

NEWS

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Six Illegal Aliens Admit Conspiring with and Paying Edison
Business Owner to Receive Fraudulent Work Visas

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NEWARK – Four individuals pleaded guilty today to participating in a criminal conspiracy with the owner of an Edison-based consulting firm to defrauding the United States by obtaining H-1B visas and green cards for ineligible or unqualified Indian nationals, acting U.S. Attorney Ralph J. Marra, Jr. announced.

Pleading guilty today before U.S. District Judge William J. Martini were: Ajit Vyas, 40, of Hoffman Estates, Ill.; Kishor Parikh, 42, of Ronkonkoma, N.Y.; Vimal Patel, 36, of Maricopa, Az., and Chetan Trivedi, 40, of Ronkonkoma. All face a statutory maximum penalty of five years in prison and a fine of up to \$250,000 for their guilty pleas to conspiring to defraud the United States, according to Sandra L. Moser, the Assistant U.S. Attorney who is handling the prosecutions.

Two other guilty pleas to the same charge were entered on Wednesday. Those defendants were Hetal Shah, 38, of Ringwood, N.J. and Devang Patel, 31, of Ronkonkoma. Sentencings for the six defendants are scheduled for May 27 and May 28.

Cygate Software & Consulting is an information technology consulting firm in Edison owned and operated by Nilesh Dasondi of Edison. In June 2008, Dasondi was charged in a criminal Complaint with conspiracy, and is currently released on an \$800,000 bond secured by several residential and business properties in New Jersey and Pennsylvania.

In his capacity as the principal of Cygate, Dasondi petitioned federal agencies for both H-1B Visas and Green cards on behalf of the above defendant aliens, claiming that they possessed specialized information technology skills and that they would work for Cygate, according to the criminal Informations to which the six defendants pleaded guilty. In fact, as outlined below, none of the defendants performed any work for Cygate and instead were instructed by Dasondi to secure cash-paying jobs in the locations of their choice.

H-1B Visas, which are issued by the Department of Homeland Security U.S. Citizenship and Immigration Services (USCIS), permit qualified alien workers entry into the United States to work in a "specialty occupation." A "specialty occupation," such as information technology consulting, is one requiring specialized knowledge, and in order to qualify, alien workers must meet certain educational and professional requirements established by USCIS and be the beneficiary of an employer's petition on their behalf.

As set forth in the Informations, in order to secure an H-1B Visa for an alien worker, an employer like Cygate must file respective petitions with the Department of Labor, Department of State and USCIS attesting to, among other facts, the employer's need for the alien worker, its ability and willingness to pay the worker a specified wage, as well as the qualifications of the alien worker. The number of petitions filed with USCIS each year far exceed the limited number of H-1B Visas available, thus rendering them valuable to alien workers and a source of illicit profit to corrupt employers. In many instances, securing an H-1B Visa represents the first step in obtaining permanent lawful residency via a green card and, ultimately, U.S. citizenship.

After obtaining H-1B Visas for alien workers, an employer like Cygate must next file I-140

Immigrant Petitions for Alien Worker to secure green cards for those workers. The issuance of the green card is based in part on the alien worker's "specialty occupation" employment history as an H-1B Visa holder. Documents submitted in support of an alien worker's I-140 Petition generally include pay stubs and tax records reflecting time spent working in the United States for the petitioning company. Once USCIS grants an employer's I-140 Petition, the alien worker is then able to seek his green card in order to become a lawful permanent resident in the United States.

During plea hearings before Judge Martini today and Wednesday, each of the six defendants admitted that they were the beneficiaries of petitions for employment-based H-1B Visas and green cards, filed on their behalf by Cygate. The defendants admitted paying thousands of dollars to Dasondi in exchange for Cygate petitioning government agencies on their behalf. The men admitted, however, that they never performed any work for Cygate and instead secured cash-paying jobs from employers, often out-of state, not approved under the terms of their H-1B Visas.

In many instances, the men were not qualified to work in specialty occupations and had, with Dasondi's guidance, forged diplomas and employer recommendation letters submitted in support of their visa petitions.

In court, the defendants further admitted that, to conceal the fraud, they engaged in a process known as "running the payroll" with Dasondi, whereby the men were placed on Cygate's payroll so they appeared as legitimate employees, and then made to remit monthly payments to Cygate which payments were used in part to issue paychecks back to the men. Other portions of the payments were both used to pay Cygate payroll taxes owed the government and pocketed as profit by Dasondi, according to Moser.

Dasondi's case is pending. Dasondi was appointed to the Zoning Board by the Edison Township Council in June 2007, following an unsuccessful campaign for the township council.

Marra credited Special Agents of the Department of Homeland Security, Immigration and Customs Enforcement, under the direction of Acting Special Agent in Charge William Hayes in Newark; and the U.S. Department of Labor Office of Inspector General, under the direction of Special Agent in Charge Marjorie Franzman in New York, for the investigation leading to the guilty pleas.

The case is being prosecuted by Assistant U.S. Attorney Sandra L. Moser of the U.S. Attorney's Office Securities & Healthcare Fraud Unit in Newark.

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Defense counsel:

Thomas C. Blauvelt, Esq., Edison, N.J., for Vyas
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E. Alexander Jardines, Esq., Union City, N.J., for Shah

John P. McDonald, Esq., of Somerville, N.J., for Parikh
K. Anthony Thomas, Esq., Newark, N.J., for V. Patel
John C. Whipple, Esq., of Chatham, N.J., for Trivedi