

*John Seal*  
2/4/16

AO 91 (Rev. 11/11) Criminal Complaint

Sealed  
No access  
without court order.

# UNITED STATES DISTRICT COURT

for the  
Southern District of Texas

FILED  
FEB 4 2016

David J. Bradley, Clerk of Court

United States of America )

v. )

Chudy Nsobundu )

Sandra Nsobundu )

Case No.

## H16-184 M

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 09/29/2013 until 10/10/2015 in the county of Fort Bend in the Southern District of Texas, the defendant(s) violated:

Code Section	Offense Description
Title 18 United States Code Section 1589 Section 1592 Section 1546	knowingly provides or obtains the labor or services of a person by any one or by any combination of, the following means by means of force, threats of force, physical restraint, or threats of physical restraint to that person or person; knowingly destroyed, concealed, removed, confiscated.....
Title 8 United States Code Section 1324 (a)(1)(A)	engaged in a conspiracy to conceal, harbor, or shield from detection, or attempted to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation in furtherance of such violation of law

This criminal complaint is based on these facts:

See attached affidavit

Continued on the attached sheet.

Complainant's signature

Christopher D. Maines, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 02/04/2016

Judge's signature

City and state: Houston, Texas

Stephen Wm. Smith, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

STATE OF TEXAS :  
 :  
 : AFFIDAVIT  
 :  
 :  
 COUNTY OF HARRIS :

I, Christopher D. Maines, being duly sworn, hereby depose and say:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent with United States Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) and have been so employed for eleven years. I am currently assigned to the HSI Houston Human Trafficking Group. I have participated in numerous investigations and arrests, to include those involving the smuggling and harboring of illegal aliens and trafficking of individuals involved in forced labor and commercial sex.
2. The information in this Affidavit is based on my investigation, training, knowledge, and experience, and through information that has been related to me through data, reports, and other agents, sworn law enforcement officers, or reliable witnesses.

**TIP TO THE NATIONAL HUMAN TRAFFICKING HOTLINE**

3. On September 24, 2015, a caller contacted the National Human Trafficking Resource Center (NHTRC) to report a potential labor trafficking, domestic servitude situation in Katy, Texas. The caller advised that a potential victim, A.E., was enduring poor working and living conditions, was being verbally and physically abused, and not being paid while being employed as the nanny for

**Chudy Nsobundu (“Mr. Nsobundu”) and Sandra Nsobundu (“Mrs. Nsobundu”).**

4. On October 10, 2015, in response to the tip to the NHTRC, a case manager, Constance Rossiter, with the YMCA International, Trafficked Persons Assistance Program (YMCA) assisted A.E. with fleeing the Nsobundu’s residence located at 6415 Arroyo Hill Court in Katy, Texas, 77450. A.E. was taken to a women’s shelter by the YMCA.

#### **INITIAL INVESTIGATION AND RESEARCH**

5. On October 12, 2015, HSI Houston Human Trafficking Group received the information from the YMCA regarding A.E. and opened an investigation into the matter.
6. On October 13, 2015, Agents researched the information provided from YMCA and determined A.E. is a citizen and national of Nigeria. A.E. arrived in the United States from Lagos, Nigeria, on September 29, 2013. A.E. was admitted by Customs and Border Protection (CBP) at Bush Intercontinental Airport on a B2 tourist visa allegedly to visit her brother, **Mr. Nsobundu**. Her visa records did not reference her as a nanny and/or domestic servant. A.E. was issued a visa, valid for two years, but required reentry every six months. Upon her entry into the United States, she was granted permission to remain in the United States until March 28, 2014. Agents determined A.E. had overstayed her tourist visa and was illegally present in the United States.
7. Records checks showed **Mr. Nsobundu** assisted in the preparation of A.E.’s visa application.
8. Record checks also revealed **Mr. Nsobundu** and **Mrs. Nsobundu** were both naturalized United States citizens, originally from Nigeria; and,

9. Fort Bend County Appraisal District showed that **Mrs. Nsobundu** owned the residence at 6415 Arroyo Hill Court in Katy, Texas, 77450, which is the same address reported to the NHTRC.

