

United States District Court
District of New Jersey

UNITED STATES OF AMERICA : **Hon. Steven C. Mannion**
v. : **Magistrate No.: 16-6035 (SCM)**
JUN SHEN, : **Criminal Complaint**
a/k/a "Jeanette Shen"

I, David A. Ferrante, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief.

SEE ATTACHMENT A

I further state that I am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations ("HSI"), and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.


David A. Ferrante, Special Agent
U.S. Department of Homeland Security
Homeland Security Investigations

Sworn to before me and subscribed in my presence,

March 30, 2016
Date

at

Newark, New Jersey
City and State

Honorable Steven C. Mannion
United States Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

ATTACHMENT A

COUNT ONE
(Conspiracy to Commit Visa Fraud)

From in or about November 2013 through in or about March 2016, in Union County, in the District of New Jersey, and elsewhere, defendant

JUN SHEN,
a/k/a "Jeanette Shen"

did knowingly and intentionally conspire and agree with others to commit an offense against the United States, that is, to utter, use, attempt to use, possess, obtain, accept, and receive non-immigrant visas, namely student visas and other documents proscribed by statute and regulation for entry into and as evidence of authorized stay in the United States, knowing that the student visas had been procured by means of false claims and statements and otherwise procured by fraud and unlawfully obtained, contrary to Title 18, United States Code, Section 1546(a).

In furtherance of the conspiracy and to effect its unlawful objects, the defendant committed and caused to be committed the following overt acts, among others, in the District of New Jersey and elsewhere, as set forth in Attachment B below.

In violation of Title 18, United States Code, Section 371.

COUNT TWO
(Conspiracy to Harbor Aliens for Profit)

From in or about November 2013 through in or about March 2016, in Union County, in the District of New Jersey, and elsewhere, defendant

JUN SHEN,
a/k/a "Jeanette Shen"

did knowingly and intentionally conspire and agree with others, for the purpose of commercial advantage and private financial gain, to encourage and induce an alien to reside in the United States, knowing and in reckless disregard of the fact that such residence was and would be a violation of law, contrary to Title 8, United States Code, Section 1324(a)(1)(A)(iv).

In violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(I).

ATTACHMENT B

I, David A. Ferrante, am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations ("HSI"). I have personally participated in this investigation and am aware of the facts and circumstances contained herein based on my own investigation, as well as my review of documents, records, information and evidence provided to me by other law enforcement officers and relevant personnel. Since this Affidavit is submitted for the sole purpose of establishing probable cause to support the issuance of a complaint and arrest warrant, I have not necessarily included each and every fact known by the government concerning this investigation. Where statements of others are related herein, they are related in substance and in part. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the day alleged.

The Defendant and Other Parties

1. At all times relevant to this Criminal Complaint:
 - a. Defendant JUN SHEN, a/k/a "Jeanette Shen," ("SHEN"), was a Chinese national and a lawful permanent resident in the United States, residing in Long Island, New York. SHEN was the owner and Chief Project Director of a purported international student consulting company called Inter-Prime Venture, Inc., located in Levittown, New York.
 - b. A federal agent was acting in an undercover capacity (hereinafter "UC-1").
 - c. A federal agent was acting in an undercover capacity (hereinafter "UC-2").
 - d. Federal agents were acting in an undercover capacity and posing as the owners and/or operators of the University of Northern New Jersey (hereinafter the "School"). The School was physically located in Cranford, New Jersey. The School was part of a federal law enforcement undercover operation designed to identify individuals and entities engaged in immigration fraud. The School was not staffed with instructors /educators, had no curriculum, and no actual classes or educational activities were conducted at the School.
 - e. A co-conspirator not named as a defendant herein was a foreign citizen who fraudulently maintained student visa status through SHEN (hereinafter "CC-1").

f. A co-conspirator not named as a defendant herein was a foreign citizen who fraudulently maintained student visa status through SHEN (hereinafter "CC-2").

g. A co-conspirator not named as a defendant herein was a foreign citizen who fraudulently maintained student visa status through SHEN (hereinafter "CC-3").

h. A co-conspirator not named as a defendant herein was a foreign citizen who fraudulently maintained student visa status through SHEN (hereinafter "CC-4").

