

# ICE Supervisory Deportation Officer Arrested For Identity Theft And Disseminating Confidential Government Records

Thursday, November 21, 2024

## For Immediate Release

U.S. Attorney's Office, Southern District of New York

Damian Williams, the United States Attorney for the Southern District of New York, and James E. Dennehy, the Assistant Director in Charge of the New York Field Office of the Federal Bureau of Investigation ("FBI"), announced today the arrest of HENRY YAU for charges in connection with a scheme to commit identity theft, convert government records, and disclose agency records containing individually identifiable information. YAU was arrested this morning and will be presented today before U.S. Magistrate Judge Stewart D. Aaron.

*U.S. Attorney Damian Williams said: "Henry Yau, a supervisory law enforcement officer within U.S. Customs and Immigration Enforcement, allegedly engaged in a years-long scheme to disseminate non-public and sensitive information from law enforcement databases to friends and acquaintances. Among other things, Yau allegedly tipped off an individual who was being investigated by the FBI; disclosed sensitive and non-public information from immigration and law enforcement databases; and, most egregiously, offered to use his authority as an ICE officer to arrest specific people at the request of, and as favors to, his friends. As I have said before, public service is a privilege, not a right, and the career prosecutors of this Office and our law enforcement partners will never stop investigating those who seek to abuse that privilege."*

FBI Assistant Director in Charge James E. Dennehy said: "Henry Yau, a supervisory ICE deportation officer, allegedly disclosed confidential law enforcement information of more than two dozen individuals to unauthorized recipients for personal and financial gain. This alleged abuse of authority to satisfy unwarranted personal favors erodes the public's trust. The FBI maintains its steadfast commitment to hold accountable all government officials who engage in unscrupulous behavior infringing on the privacy and rights of others."

According to the allegations in the [Complaint](#) unsealed today in Manhattan federal court:[1]

YAU was a Supervisory Deportation Officer with U.S. Immigration and Customs Enforcement ("ICE"), which is a law enforcement agency within the U.S. Department of Homeland Security ("DHS"). ICE's stated mission includes protecting the U.S. through criminal investigations and enforcing immigration laws to preserve national security and public safety. Between in or about 2015 and in or about November 2024, YAU was employed as a Deportation Officer with ICE. In or around September 2021, YAU was promoted to Supervisory Deportation Officer. YAU was assigned to the ICE New York Field Office, located in Manhattan. As an ICE Deportation Officer, YAU was given access to several password-protected law enforcement databases operated by DHS and other law enforcement agencies, including U.S. Customs and Immigration Service ("USCIS") databases containing the status of immigration-related applications filed by aliens, U.S. Customs and Border Protection ("CBP") databases containing information about border crossings, criminal history databases containing people's arrest and conviction records, and ICE databases containing records relating to arrests and removals of aliens from the U.S.

From at least in or about 2017 through at least in or about 2023, YAU participated in schemes to disseminate confidential government information from law enforcement databases, including multiple databases maintained by ICE, CBP, and USCIS. YAU disseminated this confidential government information to friends and acquaintances for his own personal and financial gain. In total, YAU improperly disseminated confidential government information relating to approximately 28 individuals, at least. This information came from DHS databases, and YAU disclosed it without any apparent law enforcement purpose to at least approximately 12 non-law enforcement personnel, including, among others: Tommy Lin, a former Director of Constituent Services within the New York City Mayor's Office[2]; a former candidate for New York City Council and New York State Assembly ("CC-1"); a former target of a fraud investigation being conducted by the FBI in California ("CC-2"); and a former business partner ("CC-3").

Between in or about 2019 and in or about 2020, YAU agreed to and did disclose confidential information from law enforcement databases about an individual ("Victim-1") that Lin was seeking to have arrested and deported from the U.S. because Victim-1 had conflict with members of a bank fraud conspiracy in which Lin was involved. YAU shared with Lin a copy of a Field Operations Worksheet containing personal identifying information about Victim-1. YAU then arrested Victim-1 and sent Lin photographs of Victim-1, handcuffed, following the arrest. In connection with this scheme, Lin earned approximately \$20,000 in cash.

Between in or about 2019 and in or about 2021, YAU agreed to and did disclose confidential information from immigration databases to CC-1 on multiple occasions, including information about the status of USCIS's investigation of the permanent resident application of a particular individual ("Victim-2") and the immigration status of another individual ("Victim-3").

Between in or about 2018 and in or about 2020, YAU agreed to and did disclose confidential information from law enforcement databases to CC-2 on multiple occasions, including information about whether CC-2 would be potentially arrested by law enforcement at the border when entering or leaving the U.S. In or about January 2020, YAU disclosed to CC-2 that CC-2 was being investigated by law enforcement agents in California.

Between in or about 2019 and in or about 2021, YAU agreed to and did disclose confidential information from law enforcement databases to CC-3 on multiple occasions, including information about the immigration status of an individual ("Victim-3"), who YAU offered to arrest for CC-3. YAU also disclosed to CC-3 non-public information from law enforcement databases regarding the immigration status of another individual ("Victim-4") and information about the border crossings of another individual ("Victim-5") into and out of the U.S.

\* \* \*

YAU, 41, of New York, New York, is charged with one count of identity theft conspiracy, which carries a maximum sentence of 15 years in prison; four counts of conspiracy to convert government records and property and disclose agency records containing individually identifiable information, each of which carries a maximum sentence of one year in prison; one count of conversion of government records and property, which carries a maximum sentence of one year in prison; and one count of disclosure of agency records containing individually identifiable information, which carries a maximum sentence of one year in prison.

The maximum potential sentences are prescribed by Congress and are provided here for informational purposes only, as any sentencing of the defendant will be determined by the judge.

Mr. Williams praised the investigative work of the FBI. Mr. Williams also thanked the DHS Office of Inspector General and the New York City Department of Investigation for their assistance in the investigation of this case.

This case is being handled by the Office's Violent & Organized Crime Unit. Assistant U.S. Attorneys Andrew K. Chan, James Ligtenberg, and Ni Qian are in charge of the prosecution.

The charges contained in the Complaint are merely accusations, and the defendants are presumed innocent unless and until proven guilty.

[1] As the introductory phrase signifies, the entirety of the text of the Complaint and the description of the Complaint set forth herein constitute only allegations, and every fact described should be treated as an allegation.

[2] As of the date of this Complaint, Lin is charged in *United States v. Tommy Lin et al.*, S7 23 Cr. 572 (CM), with participating in a bank fraud conspiracy, in violation of 18 U.S.C. § 1349, and aggravated identity theft, in violation of 18 U.S.C. §§ 1028A and 2.

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