**LAW ENFORCEMENT INTERVIEW OF A.E.**

10. On October 15 and October 21, 2015, HSI Special Agents and the HSI Victim Witness Coordinator interviewed A.E. regarding her relationship and employment with **Mr. and Mrs. Nsobundu** and were provided the following details:
11. A.E. claimed to be a citizen and national of Nigeria and spoke both English and the Igbo language of Nigeria.
12. A.E. positively identified **Mr. Nsobundu** and **Mrs. Nsobundu** through photo line-ups and stated they were husband and wife. A.E. called **Mrs. Nsobundu** by her Igbo name, Oby.
13. A.E. was living and working for **Mr. and Mrs. Nsobundu** at their residence located at 6415 Arroyo Hill Court, Katy, Texas, between September 29, 2013 and October 10, 2015.

**The Employment Agreement**

14. A.E. was living in Lagos, Nigeria, prior to coming to the United States. In or around September 2012, A.E. was connected through an acquaintance with **Mrs. Nsobundu** who told her in a phone conversation she wanted her to come to America to care for the Nsobundu's adopted children.
15. In or around October 2012, A.E. was escorted to Anambra State in Nigeria to meet **Mrs. Nsobundu**. During their meeting, **Mrs. Nsobundu** told A.E. she was

in the process of adopting two more children in Nigeria and asked A.E. to work for her to provide care for these soon to be adopted children.

16. A.E. agreed to work for **Mrs. Nsobundu** for 10,000 Nigerian nairas a month per child. This totaled 20,000 Nigerian nairas (approximately \$100 US dollars) a month for her care of the two children while in Nigeria. She stated she cared for the adopted infants from October 2012 until her departure from Nigeria and arrival to the United States on September 29, 2013. She stated she was paid the 20,000 Nigerian nairas a month for her work during her approximate one year of work in Nigeria.
17. During the year working for **Mrs. Nsobundu**, **Mr. Nsobundu** arrived and stayed with the family. **Mr. Nsobundu** told A.E. the family would be relocating to the United States. **Mr. Nsobundu** verbally told A.E. he would pay for her to come to the United States to continue working for the family. In addition to her travel expenses, he stated they would continue to pay her the 20,000 Nigerian nairas a month. A.E. stated she would be willing to travel to the United States and continue her work for the family as a nanny/domestic servant for the two adopted children.
18. Approximately one or two days prior to departing Nigeria for the United States, the **Mr. and Mrs. Nsobundu** had A.E. sign an employment agreement they drafted. **Mr. Nsobundu** was already in the United States. **Mrs. Nsobundu** had departed the residence in Nigeria to run errands. **Mrs. Nsobundu's** sister Angela read A.E. the employment contract in Igbo. A.E. then signed her Igbo name on the contract. A.E.'s family was invited to witness the reading and signing of the contract. A.E. has a grade school level education and cannot read or write Igbo well. A.E. was not provided a copy of the contract.
19. The employment contract read to A.E. stated that **Mr. and Mrs. Nsobundu** would get her medical attention and help her fix her arm once the two babies

turned two years old and continue to pay her 20,000 Nigerian nairas (approximately \$100 USD) a month to be deposited into her Nigerian bank account for her work as their nanny/domestic servant. The contract would be for five years of work and then they would pay for A.E. to return to Nigeria.

20. Agents observed A.E. to have a broken left arm which appeared to have not healed properly. When asked about her arm, A.E. stated she had broken her arm during a motorcycle accident nine years ago in Nigeria. The arm appears to be physically deformed and has never healed properly.

