

Marriage scam preys on poorer women

By Lomi Kriel

Monday, May 19th 2014

When the two teenage girls appeared before the bureaucrat in the imposing downtown Houston federal building, they handed him a routine application for a passport.

But when the civil servant inquired where the teens were going, their answer struck him as odd. To Africa, they said, without specifying a country, "to see the animals."

The passport agent flagged them for further questioning. Eventually, the teens admitted they were being paid to fly to Kenya and marry men seeking U.S. citizenship.

Four years later, this April, four men were sentenced to between six and 16 months in federal prison for visa fraud, marriage fraud and conspiracy to commit marriage fraud. A fifth pleaded guilty and is awaiting sentencing.

Prosecutors say the assembly line-like scheme involved at least five men from the same impoverished Kenyan region, boasting one of the world's highest birth rates. They married at least seven women, mostly friends and relatives from Houston's Fifth Ward, many of whom hadn't graduated from high school and were unemployed or working menial jobs.

After completing their sentences, the men likely will be deported to the rural area near the Ugandan border they tried so hard to escape.

It's a far cry from Hollywood endings in which couples married for convenience realize they're actually in love just as immigration agents are banging down the door. It's also unusual, since few marriage fraud cases go to trial.

The vast majority are snuffed out at an administrative level, when Department of Homeland Security investigators put spouses seeking green cards through grueling interviews, which can include questions about how often they are intimate and even the design of their bedsheets.

Immigration and Customs Enforcement officials in Houston's district, covering 53 counties in eastern and southern Texas, say they investigate an average of four marriage fraud cases a year. Prosecutors in the Southern U.S. District

Court, headquartered in Houston, say the Kenyan scam is one of only two large cases they remember in the past decade that ended in trial.

Such cases are expensive to prosecute, with federal sentencing guidelines imposing relatively short penalties. Moreover, as the Kenyan swindle shows, they can raise thorny questions about the nature of marriage and citizenship itself, even as the rackets themselves are far from sophisticated.

'Strictly business'

From their disheveled and chaotic apartment in a blighted area off Interstate 610 on Houston's northeast side, three of the women involved in the scam said it began after their relative, a security guard at an apartment complex, met Alfonso Ongaga, then a 23-year-old tow truck driver and the "brains behind the operation."

His lawyer, Alphonso Anderson, did not return several calls. But according to court records, Ongaga arrived in Houston in 1997 on a student visa to attend Texas Southern University, though he never did.

The scheme, according to Sabrina Adams, the 43-year-old matriarch of the women, was "always strictly business."

"We're just poor folks, and we needed a few things, " she said. "If you'd have seen how we were living, you'd have agreed."

When the parties first met, in the fall of 2000, the unemployed Adams and her six children were sharing a cramped two-bedroom apartment with her parents and several relatives. Ongaga's student visa was set to expire at the end of 2001.

Playing matchmaker

In January, Ongaga married Adams' niece, who'd recently turned 18. That summer, according to court records, Ongaga paid Adams' eldest daughter, 17-year-old Anteal, \$100 to meet him at a downtown McDonald's. He offered her \$2,000 to marry his friend, 22-year-old Andrew Mitema, once she turned 18, too. "It was a lot of money for a teenager, " Anteal Adams said.

Around that same time, her mother, Sabrina, landed in Harris County Jail for theft by check. She was soon in trouble again when she and two other relatives were jailed for marijuana possession.

By August 2002, when Anteal Adams married and received her payment, she spent much of it on paying her mother's bail and restoring the family's gas and electricity, which had been off for months for lack of payment. But the rest?

"I got my nails did, my hair did, I bought some clothes, some shoes," she said.

She and Mitema were never intimate, she told investigators. She didn't even know his middle name. But she said she called him every few weeks to ask him for money.

"When I said I needed it, he'd give me the money," she said.

Ongaga continued playing matchmaker, prosecutors say, in 2003 setting up 25-year-old Andrew Mokoro - also on a Texas Southern University student visa - with a 20-year-old friend of the Adamses.

Mokoro offered her \$1,000 to marry him and another \$1,000 a month once they were wed. On their wedding day, he gave her \$500 and a box of baby diapers, according to records.

That same year, prosecutors say 43-year-old Herman Ogoti offered Sabrina Adams \$5,000 to marry him and another \$100 a month. Like the others, Ogoti was about to lose his student visa.

He had attended classes at Texas Southern University, though only for one semester, according to court records. His attorney, Craig Washington, said that's because he was injured in a shooting while working as a security guard.

Meanwhile, Ongaga, the ringleader, faced a dilemma. One of his 11 siblings, Rebmann, was denied both a student and tourist visa to the United States. The men's native region of Kisii is so overpopulated, and its rolling hills so over-farmed for tea, coffee and bananas, that experts say it's spurred disproportionately high migration abroad.

