

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

RICHARD KASSEL, :

ROSANNA ALMONTE, :

JANA HALODA, :

VACLAV HALODA, :

Defendants. :

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SEALED INDICTMENT

14 Cr.

14 CRIM486

COUNT ONE
(Conspiracy)

The Grand Jury charges:

BACKGROUND ON THE I-140 VISA PROCESS

1. Pursuant to federal immigration law, several categories of aliens may qualify for an employment-based immigration visa. One such category of an employment-based visa allows alien workers who are members of the professions holding advanced degrees to obtain an immigration visa.

2. Alien applicants seeking an immigration visa on the basis of an advanced degree are required to complete a "Form I-140" to the United States Citizenship and Immigration Services ("USCIS"). To show that the alien is a professional holding an advanced degree, the Form I-140 must be accompanied by either: (a) an official academic record showing that the alien has a United States advanced degree or a foreign equivalent degree; or (b) an

official academic record showing that the alien has a United States baccalaureate degree or a foreign equivalent degree, and evidence in the form of letters from current or former employer(s) showing that the alien has at least five years of progressive post-baccalaureate experience in the specialty and is being sponsored by a legitimate employer. The alien applicant and preparer are required to sign the petition under penalty of perjury.

THE SCHEME TO DEFRAUD

3. This scheme involved the submission of fraudulent advanced-degree diplomas and related documents, including transcripts, by a law firm in New York City, in support of I-140 visa applications on behalf of predominantly Eastern European clients. Through the methods described herein, the defendants profited by creating and submitting false I-140 visa applications supported by fraudulent diplomas and transcripts representing that aliens had earned advanced degrees that they did not obtain from schools they did not attend.

4. RICHARD KASSEL and ROSANNA ALMONTE, the defendants, worked together at a law firm (the "Law Firm") located in Midtown, New York (the "Law Firm Office"). KASSEL was a lawyer and ALMONTE served as an assistant to KASSEL. The

Law Firm specialized in immigration and naturalization work, including applications for I-140 visas. Since 2008, the Law Firm has submitted hundreds of I-140 visa applications on behalf of their clients.

5. Typically, before the Law Firm would take on a client, RICHARD KASSEL, the defendant, would conduct a consultation interview with the potential client. If KASSEL determined that the potential client did not have a legitimate basis for obtaining an immigration visa, KASSEL would, in certain circumstances, direct the client to obtain a diploma indicating that the client had an advanced degree that the client did not have. Each client paid the Law Firm thousands of dollars for assistance in obtaining I-140 visas on the basis of fraudulently procured advanced-degree diplomas.

6. JANA HALODA, the defendant, was an alien client of the Law Firm who, at the direction of KASSEL, agreed to assist the Law Firm, in exchange for a fee, in obtaining fraudulent advanced-degree diplomas to support I-140 applications for KASSEL's clients.

7. VACLAV HALODA, the defendant, was an alien client of the Law Firm who agreed to create fraudulent advanced-degree diplomas, in exchange for a fee, to assist the Law Firm in

obtaining fraudulent advanced-degree diplomas in support of I-140 applications.

8. At or after the initial consultation, RICHARD KASSEL, the defendant, referred alien clients to JANA HALODA, the defendant, from whom the alien could obtain the fraudulent advanced-degree diploma and supporting documentation, including a transcript for the advanced course of study.

9. Once the clients of the Law Firm contacted JANA HALODA, the defendant, to request a fraudulent advanced-degree diploma, JANA HALODA consulted with RICHARD KASSEL, the defendant and ROSANNA ALMONTE, the defendant, about certain details to put on the diplomas to make them appear legitimate, such as an appropriate graduation date.

10. Once JANA HALODA, the defendant, obtained the information necessary to create a fraudulent advanced-degree diploma for one of the Law Firm's alien clients, JANA HALODA contacted VACLAV HALODA, the defendant, who then created the fraudulent diploma on a computer. The alien client paid JANA HALODA a fee for the fraudulent diploma, a portion of which was paid to VACLAV HALODA. This fee was in addition to the thousands of dollars the alien client paid to the Law Firm.

STATUTORY ALLEGATIONS

11. From in or about January 2008, up to and including the date of this Indictment, in the Southern District of New York and elsewhere, RICHARD KASSEL, ROSANNA ALMONTE, JANA HALODA, and VACLAV HALODA, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate and agree together and with each other to commit an offense against the United States, to wit, immigration fraud in violation of Title 18, United States Code, Section 1546(a).

12. It was a part and object of the conspiracy that RICHARD KASSEL, ROSANNA ALMONTE, JANA HALODA, and VACLAV HALODA, the defendants, and others known and unknown, would and did knowingly and willfully forge, counterfeit, alter, and falsely make an immigrant and nonimmigrant visa, permit, border crossing card, alien registration receipt card, and other document prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, and would and did utter, use, attempt to use, possess, obtain, accept, and receive any such visa, permit, border crossing card, alien registration receipt card, and other documents prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, knowing it

to be forged, counterfeited, altered, and falsely made, and to have been procured by means of a false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained, to wit, RICHARD KASSEL, ROSANNA ALMONTE, JANA HALODA, and VACLAV HALODA, the defendants, and others, agreed to prepare and submit fraudulent advanced-degree diplomas in support of I-140 visa applications, in violation of Title 18, United States Code, Section 1546(a).