Overview of Investigation

2. Beginning in or about September 2013, federal agents from HSI, using the School, commenced an undercover operation to investigate criminal activities associated with the Student and Exchange Visitor Program ("SEVP"), including, but not limited to, student visa fraud and the harboring of aliens for profit. A brief summary of the SEVP is described in Paragraph 4, below.

3. During the course of the investigation, HSI agents identified numerous individuals and organizations that used the SEVP as an instrument to engage in criminal conduct. Specifically, as described more fully below, the investigation revealed that defendant SHEN enabled numerous foreign individuals to fraudulently maintain nonimmigrant status and obtain employment authorization to remain in the United States on the false pretense that these aliens were participating in full courses of study at an academic institution.¹ In truth and in fact, SHEN, with full knowledge that the aliens would not attend any actual courses, earn actual credits, or make academic progress toward an actual degree in a particular field of study, fraudulently maintained student visa status in exchange for kickbacks, or "commissions" from individuals she believed were co-schemers. Additionally, SHEN facilitated the creation of false student records, including transcripts, for some of the foreign students for the purpose of deceiving immigration authorities.

1. Your Affiant is aware that this type of SEVP-related fraud is commonly referred to as a "pay to stay" scheme.

Summary of Relevant Immigration Policies and Procedures

4. From my training and experience as a Special Agent with HSI, and from speaking with individuals and officials with knowledge of the SEVP with the Department of Homeland Security, I have learned about the requirements that foreign citizens must comply with under United States immigration law, including the following:

a. The United States requires individuals from most foreign countries to obtain a visa prior to entry into the United States. As they apply to this investigation, non-immigrant visas are required for foreign citizens who intend to enter the United States on a temporary basis, such as for tourism, medical treatment, business, temporary work, or study.²

b. A foreign citizen who wishes to enter and remain in the United States on a temporary basis to pursue a course of study at a college, School, seminary, conservatory, academic high school, or other academic institution, or for English language training must first obtain an F-1 non-immigrant visa, also known as a student visa ("F-1 visa").

c. An F-1 visa is only valid for a temporary period, called the "duration of status," which status lasts as long as the foreign citizen is enrolled as a full-time student in an approved educational program and making normal progress toward completion of the course of study.³ Pursuant to 8 C.F.R. § 214.2(f)(6), a full course of study for a foreign citizen studying a language or other non-vocational training program under an F-1 visa (an "F-1 student") requires eighteen (18) clock hours of attendance per week, assuming the dominant portion of the course consists of classroom instruction. Significantly, when a

2. Under 8 U.S.C. § 1101 (a)(15)(F)(i), an F-1 student (*i.e.*, a non-immigrant alien admitted to the United States on a temporary basis to pursue a course of study) is defined as follows: "an alien having a residence in a foreign country which he has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study consistent with section 1184(l) of this title at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in an accredited language training program in the United States, particularly designated by him and approved by the Attorney General after consultation with the Secretary of Education. . . ."

3. Certain F-1 students (identified as "Border Crossing" students from Mexico or Canada who attend a school within 75 miles of a land border) may be admitted to the United States until a date certain, rather than for duration of status. *See*, 8 C.F.R. § 214.2(f)(18). None of the foreign individuals associated with this investigation were the recipient of a "Border Crossing" F-1 visa.

foreign citizen stops pursuing a full course of study, the duration of status on his or her F-1 visa ends and the temporary period for which the individual was admitted to the United States expires.

d. To obtain an F-1 visa, a foreign citizen must first apply to study at a school within the United States that has been certified by the SEVP to enroll and train foreign students. If accepted, the school will provide the foreign citizen with a "Certificate of Eligibility for Nonimmigrant (F-1) Student Status - For Academic and Language Students," also known as a Form I-20 A ("Form I-20"). The Form I-20 is required for the foreign citizen to obtain an F-1 visa. By issuing a Form I-20 to a foreign citizen, an SEVP-approved school certifies that the individual: (1) meets all standards of admission for the school based on a review of the student's application, transcripts, proof of financial responsibility, and other records; and (2) has been accepted for, and would be required to pursue, a full course of study.

