

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

In the Matter of:

**ROBERT WILLIAM DEKELAITA,**

Attorney-Respondent,

No. 6242769.

Commission No. 2017PR00031

**Answer to Complaint**

Now Comes Robert William DeKelaita, Attorney-Respondent, and answers the complaint of the administrator as follows:

1. Respondent admits first part of paragraph 1 in the complaint in connection with his immigration practice in Lincolnwood, Skokie, and Morton Grove, IL, but does not admit that he “hired” any translators. The names of translators were provided to clients and the clients chose a particular translator. At no time were either Yousif Yousif (“Yousif”) or Adam Benjamin (“Benjamin”) employees of the Respondent. Respondent admits he employed two associate attorneys, Alen Takhsh (“Takhsh”) and Alan Jacob (“Jacob”).
2. Respondent denies the allegation that he “obtained fraudulent Form I-94s” contained in paragraph no. 2 of the complaint. An I-94 Form is a document produced by the US government to persons granted asylum in the United States or given a visitor visa abroad or any type of immigration status. None of the I-94s in evidence in this case were “fraudulent.” To say that the Respondent “obtained fraudulent” documents that are produced by the US government is misleading and false. If this is the case, the charge can be furthered to include all Legal Permanent Resident cards, all citizenship certificates,

and all other documents produced by the US government in any of the cases presented in this matter. Further, respondent unequivocally and emphatically asserted his innocence as to the various charges leveled against him by the US Attorney's office at the prompting of the Department of Homeland Security. Respondent was able to contest and subsequently reduce, through prolonged litigation, the multiple counts of the government's complaint so that only one count has remained – that of “conspiracy” - a count which is being currently contested before the same Court (See 1:18-cv-06682 *United States of America v. Dekelaita*, motion to vacate/set aside/correct sentence (2255), memorandum in support of motion, order, response, reply, document no. 1-6).

The allegation that Respondent “knowingly subscribed as true, false statements related to a material fact in an application” was denied at trial and is being denied herein. Additionally, the Respondent denied and denies that he intentionally presented Form I-589s with false information. This is an allegation made by the government's complaint. It was and is contested by the Respondent at this time and remains pending before the federal court. (See 1:18-cv-06682 *United States of America v. Dekelaita*).

3. Respondent denies the allegations contained in paragraph 3 and seeks to notify this Hearing Board that neither Benjamin nor Yousif testified in Respondent's trial.
4. Respondent admits the allegation that he conducted “screening interviews of his clients...” in paragraph 4 of the complaint. This is normal procedure for any attorney and it was Respondent's common practice with all clients. The “screening interview” argument propounded by the government's case and in this complaint is in no way relevant to any material allegation. The next allegation is that “Respondent, [sic] or directed the two associate attorneys Takhsh, Jacob or others to complete Form I-589 on behalf of his clients using false information” is completely false in that at no time did Takhsh and Jacob testify or state that they had completed any Form I-589 using “false information” nor did the complaint contain any assertion of the same. At no time, in any court, did Takhsh or Jacob, ***both of whom were cleared by the ARDC of any wrongdoing***, in particular conspiracy, testify or state that the associates were told to place

any “false information” in any Form I-589. In no case, no form, and no document can the allegation that Takhsh and Jacob “or others” placed “false information” in any Form I-589 be sustained under any reasonable standard of proof.

5. Respondent denies the allegation contained in paragraph 5 as to “non-existent accounts of purported religious persecution” of Iraq’s Christians. Respondent asserted and hereby asserts that the religious persecution of Iraq’s Christians is real, painful, and horrific. Insofar as certain witnesses, many over a decade later, claimed – or were perhaps forced to claim – that the persecution of the Christians of Iraq, known as Assyrians (or Chaldeans or Syriacs) is not real, is bewildering to say the least. The news and various credible reports have asserted, along with the United States Department of State, that the persecution of Christians and others in Iraq amounted to genocide.

Respondent denies that he submitted false baptismal certificates for known Christians – who testified at trial that in fact they were Christians – for no apparent reason than to assert their correct religious identity.

6. Respondent denies the allegation that “without his clients’ knowledge or permission” he signed their names on “certain Form I-589s.” It is necessary that every person who files a Form I-589 present himself or herself for testimony under oath and to sign the form a second time before an Asylum Officer and to testify that everything contained in the Form I-589, including a personal photograph, is true and correct. In every single case, every witness that testified at trial in this matter, came before an Asylum Officer and swore under oath that his or her Form I-589 was true and correct and testified to the contents contained in it, as well as to the authenticity of their own signature, one of which was completed before the Asylum Officer. The allegation that an attorney has signed any form “without permission” of the client is not only not possible given the circumstances of this case, but completely purposeless and without any relevance in this matter.

Respondent further denies that he or anyone acting under him intentionally “presented false information” to asylum officers. It is important to note that as part of its

investigation, the government recorded a number of the interviews the Respondent attended. In no case is the Respondent – or anyone employed by him– presenting false information.

7. Respondent denies the allegations contained in paragraph 7 of the complaint and such allegations were contested at Respondent's trial. Further, Benjamin never testified in court.
8. Respondent admits the accuracy of the contents of paragraph 8 in the complaint.
9. Respondent admits the accuracy of the contents of paragraph 9 in the complaint.
10. Respondent admits the contents of paragraph 10 in the complaint with a correction: the jury found only one statement out of the 4 offered by the government within counts Five, Six, and Seven to uphold, which was later vacated by the Judge (See 1:14-cr-00497-1 *USA v. Dekelaita et al*, document no. 287, Order on Motion for Acquittal).
11. Respondent admits the allegation contained in paragraph 11 of the complaint.
12. Respondent admits the allegation contained in paragraph 12 of the complaint.
13. Respondent admits that the government filed a Motion seeking restitution, which was denied by the Judge.
14. Respondent admits the allegation concerning his sentencing, but seeks to clarify that the fine he paid was not what the government had as the basis of its Motion.
15. Respondent acknowledges he was convicted for one count of conspiracy by the jury. However, Respondent also seeks to inform this Board that his Petition to Vacate his conviction is currently pending before the Court (See Exhibit A).

WHEREFORE, Respondent requests that the allegations contained in the complaint and the answers provided herein by the Respondent be taken under advisement and a hearing be held to make findings of fact and determinations of law.

Respectfully submitted,

s/Robert William DeKelaita  
Robert William DeKelaita  
Attorney-Respondent

Date: June 3, 2019

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