OVERT ACTS

13. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about 2010, RICHARD KASSEL, the defendant, met with an alien client at the Law Firm Office to discuss obtaining a fraudulent advanced-degree diploma in support of the alien client's I-140 application.

b. In or about October 2010, at the direction of KASSEL, JANA HALODA, the defendant, agreed to obtain a fraudulent diploma for one of KASSEL's alien clients.

c. In or about 2012, VACLAV HALODA, the defendant, created a fraudulent diploma on his computer for use in furtherance of a fraudulent I-140 visa application.

d. In or about April 2014, ROSANNA ALMONTE and JANA HALODA, the defendants, discussed fraudulent graduation dates and universities to be used on fraudulent diplomas.

(Title 18, United States Code, Section 371.)

COUNT TWO
(Immigration Fraud)

The Grand Jury further charges:

14. In or about January 2012, in the Southern District of New York and elsewhere, RICHARD KASSEL, ROSANNA ALMONTE, JANA HALODA, and VACLAV HALODA, the defendants, would and did knowingly and willfully forge, counterfeit, alter, and falsely make an immigrant and nonimmigrant visa, permit, border crossing card, alien registration receipt card, and other document prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, and would and did utter, use, attempt to use, possess, obtain, accept, and receive any such visa, permit, border crossing card, alien registration receipt card, and other documents prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United

States, knowing it to be forged, counterfeited, altered, and falsely made, and to have been procured by means of a false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained, and would and did make under oath, and as permitted under penalty of perjury under section 1746 of Title 28, United States Code, knowingly subscribed as true, a false statement with respect to a material fact in an application, affidavit, and other document required by the immigration laws and regulations prescribed thereunder, and knowingly presented such an application, affidavit, and other document which contained such a false statement and which failed to contain any reasonable basis in law and fact, to wit, ALMONTE and KASSEL prepared, signed and submitted, under penalty of perjury, to the United States Citizenship and Immigration Services, a fraudulent visa application and supporting documentation, which contained material misstatements, including a fraudulent advanced-degree diploma provided by JANA HALODA and VACLAV HALODA for that purpose.

(Title 18, United States Code, Section 1546(a) & 2.)

COUNT THREE
(Immigration Fraud)

The Grand Jury further charges:

15. In or about May 2012, in the Southern District of New York and elsewhere, RICHARD KASSEL, ROSANNA ALMONTE, JANA HALODA, and VACLAV HALODA, the defendants, would and did knowingly and willfully forge, counterfeit, alter, and falsely make an immigrant and nonimmigrant visa, permit, border crossing card, alien registration receipt card, and other document prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, and would and did utter, use, attempt to use, possess, obtain, accept, and receive any such visa, permit, border crossing card, alien registration receipt card, and other documents prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, knowing it to be forged, counterfeited, altered, and falsely made, and to have been procured by means of a false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained, and would and did make under oath, and as permitted under penalty of perjury under section 1746 of Title 28, United States Code, knowingly subscribed as true, a false statement with respect to a material fact in an application, affidavit,

and other document required by the immigration laws and regulations prescribed thereunder, and knowingly presented such an application, affidavit, and other document which contained such a false statement and which failed to contain any reasonable basis in law and fact, to wit, ALMONTE and KASSEL prepared, signed and submitted, under penalty of perjury, to the United States Citizenship and Immigration Services, a fraudulent visa application and supporting documentation, which contained material misstatements, including a fraudulent advanced-degree diploma provided by JANA HALODA and VACLAV HALODA for that purpose.

(Title 18, United States Code, Section 1546(a) & 2.)

COUNT FOUR
(Immigration Fraud)

The Grand Jury further charges:

16. In or about September 2012, in the Southern District of New York and elsewhere, RICHARD KASSEL, ROSANNA ALMONTE, JANA HALODA, and VACLAV HALODA, the defendants, would and did knowingly and willfully forge, counterfeit, alter, and falsely make an immigrant and nonimmigrant visa, permit, border crossing card, alien registration receipt card, and other document prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United

States, and would and did utter, use, attempt to use, possess, obtain, accept, and receive any such visa, permit, border crossing card, alien registration receipt card, and other documents prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, knowing it to be forged, counterfeited, altered, and falsely made, and to have been procured by means of a false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained, and would and did make under oath, and as permitted under penalty of perjury under section 1746 of Title 28, United States Code, knowingly subscribed as true, a false statement with respect to a material fact in an application, affidavit, and other document required by the immigration laws and regulations prescribed thereunder, and knowingly presented such an application, affidavit, and other document which contained such a false statement and which failed to contain any reasonable basis in law and fact, to wit, ALMONTE and KASSEL prepared, signed and submitted, under penalty of perjury, to the United States Citizenship and Immigration Services, a fraudulent visa application and supporting documentation, which contained material misstatements, including

a fraudulent advanced-degree diploma provided by JANA HALODA and VACLAV HALODA for that purpose.

