

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

2018 MAY 30 12:14

WILLIAM B. BLEVINS, CLERK

FELONY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

**INDICTMENT FOR CONSPIRACY TO DEFRAUD THE UNITED STATES
AND TO COMMIT VISA FRAUD AND CONSPIRACY TO ENCOURAGE
AND INDUCE ALIENS TO ENTER THE UNITED STATES UNLAWFULLY**

UNITED STATES OF AMERICA

* CRIMINAL NO.

18-117

v.

* SECTION:

SECT. J MAG. 5

EMMANUEL PRIVA

* VIOLATIONS: 18 U.S.C. § 371

8 U.S.C. § 1324(a)(1)(A)(v)(I)

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* * *

The Grand Jury charges that:

COUNT ONE

(Conspiracy to defraud the United States and to commit visa fraud)

A. AT ALL TIMES MATERIAL HEREIN:

1. The Department of State was an agency of the United States government. The Department of State's lawful governmental functions included, among other things, the administration, regulation, and enforcement of the regulations and laws relating to the issuance of nonimmigrant visas.

2. Visitor visas were nonimmigrant visas that allowed foreign nationals to enter the United States temporarily for business, tourism, or a combination of business and tourism. To

Fee USA
 Process _____
 DktD _____
 CtRmDep _____
 Doc. No. _____

apply for such a visa, a person could electronically submit a DS-160 Online Nonimmigrant Visa Application to the Department of State via the Consular Electronic Application Center.

3. The DS-160 required information about the visa applicant and the proposed travel to the United States. After being advised that all declarations in the DS-160 were made under penalty of perjury, the visa applicant would electronically sign and submit the DS-160. Consular officers used the information entered in the DS-160 to process the visa application and, combined with a personal interview, determine the applicant's eligibility for a nonimmigrant visa.

4. In order to approve a visitor visa, a consular officer had to be convinced of the strength of the applicant's ties to a country outside the United States and that the applicant intended to depart the United States at the end of a temporary stay. During visa interviews, officers typically asked applicants about the strength of their economic ties, often demonstrated through ongoing employment or assets outside the United States. Officers had the discretion to review supporting paperwork, such as employment verification and bank statements, provided by visa applicants at their interviews.

B. THE CONSPIRACY

Beginning at a time unknown, but prior to October 2013 and continuing until in or about March 2018, in the Eastern District of Louisiana and elsewhere, the defendant, **EMMANUEL PRIVA**, did knowingly and willfully conspire with other persons known and unknown to the Grand Jury:

1. To defraud the United States by impeding, impairing, and obstructing the lawful governmental functions of the Department of State to administer, regulate, and enforce the regulations and laws relating to the issuance of nonimmigrant visas;

2. To knowingly subscribe as true, under penalty of perjury under Title 28, United States Code, Section 1746, false statements with respect to material facts in applications, affidavits and other documents required by the immigration laws and regulations prescribed thereunder, to wit: DS-160 and supporting documents, and to knowingly present such applications, affidavits and other documents, which contained false statements and which failed to contain any reasonable basis in law and fact, in violation of Title 18, United States Code, Section 1546(a); and

3. To knowingly utter, use, attempt to use, possess, obtain, accept, and receive nonimmigrant visas procured by means of false claims and false statements and to be otherwise procured by fraud and unlawfully obtained, in violation of Title 18, United States Code, Section 1546(a).

C. MANNER AND MEANS OF THE CONSPIRACY

The conspirators sought to accomplish the objects and purpose of the conspiracy by the following manner and means, among others:

1. The defendant, **EMMANUEL PRIVA**, conducted a visa fraud scheme from various locations in the United States, including his home in Harvey, Louisiana. The defendant agreed, in exchange for payment, to aid and abet Haitian foreign nationals (“aliens”) in obtaining nonimmigrant visitor visas by means of false claims, false statements, and fraud. The defendant attempted to fraudulently obtain visas for more than 100 aliens, some of whom succeeded in obtaining visas.

2. The defendant, **EMMANUEL PRIVA**, required aliens to pay him sums of money up front and to agree to pay more money after receiving the visas. After forming agreements with aliens and receiving initial payments, the defendant prepared DS-160s for the aliens. The defendant entered false information in DS-160s to make it appear that the aliens would be likely

to depart the United States at the end of temporary stays. This included false statements about the aliens' employers, purposes of travel, intended lengths of stays, addresses in the United States, and contact people in the United States. The defendant electronically submitted such DS-160s to the Department of State via the Consular Electronic Application Center.

3. The defendant, **EMMANUEL PRIVA**, created fraudulent documents for aliens to bring to visa interviews, including letters from purported hosts in the United States, letters from purported employers in Haiti, and purported Haitian bank records. The defendant sent such fraudulent documents to a coconspirator in Haiti, who provided the documents to aliens.

4. The defendant, **EMMANUEL PRIVA**, coached aliens to deceive consular officers. The defendant advised the aliens to make false statements at visa interviews about the aliens' backgrounds and purposes of the trips.