e. Once a foreign citizen receives a Form I-20, that individual may apply for an F-1 visa. The foreign citizen can then use the F-1 visa and Form I-20 to enter and remain in the United States for the period of time he or she is granted. After a foreign citizen completes his or her course of study, that individual is typically required to depart the United States within 60 days. Conversely, if the foreign student fails to maintain status (*e.g.*, stops attending school, drops below the full course of study without authorization, or works without authorization, etc.), the foreign student must immediately depart the United States.

f. The Student and Exchange Visitor Information System ("SEVIS") is an internet based data system that provides users with access to current information on nonimmigrant foreign citizens, exchange aliens, and their dependents. Each Form I-20 that is issued by a school to a foreign citizen will contain a system-generated identification number. This number is referred to as the "SEVIS ID number." Generally, the SEVIS ID number remains the same as long as the foreign citizen maintains his or her valid, original nonimmigrant status. This number will typically remain the same regardless of any changes or updates made by the school to the foreign citizen's record.

g. Once in the United States, a foreign citizen is generally permitted to transfer from one SEVP-certified school to another, as long as that individual maintains valid F-1 student status and is pursuing a full course of study. To effect such a transfer while maintaining valid status, a foreign citizen must first obtain a school acceptance letter and a SEVIS transfer form from the SEVP-certified school to which the student intends to transfer. The foreign citizen may then transfer to that school, obtain a Form I-20, and remain in the

United States as long as he or she pursues a full course of study at the new SEVP-certified school.⁴

h. In addition to taking a full course of study at an accredited institution, an F-1 student may also seek practical training—which training could include paid employment—that is directly related to the student's major and is considered part of the student's program of study. The two types of practical training available to F-1 students include curricular practical training

4. Every SEVP-approved school must have one Primary Designated School Official ("PDSO") who, among other things, certifies under penalty of perjury on the Form I-20 that the foreign student's application, transcripts, or other records of courses taken, and proof of financial responsibility - including proof that the student has the funds necessary to live and study in the United States without working illegally or suffering from poverty - were received by the school and the student met the qualifications for admission. The PDSO also certifies that the foreign student will be required to pursue a full course of study as defined by the regulations in 8 C.F.R. § 214.2(f)(6). The forgoing certification responsibilities of the PDSO may also be handled by a Designated School Official ("DSO").

SEVP certified schools also are required to maintain up to date and accurate records in SEVIS regarding the foreign students attending the school and are required to input accurately when students have completed their studies so that their immigration status can be terminated. The PDSO (or DSO) is also required to maintain up to date and accurate records in the SEVIS database for status events of foreign students attending their school including, but not limited to: entry/exit data, changes of current United States address (residence), program extensions, employment notifications, changes in program of study, and completion of studies so the student's immigration status can be timely terminated.

Additionally, if a foreign citizen admitted on an F-1 visa to attend an SEVP-certified school has not pursued a full course of study at the school, a PDSO (or DSO) is prohibited from transferring that foreign citizen to another school. Pursuant to 8 C.F.R. § 214.2(8)(i), an F-1 student who was not pursuing a full course of study at the school he or she was last authorized to attend is ineligible for school transfer and must apply for reinstatement, or, in the alternative, may depart the U.S. and return as an initial entry in a new F-1 nonimmigrant status. Once an SEVP-certified school terminates an F-1 student's active status in SEVIS for "Unauthorized Drop Below Full Course of Study," thereby flagging the F-1 student's termination for review by the Department of Homeland Security, SEVP guidance allows the school to then transfer the F-1 student's SEVIS records in *terminated status* to another school. The terminated F-1 student must then file an application for reinstatement of active status with the support of the school the student is transferring to, or depart the United States. Further, an F-1 student who has not been pursuing a full course of study at an SEVP-certified school cannot be transferred to another school unless and until his or her active status has been terminated in SEVIS.