In 2004, Ongaga asked Adams' daughter Vasha, then 18, if she would fly to Kenya to marry Rebmann. The Kenyans had resorted to such unusual methods of skirting immigration roadblocks at least once before.

For Vasha Adams, she was "just thinking about myself and everything I could do with that money."

But the tough African-American teen, raised in the rough-and-tumble Fifth Ward, hadn't expected quite how complicated Africa might be.

After first missing her flight, then a long two-day journey to Nairobi and another five-hour trip to Kisii, she was exhausted. She didn't trust the food, refusing to eat any traditional meals. She found the poverty overwhelming.

"People are so poor, " she said. "The women are carrying baskets on their heads - I thought that was just a joke on TV. And they're tugging big ol' tanks of water around all day; where the men at? I was in the rich part and the poor part, and life is hard."

After two days in Kenya for the traditional Kisii marriage ceremony, Adams returned to Houston, vowing never to set foot in Africa again.

"I just didn't like it, " she said. "I'm from here, and they're from there, and the two things just aren't the same."

In exchange for testifying against their spouses, none of the women was charged.

Women were victims

Prosecutors said the overall narrative of their lives - impoverished and uneducated - shows that they were victims.

They pointed to a similar 2002 case in Bryan in which two women, including one from Houston, ran a large-scale ring arranging more than 200 fraudulent marriages for immigrants primarily from Tanzania, Kenya and Nigeria.

They charged the immigrants up to \$5,000 and paid the U.S. citizens about \$500 for participating.

"This is a long-term problem and the same type of scheme, " said Assistant U.S. Attorney Edward Gallagher, deputy chief of the Southern District's major crimes section. "The victims are all similarly situated, on welfare, with a drug habit, in desperate need of money. The immigrants come in on visas, then they overstay and look for a way to get their permanent residency. The easiest way to do that is by marrying someone who needs the money."

In the Kenyan case, most of the men arrived on student visas to attend Texas Southern University, though few did.

But they held full-time jobs, purchasing middle-class homes near each other in Alief. They sent money back to their families in Kenya every month and paid taxes, and some even started businesses, their attorneys say.

In contrast, nearly all of the women hold long criminal records, ranging from fraud to prostitution, theft and selling drugs. Struggling to find steady work, some relied on government assistance, with the men's payments as supplements.

"Victims, not a chance, not even a little bit, " said George Murphy, a government-appointed defense attorney for Rebmann Ongaga. "These women knew exactly what they were doing."

Not all of the women could be reached. But the three Adams women maintain none of the relationships was ever romantic.

'What is a marriage?'

Nevertheless, Ogoti, a patient care technician in the Methodist Hospital System, listed Sabrina Adams as his life insurance beneficiary and on his 401K paperwork. The two lived together at various times, his attorney said. He had a relationship with her children.

"You don't do that in a sham marriage, " Washington said.

Defense attorneys argue such discrepancies and the very nature of the case calls into question how a legitimate marriage is defined. In the Kenyans' native region of Kisii, arranged marriages are common, as are dowries or payment to the brides.

Attorneys say many of the couples had at least brief physical relationships; some even lived together at times.

"It really comes down to 'What is a marriage?' " Murphy said. "Is one marriage more legitimate than the other because it's not done for romantic reasons?"

What's legally at issue is the intent at inception of marriage, said Joe Perez, an attorney at Houston-based FosterQuan, one of the nation's largest immigration law firms.

"Did they enter into this relationship to circumvent U.S. immigration law, or was this relationship in good faith?" Perez said.

But he said even the best relationships can end in separations or divorce.

Concern over marriage fraud in the 1980s led Congress to tighten requirements for spouses seeking green cards, giving couples only a two-year conditional card. Once that's up, they must go through more interviews to make it permanent.

Few petitions denied

"That's cut down on a lot of marriage fraud, " said Carl Shusterman, a former immigration prosecutor who is now a private attorney in Los Angeles. "It's presumed that if it doesn't last two years, it might be fraudulent."

The number of marriage petitions that are denied is relatively tiny. Last year, more than 80 percent of 545,646 naturalization requests for immediate relatives, which include spouses, were approved.

In the Kenyan case, all but one of the five men refused to plead guilty to marriage fraud. As a result of his legal costs, one filed for bankruptcy. Rebbman Ongaga, who drove heavy machinery and worked 80-hour weeks for \$15 an hour, couldn't afford a lawyer and was appointed a public defender.

"You can imagine what's at stake for them," his attorney said.

For their part, the women see the fallout as the result of the men being "too greedy."

"They wanted all their other peoples down here," Vasha Adams said. "And who can blame them? Who'd want to be over there?"

Sabrina Adams said she can't wait to change her legal name back from Ogoti, which remains on her driver's license.

"I just want my last name back," she said. "Ogoti? That's like not even really a name."

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