

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

Criminal No.

20cr 10021

YANQING YE,

Violations:

Defendant

Count One: Visa Fraud
(18 U.S.C. § 1546)

Count Two: Making False Statements
(18 U.S.C. § 1001(a)(2))

Count Three: Acting as an Agent of a
Foreign Government
(18 U.S.C. § 951)

Count Four: Conspiracy
(18 U.S.C. § 371)

INDICTMENT

At all times relevant to this indictment:

General Allegations

A. The People's Republic of China and its Military

1. The People's Republic of China ("PRC") is a "foreign government" as that term is defined under 28 C.F.R. § 73.1(b). The People's Liberation Army ("PLA") is the military arm of the Chinese Communist Party ("CCP") and the armed forces of the PRC. The PLA is composed of six services and support forces: the PLA Army; PLA Navy; PLA Air Force; PLA Rocket Force; PLA Strategic Support Force; and the PLA Joint Logistics Support Force. The Central Military Commission ("CMC") controls the PLA. The PLA uses three schools (the Academy of Military Science, National Defense University, and National University of Defense Technology) to formulate military strategy, research and advance its military capabilities and

weapons systems, and train its armed forces. Professors at these schools also serve as military officers and leaders of the PLA.

2. National University of Defense Technology (“NUDT”) is a top military academy directed by China’s CMC. It was founded in 1953 by the Harbin’s Military Engineering Institute PLA. NUDT is involved in national defense research for the PLA and responsible for modernizing the PRC’s armed forces and designing advanced weapons. NUDT is also responsible for training advanced scientific and engineering personnel, commanding personnel, and senior leadership in the PLA.

B. The Defendant and Her Conspirators

3. YANQING YE (“YE”) is a Chinese national, a female member of the PLA, and member of the CCP. At all times relevant to the Indictment, YE was a Lieutenant in the PLA and was being directed by senior leaders of the PLA while conducting research at Boston University pursuant to a J-1 non-immigrant visa.

4. Co-conspirator A was, at all relevant times, YE’s supervisor as well as a Colonel in the PLA and full professor at NUDT.

5. Co-conspirator B was, at all relevant times, an Assistant Professor in Management Science and Engineering at NUDT and a member of the PLA who according to YE had the rank “of less than Colonel.” YE was aware that Co-conspirator B had worked on military research projects regarding rocket launchers.

6. Co-conspirator C was, at all relevant times, an Assistant Professor in NUDT’s College of Information Systems and Management.

C. YE Fraudulently Gained Entry into the United States

7. YE applied for, and obtained a, J-1 non-immigrant visa to conduct research in the Department of Physics, Chemistry, and Biomedical Engineering, Center of Polymer Studies, at Boston University. YE's research and studies in the United States at Boston University were funded by the Chinese Scholarship Council ("CSC"). The CSC was established in 1996 as a non-profit institution affiliated with the PRC's Ministry of Education. The CSC is responsible for the enrollment and administration of Chinese Government Scholarship programs and provides funding for both undergraduate and graduate students, as well as post-doctoral visiting scholars, to Chinese citizens wishing to study abroad and to foreign citizens wishing to study in China. CSC is financed mainly by the state's special appropriations or scholarship programs.

8. On or about August 4, 2017, YE electronically signed her visa application and certified that all of her answers on the form were true and correct when, in fact, she misrepresented her foreign military service to gain entry to the United States. In her visa application, YE described her foreign military service as follows:

Name of Country/Region: CHINA
Branch of Service: CIVIL SERVICE
Rank/Position: STUDENT
Military Specialty: NUDT [National University of Defense Technology]
Date of Service
From: 01 September 2009
Date of Service
To: 31 July 2017

This description was false as YE's foreign military service did not end on July 31, 2017, as she represented to the U.S. Government. Nor was her rank only that of a "student" in NUDT. To the contrary, YE was in fact a Lieutenant in the PLA and continued to work as a Lieutenant in

the PLA while studying and conducting research in the United States from in or about October 2017 to in or about April 2019. As described below, YE was tasked with numerous assignments from PLA officers while she was in the United States such as conducting research, assessing U.S. military websites, and sending U.S. documents and information to China, which YE completed by masking her affiliation to the PLA. YE also lied on her visa application when she answered “No” to the question: “Do you seek to engage in espionage, sabotage, export control violations, or any other illegal activity while in the United States?” Based upon YE’s false representations, on or about September 5, 2017, the U.S. Department of State approved YE’s DS-160 application. On or about October 14, 2017, YE gained entry into the United States using her visa that she knew had been procured through fraud and making false statements, in violation of 18 U.S.C. § 1546.

D. YE Makes False Statements to U.S. Law Enforcement

9. On or about April 20, 2019, officers of Customs and Border Protection along with a Special Agent of the FBI conducted an interview of YE at Boston Logan International Airport. During this interview, YE stated, among other things, that Co-conspirator A was her Chinese advisor and a “full professor” at NUDT and he held the military rank of “Colonel.” YE falsely claimed that she had minimal contact with Co-conspirator A, and that Co-conspirator A did not provide much oversight of her research projects. She further falsely denied participating in any of Co-conspirator A’s military projects. Yet, based upon records found on YE’s electronic devices pursuant to a border search, at the instruction of Co-conspirator A, YE had accessed U.S. military websites, researched U.S. military projects, and compiled information for the PLA on two U.S. persons with expertise in robotics and computer science.

10. During the April 20, 2019 interview, YE also denied having any involvement in Co-conspirator B's research. YE described Co-conspirator B as an Assistant Professor of NUDT who held a military rank of "less than colonel." She also claimed that she had no recent communications with him when, in fact, she had numerous WeChat conversations with Co-conspirator B in 2018 and 2019. Indeed, according to a January 2019 WeChat conversation between YE and Co-conspirator B, they were collaborating on a research paper that was focused on a risk assessment model designed to assist the PLA in deciphering data for military applications. On or about April 11, 2019, Co-conspirator B sent YE a message in Chinese that has been translated into English that states: "See if [we can] find projects in risk analysis and policy sponsored by the US military by searching risk + US military directly." YE also provided Co-conspirator B her Boston University VPN login, including her username and password so Co-conspirator B could log into YE's account.

11. Lastly, during this interview, YE stated that she held the rank of Lieutenant in the PLA and admitted she was a member of the CCP. She planned to return to the PRC and complete her PhD at NUDT under the advisement of Co-conspirator A. YE indicated that part of her undergraduate studies at NUDT included classification training and students at NUDT worked on classified projects.

E. YE Acted as an Agent of the PRC without Notification to the Attorney General

12. In direct violation of the terms of her J-1 visa, while in the United States, YE had extensive communications with several senior PLA officers and she continued to work as a PLA Lieutenant. YE was tasked by senior PLA officers, completed those taskings, conducted research on the U.S. military for the PLA, collaborated with Co-conspirator B on research

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