("CPT") and optional practical training ("OPT"). If approved by the PDSO (or DSO), an F-1 student may obtain a new Form I-20 indicating that he or she has been approved for either CPT or OPT. Generally, therefore, as long as an F-1 student has been properly enrolled at an SEVP certified school, has taken classes and earned credits, and has made academic progress toward graduation, that F-1 student may have the opportunity to work full or part-time CPT or OPT, in addition to taking classes.⁵

Defendant SHEN's Criminal Activities

5. On or about October 28, 2013, SHEN sent an e-mail solicitation to School officials wherein SHEN offered her services as a recruiting agent for purported foreign students. On or about November 7, 2013, SHEN left a recorded voicemail for School personnel indicating that she had at least 50 students whom she was prepared to transfer to the School.

6. Over the course of the next several weeks, and in response to SHEN's inquiries, UC-1 and SHEN engaged in several consensually recorded telephone conversations and in-person meetings to negotiate the terms of SHEN's proffered recruiting services.

7. Based on those discussions, and beginning in or about November 2013, SHEN facilitated the enrollment of foreign students at the School, knowing that the individuals she recruited were not bona fide students and had no intention of attending classes or earning credits at the School. In exchange for receiving a Form I-20 from the School and being reported in SEVIS as a legitimate foreign student, SHEN's recruits would make "tuition" payments to the School that corresponded to the length of time that the purported foreign students were enrolled. For each foreign student referred by SHEN and

5. Practical training may be authorized to an F-1 student who has been lawfully enrolled on a full time basis, in a SEVP-certified institution, for one full academic year. CPT is more specifically defined as an alternative work/study, internship, cooperative education, or any other type of required internship or practicum that is offered by sponsoring employers through cooperative agreements with a given SEVP-certified institution. An F-1 student may be authorized by the PDSO (or DSO) to participate in a CPT program that is an integral part of an established curriculum. A student may begin CPT only after receiving his or her Form I-20 with the PDSO (or DSO) endorsement. A student may be authorized 12 months of practical training, and becomes eligible for another 12 months of practical training when he or she changes to a higher educational level. Exceptions to the one academic year requirement prior to obtaining CPT approval are provided for students enrolled in graduate studies that require immediate participation in curricular practical training. See 8 C.F.R. § 214.2 (10).

subsequently enrolled at the School, UC-1 would pay SHEN a percentage of the foreign student's tuition payments as commission for SHEN's recruiting services.

8. The Forms I-20 that SHEN caused the School to issue to SHEN's recruits were falsely made and procured by fraud because the purported foreign students had no intention of pursuing an actual course of study. SHEN knew the Forms I-20 were fraudulent because her recruits would not be attending any classes at the School or earning credits towards a degree in a legitimate course of study in an established curriculum; indeed, the Forms I-20 were procured by SHEN to fraudulently maintain her foreign recruits' immigration and work status in the United States. SHEN routinely advised foreign recruits that their enrollment at the School was contingent on the understanding that students would not attend classes or obtain any actual educational benefits. For example, on or about December 2, 2013, SHEN engaged in a consensually recorded telephone conversation with UC-1. The following conversation ensued, in substance and in part:

UC-1: I just want to make sure from you, that they [the foreign students seeking student visas] know, that they're not going to be sitting in a . . . introduction to pottery class or anything like that. . . . They're [the foreign students] basically just gonna be, you know, they're not going to be attending or anything

SHEN: Yes, I told them already, yeah. . .

UC-1: Okay, and they're okay with it?

SHEN: Yeah, they're okay with it.

The majority of individuals referred by SHEN enrolled at the School in an effort to falsely obtain and extend CPT eligibility so that those individuals could continue to reside and work in the United States in contravention of U.S. immigration laws. Once SHEN referred an alien to the School, SHEN followed up with School personnel via e-mail to track the status of the issuance of relevant immigration documents, including Forms I-20 and CPT documentation, for her recruits.