### **The Travel Documents**

21. A.E., unfamiliar with the process, stated **Mr. Nsobundu** assisted her in obtaining a Nigerian passport and later, a visa, for her to accompany the family to the United States. She stated that **Mr. and Mrs. Nsobundu** paid for all the passport and visa fees and travel expenses.
22. A.E.'s date of birth on her visa is incorrectly listed as April 25, 1958. Her Nigerian Passport, issued two months prior to her visa application and obtained with assistance from **Mr. Nsobundu**, also incorrectly lists her date of birth as April 25, 1958. A.E.'s true date of birth is April 25, 1978. When she asked **Mr. Nsobundu** about the date of birth discrepancy, he stated she needed to be older to be approved for a visa to the United States.
23. In or around September 2013, A.E. stated **Mrs. Nsobundu** took her to the United States Embassy in Lagos, Nigeria, to obtain her visa. **Mrs. Nsobundu** gave her a letter to provide to the consular officials which stated she did not speak English well and that she would be traveling to the United States for her niece's graduation.

24. **Mrs. Nsobundu** gave A.E. a picture of **Mr. Nsobundu** and the family and told her to tell the consular officials **Mr. Nsobundu** was her brother. A.E. stated she is not a relative of **Mr. Nsobundu** or **Mrs. Nsobundu**.
25. A.E. stated she is not married and has no children. When asked about the spouse listed on her United States visa application, A.E. stated Amobi was the name of the was the Nsobundu family's driver in Nigeria.
26. A.E. believed her visa authorized her to work for two years in the United States because she saw the visa was good for two years. However, she did not know how the system really worked because the Nsobundu's had her sign a five year work contract in Nigeria and she thought she was going to be in the United States for five years.
27. A.E. stated that during their transit **Mrs. Nsobundu** told her American work laws did not require her to be paid for the first four months. A.E. stated this made her upset but she did not understand American laws and she would just have to continue to work since she was already in transit to the United States.
28. A.E. does not have possession of her travel and identification documents. She explained that **Mrs. Nsobundu** maintained possession of her passport during the flight to the United States while she cared for the children.
29. After the flight, A.E. was allowed to temporarily keep her passport to go through immigration. However, before she got into the vehicle at the airport to travel to the Nsobundu residence, **Mrs. Nsobundu** took her passport and copies of her bank statement.
30. A.E. further explained she had not seen her documents since arriving in the United States. To her knowledge they were being stored in the Nsobundu's

bedroom. A.E. was not permitted to enter and/or clean **Mr. and Mrs. Nsobundu's** bedroom.

**Employment and Living Conditions in the United States**

31. A.E. was not permitted to keep her personal belongings. Upon arriving to the Nsobundu's residence, **Mrs. Nsobundu** instructed A.E. to go upstairs to her room and bag up her clothes as they would provide a new set of clothes for her. A.E. gave all of her clothing to **Mrs. Nsobundu** who then placed them into the trash which made her upset. She was only permitted to keep her copy of the Bible which was very important to her. A.E. secretly stashed her Nigerian voter's card in her Bible.
32. When she first arrived at the house, **Mrs. Nsobundu** told A.E. she wanted her to stay in the room with the two smallest children but that she would have to lay on the floor because she was too smelly to lay on the kid's bed with them.
33. The Nsobundu's have a total of five children at the residence: Chinelo, 21 year old daughter; Odera Nsobundu, 12 year old son; Nina Nsobundu (later determined to be Onyeka Nnenna Nsobundu), 9 year old daughter; Chimoby, 3 year old son; and Sochima, 3 year old daughter. Chinelo is studying for nursing school; Odera and Nina are enrolled in school and would be gone during the school day.
34. A.E. cared for Chimoby and Sochima in Nigeria and these were the same two children who she cared for during the day when everyone else in the house was gone to school or work.
35. A.E. worked every day from 5:30 am until 1:00 am and was responsible for cleaning the house, making the meals and taking care of the children. **Mrs. Nsobundu** told her that she was to never watch television or sit down during her work hours, as she was not being paid to be lazy.