(Title 18, United States Code, Section 1546(a) & 2.)

COUNT FIVE
(Immigration Fraud)

The Grand Jury further charges:

17. In or about January 2013, in the Southern District of New York and elsewhere, RICHARD KASSEL, ROSANNA ALMONTE, JANA HALODA, and VACLAV HALODA, the defendants, would and did knowingly and willfully forge, counterfeit, alter, and falsely make an immigrant and nonimmigrant visa, permit, border crossing card, alien registration receipt card, and other document prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, and would and did utter, use, attempt to use, possess, obtain, accept, and receive any such visa, permit, border crossing card, alien registration receipt card, and other documents prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, knowing it to be forged, counterfeited, altered, and falsely made, and to have been procured by means of a false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained, and would and did make under

oath, and as permitted under penalty of perjury under section 1746 of Title 28, United States Code, knowingly subscribed as true, a false statement with respect to a material fact in an application, affidavit, and other document required by the immigration laws and regulations prescribed thereunder, and knowingly presented such an application, affidavit, and other document which contained such a false statement and which failed to contain any reasonable basis in law and fact, to wit, ALMONTE and KASSEL prepared, signed and submitted, under penalty of perjury, to the United States Citizenship and Immigration Services, a fraudulent visa application and supporting documentation, which contained material misstatements, including a fraudulent advanced-degree diploma provided by JANA HALODA and VACLAV HALODA for that purpose.

(Title 18, United States Code, Section 1546(a) & 2.)

COUNT SIX
(Immigration Fraud)

The Grand Jury further charges:

18. In or about December 2013, in the Southern District of New York and elsewhere, RICHARD KASSEL, ROSANNA ALMONTE, JANA HALODA, and VACLAV HALODA, the defendants, would and did knowingly and willfully forge, counterfeit, alter, and falsely make an immigrant and nonimmigrant visa, permit, border

crossing card, alien registration receipt card, and other document prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, and would and did utter, use, attempt to use, possess, obtain, accept, and receive any such visa, permit, border crossing card, alien registration receipt card, and other documents prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, knowing it to be forged, counterfeited, altered, and falsely made, and to have been procured by means of a false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained, and would and did make under oath, and as permitted under penalty of perjury under section 1746 of Title 28, United States Code, knowingly subscribed as true, a false statement with respect to a material fact in an application, affidavit, and other document required by the immigration laws and regulations prescribed thereunder, and knowingly presented such an application, affidavit, and other document which contained such a false statement and which failed to contain any reasonable basis in law and fact, to wit, ALMONTE and KASSEL prepared, signed and submitted, under penalty of perjury, to the United States Citizenship and Immigration

Services, a fraudulent visa application and supporting documentation, which contained material misstatements, including a fraudulent advanced-degree diploma provided by JANA HALODA and VACLAV HALODA for that purpose.

(Title 18, United States Code, Section 1546(a) & 2.)

FORFEITURE ALLEGATION

19. As a result of committing of the offenses alleged in this Indictment, RICHARD KASSEL, ROSANNA ALMONTE, JANA HALODA, and VACLAV HALODA, the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2)(A), any and all property constituting, derived from, or traceable to the proceeds obtained directly or indirectly as a result of the offenses; and any and all property used to facilitate, or intended to be used to facilitate, the commission of the offense.

Substitute Asset Provision

20. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of
the Court;

d. has been substantially diminished in value;

or

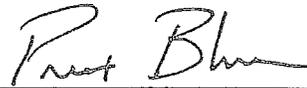
e. has been commingled with other property

which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982;
Title 21, United States Code, Section 853.)



FOREPERSON



PREET BHARARA
United States Attorney

UNITED STATES DISTRICT COURT
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RICHARD KASSEL et al.,

Defendants.

SEALED INDICTMENT

14 Cr. ___

(18 U.S.C. §§ 371, 1546, and 2.)

PREET BHARARA
United States Attorney.

A TRUE BILL

Foreperson.

EXHIBIT B



U.S. Department of Justice

Criminal Division

Assistant Attorney General

Washington, D.C. 20530

AUG - 8 2014

The Honorable Preet Bharara
United States Attorney
Southern District of New York
1 St. Andrew's Plaza
New York City, NY 10007

Attention: Andrea M. Griswold
Assistant United States Attorney

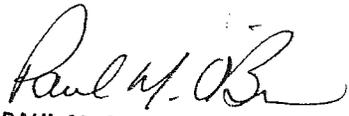
Re: Search Warrant for the Law Office of Richard Kassel LLC

Dear Mr. Bharara:

This letter confirms your compliance with USAM 9-13.420(C), requiring consultation with the Criminal Division before seeking judicial authorization for a warrant to search the premises of a subject, suspect, or target attorney.

Sincerely,

Leslie R. Caldwell
Assistant Attorney General


PAUL M O'BRIEN
DEPUTY ASSISTANT ATTORNEY GENERAL
CRIMINAL DIVISION