9. On or about December 6, 2013, UC-1 met with SHEN at a location in Queens, New York, and engaged in a consensually video-taped and audio-recorded meeting. The matters discussed at this meeting included SHEN's ongoing recruiting services for the School, payment for those fraudulent services, SHEN's referral methods, and SHEN's suggestions to help the School operate in a manner that would not raise the suspicion of immigration authorities. Specifically, SHEN informed UC-1 that she had been working as an

"International Student Counselor" for a purported educational institution in New York for the last seven years. As a result of that position, SHEN explained that she had access to hundreds of potential foreign citizens who were interested in transferring to the School in order to maintain their F-1 student status for continued employment authorization in the U.S. In an effort to evade scrutiny by immigration officials, SHEN advised UC-1 that it would be beneficial for the School to establish phony classrooms and attendance sheets for purported foreign students. Specifically, because of the heightened concerns about terrorism, SHEN stated that "immigration [was] very serious right now for attendance . . . [t]hey are tracking students what they're doing . . . [r]ight now, after Boston bombing⁶ that [it is] really serious to go watch all those schools for the student attendance because they don't wanna have some student they cannot check. . . ." Additionally at this meeting, and captured on video, SHEN accepted a cash payment from UC-1 in the amount of \$3,600, which represented commission fees for a number of foreign students SHEN had fraudulently recruited for the School in the past few weeks.

10. As described above, SHEN requested that the School create fake classes and attendance sheets for purported foreign students. Thereafter, SHEN directed her co-conspirators, namely, her recruits, to go to the School for the sole purpose of signing false attendance sheets for classes they never attended. For example, on or about April 14, 2014, CC-1 arrived at the School and met UC-2. Thereafter, the following conversation ensued, in substance and in part, between UC-2 and CC-1 (one of Shen's recruits who had fraudulently obtained a student visa):

UC-2: Oh you're coming in for . . . [SHEN]?

CC-1: Right

* * * *

UC-2: What did [SHEN] tell you? You just have to send the attendance sheet, I don't know if she told you.

CC-1: . . . [S]he [SHEN] just said, she just said I need to sign doc . . . documents.

UC-2: Okay, yeah, to show that you're attending class. . . . For, to maintain your CPT, you know.

6. Your Affiant has interpreted "Boston bombing" as a reference to the April 15, 2013, bombing incident at the Boston Marathon in Boston, Massachusetts.

CC-1: Right.

UC-2: You have to show you're in class. So I just need you to fill this out

* * * *

UC-2: [I]f you could just sign and actually I'm going to try to get you to *use a different color pens [sic] [chuckles] and just sign for the whole year.* I have it on the tenth of every month saying that you and I met and then you . . . have been attending class and everything. . . .
(emphasis added).

In furtherance of the scheme, CC-1 signed the attendance sheets, in different color pens, falsely representing that CC-1 had attended classes for the whole year.

11. On or about February 27, 2014, SHEN and another individual (CC-2) met with UC-1 at the School. At this consensually videotaped and audio-recorded meeting, UC-1 provided SHEN with a cash payment of \$4,500, which payment represented commission fees for a number of foreign students SHEN had fraudulently recruited for the School in the preceding weeks. Additionally, SHEN introduced CC-2 to UC-1 for the purpose of enlisting CC-2's aid in SHEN's ongoing illicit recruitment of purported foreign students. During the meeting, UC-1 confirmed the terms of the existing business relationship with SHEN, detailing the fact that in exchange for a "tuition" fee, each of the foreign citizens would receive the necessary documentation for those individuals to maintain nonimmigrant status and obtain employment authorization to remain in the United States, without actually having to attend any classes. For each purported foreign student referred by SHEN and CC-2, UC-1 confirmed - and SHEN and CC-2 agreed - that SHEN and CC-2 would receive a portion of the "tuition" fees paid to the School as a commission for their recruiting services.

