 2014


Thomas E. Rogers, III
United States District Magistrate Judge