D. OVERT ACTS

In furtherance of the conspiracy and to effect its objects, within the Eastern District of Louisiana and elsewhere, the conspirators committed and caused to be committed, the following overt acts:

On or about the below-listed dates, the defendant, **EMMANUEL PRIVA**, submitted DS-160s in the names of the below-listed coconspirator aliens, whose identities are known to the Grand Jury:

OVERT ACT	ALIEN	DATE
1	Alien 1	10/27/2013
2	Alien 2	02/04/2014
3	Alien 3	02/06/2014
4	Alien 4	03/25/2014
5	Alien 5	05/15/2014
6	Alien 6	07/27/2014
7	Alien 7	07/29/2014
8	Alien 8	08/25/2014
9	Alien 9	10/01/2014

10	Alien 10	10/04/2014
11	Alien 11	10/08/2014
12	Alien 12	02/12/2015
13	Alien 13	02/12/2015
14	Alien 14	07/08/2015
15	Alien 15	08/11/2015
16	Alien 16	09/22/2015
17	Alien 17	10/05/2015
18	Alien 18	11/19/2015
19	Alien 19	11/19/2015
20	Alien 20	11/20/2015
21	Alien 21	12/07/2015
22	Alien 22	12/07/2015
23	Alien 23	12/30/2015
24	Alien 24	01/18/2016
25	Alien 25	01/19/2016
26	Alien 26	01/26/2016
27	Alien 27	02/09/2016
28	Alien 28	02/09/2016
29	Alien 29	02/26/2016
30	Alien 30	03/08/2016
31	Alien 31	03/11/2016
32	Alien 32	04/05/2016
33	Alien 33	04/14/2016
34	Alien 34	05/03/2016
35	Alien 35	05/08/2016
36	Alien 36	05/25/2016
37	Alien 37	05/28/2016
38	Alien 38	06/06/2016
39	Alien 39	07/13/2016
40	Alien 40	08/06/2016
41	Alien 41	10/15/2016
42	Alien 42	10/25/2016
43	Alien 43	10/25/2016
44	Alien 44	12/12/2016
45	Alien 45	05/12/2017

46. On or about September 18, 2017, the defendant, **EMMANUEL PRIVA**, in a telephone conversation, provided payment instructions to an undercover investigator whom **PRIVA** believed to be an alien seeking a visitor visa.

47. On or about November 8, 2017, the defendant, **EMMANUEL PRIVA**, accepted \$3,000, which he believed to be an upfront payment from an alien seeking a visitor visa.

48. On or about December 4, 2017, the defendant, **EMMANUEL PRIVA**, submitted a DS-160 containing materially false statements.

49. On or about January 16, 2018, the defendant, **EMMANUEL PRIVA**, mailed fraudulent documents from the United States to a coconspirator in Haiti.

50. On or about January 25, 2018, the defendant, **EMMANUEL PRIVA**, transmitted recorded instructions to an undercover investigator, whom **PRIVA** believed to be an alien seeking a visitor visa, on how to make false statements to a consular officer.

51. On or about February 21, 2018, the defendant, **EMMANUEL PRIVA**, transmitted a voice recording for the purpose of collecting a \$2,000 payment from an undercover investigator, whom **PRIVA** believed to be an alien who had fraudulently obtained a visitor visa.

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

COUNT TWO

(Conspiracy to encourage and induce aliens to enter the United States unlawfully)

A. The allegations contained in Parts A, B, C, and D of Count One are realleged and incorporated as if fully set forth herein.

B. The Conspiracy:

Beginning at a time unknown, but prior to October 2013 and continuing until in or about March 2018, in the Eastern District of Louisiana and elsewhere, the defendant, **EMMANUEL PRIVA**, did knowingly and willfully conspire with other persons known and unknown to the Grand Jury to violate Title 8, United States Code, Section 1324(a)(1)(A)(iv), that is to encourage

and induce aliens to come to, enter, and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry, and residence was and would be in violation of law, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(I).

NOTICE OF FORFEITURE

1. The allegations of Counts One and Two of this Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Section 982(a)(6).

2. As a result of the offenses, alleged in Counts One and Two, defendant, **EMMANUEL PRIVA**, shall forfeit to the United States, all conveyances used in the commission of the violation, all property, real and/or personal, that constitutes or is derived from or is traceable to proceeds obtained directly or indirectly from the commission of the offenses, and all property, real or personal, that was used to facilitate, or was intended to be used to facilitate the commission of the offenses.

3. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

- 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;

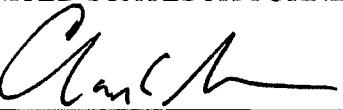
it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b)(1) to seek forfeiture of any other property of said defendant.

All in violation of Title 18, United States Code, Section 982(a)(6).

A TRUE BILL:


FOREPERSON

DUANE A. EVANS
UNITED STATES ATTORNEY



CHANDRA MENON
Assistant United States Attorney

New Orleans, Louisiana
May 31, 2018