36. One night, A.E. went to bed early and had not cleaned the kitchen the way she normally cleaned. **Mr. Nsobundu** came to her room and asked about the kitchen and why it was not cleaned properly. She told him her fingers had been hurting her and she would clean the next morning and he said you will be okay and to go clean the kitchen. So she got up and cleaned the kitchen that night.
37. A.E. was not allowed to eat fresh food, and was only permitted to eat the leftovers from the previous prepared meals. A.E. would have tea from time to time and wanted to put milk in her tea, however **Mrs. Nsobundu** would not allow her to use fresh milk. Instead **Mrs. Nsobundu** would make her strain the milk out of the children's bowls of cereal.
38. During her employment, A.E. was subject to physical abuse. A.E. was slapped and/or hit on the back of the neck one to two times a week by **Mrs. Nsobundu** during the two years depending on what she did wrong. **Mrs. Nsobundu** also threatened to send A.E. back to Nigeria.
39. During one notable incident of physical abuse, **Mrs. Nsobundu** told her that she was carrying the children the wrong way and then **Mrs. Nsobundu** hit her on her left shoulder. Thereafter, A.E. never carried the children with her left arm and was constantly in fear that **Mrs. Nsobundu** would strike her where her broken left arm had healed incorrectly.
40. Another notable incident occurred around Easter 2015 after A.E. had bathed the two youngest children upstairs and put their clothes on them. **Mrs. Nsobundu** came along and did not like the socks that she had put on Sochima so she dragged A.E. down to the ground in the hallway by her hair. **Mrs. Nsobundu** then took her slipper off one of her feet and hit her across the face. **Mrs. Nsobundu** then said she would shoot her and kill her for not taking care of the babies how she

wanted them cared for. A.E. felt pain from her hair being pulled and had bruising on her face from where the slipper hit her.

41. An additional notable incident occurred in or around April 2015 while A.E. was taking the two youngest children for their morning walk. Sochima didn't want to change her shoes to go for the walk and began crying loudly out front on the driveway. **Mrs. Nsobundu** came outside when she heard the crying and struck A.E. with a closed fist to her back area which caused her to fall to the ground on her left side. A.E. felt pain in her back and it hurt her left arm from being knocked down on the ground. **Mrs. Nsobundu** told her to get up and stood over her to help her get up because she did not want the neighbors to see what had happened in the driveway.
42. Following the incident, **Mr. Nsobundu** came out and walked A.E. back into the residence while **Mrs. Nsobundu** left the house. **Mr. Nsobundu** gave her some medication which was either pain medicine or muscle relaxers. **Mr. Nsobundu** gave her a bottle of water and told her sorry. This was the first and only time A.E. drank from a water bottle in the house because she was only permitted to drink the tap water.
43. A.E. was also subjected to constant verbal abuse while employed with the family. **Mr. Nsobundu** addressed A.E. as "idiot" or would say "the idiot didn't do her job" when **Mrs. Nsobundu** was getting on to her for not doing her job.
44. While employed with the Nsobundus, A.E. was not permitted to bathe in hot water. A.E. was forced to bathe in lukewarm to cold water. One time **Mrs. Nsobundu** thought she was using too much hot water and came into the bathroom and checked the water temperature.
45. A.E. was also not permitted to wash her hair while employed with the Nsobundus. One time when **Mrs. Nsobundu** was gone during the day her head was feeling

hot. She was observed by the nine year old daughter trying to take a shower and wash her hair. The daughter called her mother who told her to give the phone to "the idiot". **Mrs. Nsobundu** told A.E. over the phone she did not bring her to America to wash her hair and that she needed to get out of the bath and take care of the children.

46. A.E. never had her hair cut by anyone but herself while employed with the family. She always wore her hair in a netting/stocking that **Mrs. Nsobundu** had provided to her.
47. A.E.'s movement was primarily restricted to the residence. She was only permitted outside to walk around the neighborhood with the two youngest children twice a day.
48. Church is very important to A.E., but she only taken by **Mr. and Mrs. Nsobundu** twice. These two times coincided with the children's baptism and first Holy Communion. A.E. believes she was mainly there to take care of the children while the church service was going on.
49. A.E. was not provided access to a doctor for herself. She accompanied **Mrs. Nsobundu** four or five times to the pediatrician's office for visits with the younger children.
50. A.E. did not have access to a telephone and could not talk to her family back in Nigeria.
51. A.E. had contemplated leaving the family, but stayed because she was more concerned for the wellbeing of the two youngest children who were not yet school age. A.E. believed if she left, the children would be home alone during the upcoming summer. She had helped raise Sochima and Chimoby since their adoption in Nigeria.