12. In certain instances, purported foreign students referred by SHEN would visit the School to make "tuition" payments and to pick up fraudulent immigration related documents. For example, on or about July 17, 2014, SHEN contacted UC-2 and engaged in a consensually recorded conversation. During that discussion, SHEN advised UC-2 that one of SHEN's recruits (CC-3) planned to visit the School later that day to make a "tuition" payment and to pick up her Form I-20. Shortly thereafter, CC-3 arrived at the School. During a consensually videotaped and audio-recorded meeting with UC-2, CC-3 indicated that SHEN advised CC-3 to visit the School to make a cash payment. Consistent with the scheme to fraudulently obtain student visas, CC-3 further

confirmed that SHEN advised CC-3 that CC-3 did not have to attend classes at the School to receive a Form I-20 or CPT authorization. CC-3 paid UC-2 an initial deposit of \$3,000 toward CC-3's total "tuition" fee of \$6,000; upon payment of this fee, UC-2 provided CC-3 with a fraudulent Form I-20 and CPT authorization for twelve months. In truth and in fact, the Form I-20 was fraudulently obtained because the foreign student did not actually attend classes at the School, did not have an actual major course of study, and did not actually earn credits or make any academic progress toward graduation. Following CC-3's visit, SHEN travelled to the School and met with UC-1 and UC-2. During this consensually videotaped and audio-recording meeting, SHEN asked if CC-3 had visited the School, and whether CC-3 paid the requisite deposit to receive a Form I-20. Accordingly, this conversation is an indication to Your Affiant that CC-3 was, in fact, one of SHEN's recruits. Furthermore, SHEN confirmed that, with regard to each purported foreign student she referred to the School, *she advised "all my students [that] if somebody (meaning an immigration official) ask you guys taking a class, no matter what it's a yes."* (emphasis added).

13. In addition to her initial referral of purported foreign students to the School, SHEN also helped and participated in fraudulently maintaining those individuals' F-1 student status by ensuring that her recruits did not pursue a course of study at a single school for an inordinate period of time. Specifically, a number of the foreign citizens referred by SHEN to the School received CPT authorization for twelve months but were interested in extending the length of that authorization. In an effort to fraudulently extend CPT for her recruits, SHEN contacted UC-2 on or about May 27, 2014, and engaged in a consensually recorded conversation. During this conversation, UC-2 and SHEN agreed that SHEN's recruits could be "graduated out" of their current fake curriculum and be enrolled in a fictitious doctorate program, thereby falsely creating the impression that the students were properly advancing in their academic careers. Under this scenario, SHEN's recruits could continue to receive CPT authorization and falsely remain in the United States.

14. During the course of SHEN's recruiting efforts, she consistently made recommendations for UC-1 and UC-2 to institute security protocols at the School designed to thwart potential scrutiny by immigration officials. These suggestions included the creation of fake attendance records and transcripts, as described above, which suggestions were intended to deceive immigration authorities about the validity of the foreign recruits' F-1 student status. Additionally, SHEN advised School personnel (acting in an undercover capacity) about activities and policies at other purported educational institutions that the School should avoid. For example, on or about June 6, 2014, SHEN contacted UC-2 to discuss recent events at a New York based technical school called

Micropower Career Institute ("Micropower").⁷ During a consensually recorded conversation, SHEN inquired whether UC-1 and UC-2 were aware of recent media reports regarding a federal law enforcement investigation of Micropower, resulting in charges alleging that several administrators were engaged in fraud by issuing phony student visas to individuals who were not real students, but rather undocumented immigrants who paid the school to be listed as students. During this conversation, SHEN indicated that a number of her recruits were nervous as a result of the Micropower investigation. SHEN reiterated her prior requests for UC-1 to maintain false attendance records for the purported foreign students and also recommended that UC-1 should arrange a fake class at least once per month whereby her recruits could physically visit the School and sign attendance sheets. Further, SHEN advised UC-2 that the School should avoid accepting any purported transfer students from Micropower, stating, "another thing I want to just inform you . . . don't accept a lot of students if they come from a trouble school . . . you guys will become [the] next target."

15. In addition to Forms I-20, SHEN used the School to obtain a number of false and fraudulent documents for her clients, including fake academic transcripts, diplomas, and other education records, which were intended to deceive U.S. immigration officials and to unlawfully obtain visa documents. For example, by e-mail dated on or about September 24, 2015, SHEN and an associate contacted UC-1 to discuss documents they wanted to obtain for one of SHEN's School recruits ("CC-4"). Specifically, UC-1 was informed that an H1-B visa⁸ application had been filed on CC-4's behalf, and that U.S. immigration

7. On May 29, 2014, federal authorities arrested five individuals associated with the Micropower Career Institute, a for-profit school with five campuses in New York and New Jersey, and the Institute for Health Education, a for-profit school located in New Jersey. The individuals were charged by a criminal complaint alleging numerous offenses, including student visa fraud and wire fraud, for their participation in a scheme to fraudulently represent that their for-profit schools were complying with immigration and financial aid regulations.

