

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 371 - Conspiracy to Commit Visa Fraud;
18 U.S.C. § 982(a)(6)(A)(ii) - Visa Fraud Forfeiture

- Petty
- Minor
- Misdemeanor
- Felony

PENALTY: Imprisonment: Maximum 5 Years
Fine: Maximum \$250,000
Supervised Release: Maximum 3 Years
Special Assessment: Mandatory \$100

Name of District Court, and/or Judge Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

MADHU SANTHANAM

DISTRICT COURT NUMBER

CR14-00263

FILED
MAY 13 2014
RICHARD W. WIEKING
DISTRICT COURT
OAKLAND

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Department of Homeland Security

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a re prosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

4-13-71415 MAG

Name and Office of Person Furnishing Information on this form MELINDA HAAG

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) RANDY LUSKEY, AUSA

DEFENDANT

IS NOT IN CUSTODY

- 1) Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

Northern District of California

IS IN CUSTODY

- 4) On this charge
 - 5) On another conviction } Federal State
 - 6) Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

c/o Josh Cohen, Esq., 899 Ellis Street, San Francisco, CA 94109

Date/Time: 5/16/14 @ 9:30 a.m. Before Judge: Judge Ryu

Comments:

1 MELINDA HAAG (CABN 132612)
United States Attorney

FILED a
MAY 13 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

YGR

12 UNITED STATES OF AMERICA,

) CASE NO. CR14-00263

13 v.

) VIOLATION: 18 U.S.C. § 371 - Conspiracy to
) Commit Visa Fraud; 18 U.S.C. § 982(a)(6)(A)(ii) -
) Visa Fraud Forfeiture

14
15 MADHU SANTHANAM,

) OAKLAND VENUE

16 Defendant.

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19 INFORMATION

20 The United States Attorney charges:

21 COUNT ONE: (18 U.S.C. § 371 - Conspiracy to Commit Visa Fraud)

22 1. Beginning in or about September 2009 and continuing through on or about June 2013,
23 in the Northern District of California and elsewhere, the defendant,

24 MADHU SANTHANAM,

25 and others known and unknown, unlawfully, willfully, and intentionally did combine, conspire,

26 confederate, and agree together and with each other to make under oath, and subscribe as

27 true under penalty of perjury, false statements with respect to material facts in an application, an

28 affidavit, and a document required by the immigration laws and regulations prescribed thereunder,

1 namely, in I-129 petitions, and supporting documentation for applicants attached to those I-129
2 petitions, to wit: the defendant falsely represented that non-immigrant worker applicants had job offers
3 with American employers Western Digital, Walmart, and MAAN Systems, when the defendant then and
4 there knew that these representations were false, in violation of Title 18, United States Code, Section
5 1546(a).

6 2. It was a part and an object of the conspiracy that the defendant,

7 MADHU SANTHANAM,

8 and his co-conspirators, unlawfully, willfully, and intentionally would and did make under oath, and
9 subscribe as true under penalty of perjury, false statements with respect to material facts in an
10 application, an affidavit, and a document required by the immigration laws and regulations prescribed
11 thereunder, namely, in I-129 petitions, and supporting documentation for applicants attached to those I-
12 129 petitions, in violation of Title 18, United States Code, Section 1546(a).

13 OVERT ACTS

14 3. In furtherance of the conspiracy and to effect the objects of that conspiracy, in the Northern
15 District of California and elsewhere, SANTHANAM and others committed the following overt acts,
16 among others:

17 a. From on or around September 11, 2009 until on or around January 9, 2013,
18 SANTHANAM personally signed and submitted fraudulent specialty occupation (H1-B) work visa
19 applications and I-129 petitions for nonimmigrant workers "S.A.," "H.S.," "B.S.," "A.F.," "N.B.,"
20 "K.M.," "M.P.," "J.T.," "B.Sa.," and "P.N." SANTHANAM knew that each of these applications and
21 the accompanying I-129 petitions falsely represented that the applicants each had a job offer to work at
22 MAAN Systems on a product "e-ntelligent® Applications Manager."

23 b. From on or around December 1, 2011 until on or around April 27, 2012,
24 SANTHANAM personally signed and submitted fraudulent H1-B work visa applications and I-129
25 petitions for nonimmigrant workers "P.T.," "A.B.," "S.K.," "N.Y.," "B.D.," and "S.T." SANTHANAM
26 knew that each of these applications and the accompanying I-129 petitions falsely represented that the
27 applicants each had a job offer to work as a computer consultant at Western Digital. SANTHANAM
28 included forged Consulting Agreements and Purchase Orders, purportedly from Western Digital, in each

1 of the applications.

2 c. From on or around November 18, 2010 until on or around March 3, 2011,
3 SANTHANAM personally signed and submitted fraudulent H1-B work visa applications and I-129
4 petitions for nonimmigrant workers "K.S.," "R.G.," "B.S.," "S.C.," "J.K.," "B.P.," and "R.T."
5 SANTHANAM knew that each of these applications and the accompanying I-129 petitions falsely
6 represented that the applicants each had a job offer to work as a computer consultant at Walmart.
7 SANTHANAM included forged Purchase Orders, purportedly from Walmart, in each of the
8 applications.

9 All in violation of Title 18, United States Code, Section 371.

10 FORFEITURE ALLEGATION: (18 U.S.C. § 982(a)(6)(A)(ii) – Visa Fraud Forfeiture)

11 4. Paragraphs 1 through 3 of this Information are hereby realleged and incorporated by
12 reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section
13 982(a)(6)(A)(ii).

14 5. Upon conviction of the offense set forth in Count 1 of this Information, defendant,
15 MADHU SANTHANAM,
16 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(6)(A)(ii), any
17 property, real or personal: (i) that constitutes, or is derived from or is traceable to the proceeds obtained
18 directly or indirectly from the commission of the offense of conviction; or (ii) that is used to facilitate, or
19 is intended to be used to facilitate, the commission of the offense of conviction. The property to be
20 forfeited includes, but is not limited to, \$400,000 from Bank of America account ending in 2320.

- 21 6. If any of the property described above, as a result of any act or omission of the defendant:
- 22 a. cannot be located upon the exercise of due diligence;
 - 23 b. has been transferred or sold to, or deposited with, a third party;
 - 24 c. has been placed beyond the jurisdiction of the court;
 - 25 d. has been substantially diminished in value; or
 - 26 e. has been commingled with other property which cannot be divided without
27 difficulty,

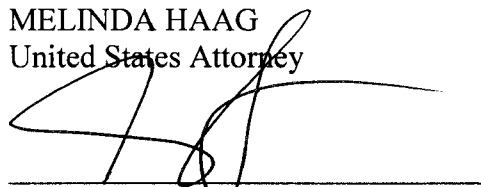
28 the United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United States

1 Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).


2 All pursuant to Title 18, United States Code, Section 982(a)(6)(A)(ii).

3
4 DATED: 5/13/14

5 MELINDA HAAG
6 United States Attorney



7
8 THOMAS E. STEVENS
9 Chief, Oakland Branch

10
11 (Approved as to form: )

12 RANDY LUSKEY
13 Assistant U.S. Attorney
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