**The Escape**

52. In or around October 2015, A.E. gained access to a phone and learned through a call to her bank in Nigeria that she had not been paid since arriving in the United States, approximately two years prior.
53. A.E. was surprised to discover this because she had believed **Mrs. Nsobundu** and **Mr. Nsobundu** would continue to pay her as promised and outlined in the employment contract she signed in Nigeria. The combination of the verbal and physical abuse, lack of freedom, long working hours, inhumane treatment, and lack of payment caused A.E. to seek assistance to leave her employment situation.

**MISSING PERSON REPORT**

54. On October 10, 2015, **Mr. Nsobundu** filed a missing person report to the Fort Bend County Sheriff's Office. Detective Scott Minyard, following up on the missing person report, went to the residence where he conducted a recorded interview of **Mr. Nsobundu** and his oldest daughter Chinelo. **Mr. Nsobundu** and Chinelo made the following statements during the course of the interview:
55. A.E. is not a blood relative or cousin of **Mr. Nsobundu**.
56. A.E. is not married and does not have any children.
57. A.E. helped care for his children in Nigeria. She came to the United States on September 29, 2013, to work for him as a nanny. She has not left the United States since her arrival in 2013.
58. A.E. has lived with them in the United States for the last two years.

59. A.E. is from Nigeria and his family knows her family.
60. A.E. has a broken arm sustained from a car accident in Nigeria that did not heal correctly. **Mr. Nsobundu** admits the disfigurement of her left arm is noticeable and stated it was something they thought about helping her with.
61. A.E. does not have a bank account in the United States.
62. **Mr. Nsobundu** had possession of A.E.'s Nigerian Passport and provided it to Detective Minyard.

#### **THE VIOLATIONS OF LAW**

63. **Title 18 U.S.C. §1546(a) (Visa Fraud)** states in relevant part as follows:  
“Whoever knowingly makes under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document which contains any such false statement or which fails to contain any reasonable basis in law or fact shall be fined under this title or imprisoned not more than 25 years . . . “
64. On August 4, 2013, **Mr. Nsobundu** electronically submitted a DS-160, Online Nonimmigrant Visa Application, for A.E. to the United States Department of State for consideration. A DS-160 contains the following sections of questions: Personal; Passport; Work, Education and Training; Address and Phone; Family; Location and Preparer Information; Travel, Travel companion, US contact, Previous US Travel; Security and Background. Department of State Consular Officers use the information entered on the DS-160 to process the visa application

and, combined with a personal interview, determine an applicant's eligibility for a nonimmigrant visa. If issued, a nonimmigrant visas allow for temporary travel to the United States.

65. **Mr. Nsobundu** knowingly made the following false statements with respect to material facts in A.E.'s DS-160, online nonimmigrant visa application, Barcode # AA003GHU00:
  66. A.E.'s date of birth is incorrectly entered as April 25, 1958 on the DS-160. As previously reported in Paragraph 21, A.E.'s birthday is April 25, 1978.
  67. A.E. provided Agents her Federal Republic of Nigeria Independent National Electoral Commission (INEC) Voter's Card, issued January 18, 2011. The Voter's Card, bearing a photo of A.E., lists her date of birth as April 25, 1978. Department of State personnel stationed in Lagos, Nigeria, requested assistance from local authorities on confirming the card's authenticity. On December 22, 2015, INEC authorities confirmed the card was genuine, and had been issued by INEC authorities in Imo State (#134 on the voters' register in the polling unit).
  68. A.E.'s occupation is listed as homemaker and that she is **Mr. Nsobundu's** sibling. By not denoting that her intended travel was to continue her employment as their nanny, no employment contract was required to accompany the DS-160. Additionally, individuals entering the United States as nonimmigrant visa holders in certain employment and education based categories are provided a pamphlet in their native language advising of their rights and avenues to get help while in the United States. During her interview with a Consular Office, A.E., entering as a tourist, was denied the opportunity to be questioned about her employment with the Nsobundu's and not provided the Wilberforce pamphlet designed to combat human trafficking and labor abuses.