8. An H-1B visa permits an alien to work in the United States subject to certain requirements. Generally, the program allows businesses in the United States to employ foreign workers with specialized or technical expertise in a particular field such as accounting, engineering, or computer science. Before hiring a foreign worker under the Program, the employer must first obtain approval from the United States Department of Labor ("DOL") and the U.S. Citizenship and Immigration Services ("USCIS") to hire a specific individual. This approval is obtained, in part, by filing a "Petition for a Nonimmigrant Worker, Form I-129," (commonly referred to as an H1-B visa), and paying certain fees. In this petition, the employer is required to truthfully provide biographical information regarding the specific foreign worker to be employed, including job title, the specific type of position for which the worker is hired, work location, pay rate, dates of intended employment, and whether the position is full-time.

officials had requested additional information for CC-4's file (this request is commonly referred to as a "request for evidence," or "RFE").⁹ By e-mail dated on or about September 30, 2015, UC-1 sent SHEN a number of blank, or "template," documents that SHEN could use for her RFE response to USCIS. The template documents provided by UC-1 included the following, among others: (i) a blank School transcript; (ii) a receipt evidencing purported fees paid by CC-4 for School tuition; and (iii) a letter from the School to USCIS purporting to document CC-4's School enrollment, major course of study, and CPT work authorization. UC-1 further advised SHEN that the cost for providing the false documents was \$620. These false documents were requested to trick USCIS into believing that SHEN's client (CC-4) was lawfully enrolled in the School and had lawful status in an effort to induce USCIS to convert CC-4's F-1 status into an H1-B status (which H1-B status can later be changed into lawful permanent resident status). Subsequently, by e-mail dated on or about November 5, 2015, SHEN and her associate informed UC-1 that CC-4 had approved the draft RFE documents they prepared using the templates they received from UC-1. Additionally, UC-1 was asked to review and sign the RFE documents, including a false transcript with CC-4's name, student identification number, major and minor course of studies, number of credits, GPA, and classes attended at the School over the previous two years. UC-1 was also asked to provide one copy of the signed documents via e-mail, and to mail the original, signed copy of the documents to SHEN's office. By e-mail dated on or about November 11, 2015, UC-1 provided SHEN with copies of the signed RFE documents; the original signed documents were thereafter mailed via Federal Express to SHEN's office in New York. After paying for and receiving the signed false documents from UC-1, SHEN facilitated USCIS's receipt of the fraudulent RFE documents. Law enforcement agents' review of official records maintained by USCIS has confirmed that the false School documents obtained by SHEN were, in fact, submitted to U.S. immigration authorities in support of CC-4's H1-B application.

The petition is signed under penalty of perjury, and the employer must certify that the information submitted is true and correct. Ultimately, if USCIS approves this petition (and assuming the foreign worker is already lawfully in the U.S.), then the foreign worker's immigration status can be adjusted without the worker having to leave the country.

9. The USCIS periodically issues a RFE in connection with its review of various immigration petitions. As it applies to the instant investigation, documents typically provided by a petitioner in response to a RFE include, among others, proof of enrollment and payment of tuition, student identification cards, student transcripts and attendance records, proof of CPT work authorization and cooperative employer-student agreements, diplomas, and other education-related materials.

16. From in or about November 2013 through in or about March 2016, SHEN recruited and referred approximately 150 foreign individuals to the School. SHEN received approximately \$164,775 as commission payments for her fraudulent services, including cash payments accepted by SHEN during consensually videotaped and audio-recorded meetings with the UC. As directed by SHEN, other payments were made in the form of deposits by the UC's to bank accounts held by SHEN at several banks with branch locations New Jersey.