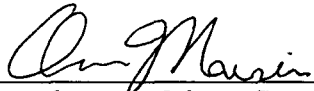
69. **Mr. Nsobundu** listed A.E. as married to a man on the DS-160. As previously reported in paragraphs 24 and 55, A.E. is not married. A.E.'s listed husband is the Nsobundu's driver in Nigeria.
70. Vincent and Theresa Nsobundu are listed as A.E.'s father and mother, respectively, on the DS-160. A.E. maintains that these are not her parents. On **Mr. Nsobundu's** DS-11, Application for a U.S. Passport, executed on November 6, 2009, his parents are listed as Vincent and Theresa. A review of **Mr. Nsobundu's** A-file, A23567662, revealed an I-485, Application to Register Permanent Residence or Adjust Status, submitted under oath on November 26, 1980, stating he had nine siblings. The list of siblings, whose date of birth years range from 1949 to 1970, does not include A.E.. **Mr. Nsobundu**, presenting A.E. as his sibling to the Department of State, used 1958 instead of 1978 for her date of birth year. **Mr. Nsobundu** siblings were born in Uyo, Calabar or Ihiala, Nigeria; A.E. was born in Orlu, Nigeria.
71. **Title 18 U.S.C. § 1592 (Withholding Documents)** states in relevant part as follows: "Whoever knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document of another person . . . with intent to violate Title 18 U.S.C. §1589. . .shall be fined under this title or imprisoned for not more than 5 years or both."
72. As previously reported in Paragraphs 27-29 and 61, A.E.'s passport was confiscated and held by the Nsobundus. **Mr. Nsobundu** advised Detective Minyard he had A.E.'s Nigerian Passport and retrieved the document upon request.
73. **Title 18 U.S.C. §1589 (Forced Labor)** states in relevant part as follows: "Whoever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means— by means of force,

threats of force, physical restraint, or threats of physical restraint to that person or another person, by means of serious harm or threats of serious harm to that person or another person, by means of the abuse or threatened abuse of law or legal process; or by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint . . . shall be fined under this titled, imprisoned not more than 20 years, or both.”

74. A.E. was brought to the United States by **Mr. and Mrs. Nsobundu** to continue her employment as their nanny and domestic worker. As previously reported in Paragraphs 30, 34-46, 48-49, A.E. worked in excess of twenty hours a day for two years without being paid. She regularly endured physical and verbal abuse and was not treated like a human being. Her movements were restricted and she did not have access to communication with her family in Nigeria.
75. **Title 8 U.S.C. §1324 (a) (1) (A) (iii) (Conspiracy to Harbor an Alien)** criminalizes: “Any person who knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or means of transportation. . . .”
76. As previously reported, A.E. is a citizen and national of Nigeria who arrived in the United States from Lagos, Nigeria, on September 29, 2013. A.E. was admitted at Bush Intercontinental Airport on a B2 tourist visa and was granted permission to remain in the United States until March 28, 2014. A.E.’s visa is valid for two years, but requires re-entry every six months. A.E. was harbored in the residence of **Mr. Nsobundu and Mrs. Nsobundu** from the time her admittance expired (March 29, 2014) until the date she fled the residence (October 10, 2015).

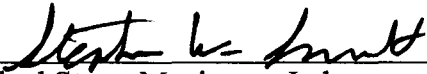


77. Based on the aforementioned information, I believe there is probable cause to believe **Mr. Nsobundu** and **Mrs. Nsobundu** violated the following statutes: Title 18, United States Code, Section 1546 (Visa Fraud); Title 18, United States Code, Section 1592 (Withholding of Documents); Title 18, United States Code, Section 1589 (Forced Labor) and Title 8, United States Code, Section 1324 (a)(1)(A)(iii) (Conspiracy to Harbor an Alien).



\_\_\_\_\_  
Christopher D. Maines, Special Agent  
Homeland Security Investigations

Signed and sworn to before me this 4 th day of February, 2016.



\_\_\_\_\_  
United States Magistrate Judge