
United States District Court
District of New Jersey

UNITED STATES OF AMERICA

: Hon. Steven C. Mannion

v.

: Magistrate No.: 16-6044 (SCM)

**NARENDRA SINGH PLAHA,
SANJEEV SUKHIJA, and
HARPREET SACHDEVA**

: Criminal Complaint

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 July 2014 through in or about March 2016, in Union County, in the District of New Jersey, and elsewhere, defendants

**NAREND SINGH PLAHA,
SANJEEV SUKHIJA, and
HARPREET SACHDEVA**

did knowingly and intentionally conspire and agree with each other and 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 defendants 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 April 2014 through in or about March 2016, in Union County, in the District of New Jersey, and elsewhere, defendants

**NAREND SINGH PLAHA,
SANJEEV SUKHIJA, and
HARPREET SACHDEVA**

did knowingly and intentionally conspire and agree with each other and 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 warrants, 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 Defendants and Other Parties

1. At all times relevant to this Criminal Complaint:

a. Defendant NAREND SINGH PLAHA (hereafter, "PLAHA") was a naturalized U.S. citizen who was born in India. PLAHA resided in Hillsborough, New Jersey, and was the president of Right OPT, a purported international student recruiting and consulting company located in Somerset, New Jersey. PLAHA was also the president and director of Platys Group LLC and Ikkon Group, two purported information technology and outsourcing companies that shared the same physical address at Right OPT (the various companies used by PLAHA and his co-conspirators during the relevant time period of this investigation are sometimes collectively referred to as the "Network").

b. Defendant SANJEEV SUKHIJA (hereafter, "SUKHIJA") was a citizen of India and present in the United States based on a foreign worker visa. SUKHIJA resided in North Brunswick, New Jersey, and was a business development manager for Right OPT.

c. Defendant HARPREET SACHDEVA (hereafter, "SACHDEVA") was a citizen of India and present in the United States based on a foreign worker visa. SACHDEVA resided in Somerset, New Jersey, and was a business development, marketing, and operations manager for Right OPT.

d. A federal agent was acting in an undercover capacity (hereinafter "UC-1").

e. A federal agent was acting in an undercover capacity (hereinafter "UC-2").

f. 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.

g. A co-conspirator not named as a defendant herein was a foreign citizen who fraudulently maintained student visa status through PLAHA, SUKHIJA, and SACHDEVA (hereinafter "CC-1").

h. A co-conspirator not named as a defendant herein was a foreign citizen who fraudulently maintained student visa status through PLAHA, SUKHIJA, and SACHDEVA (hereinafter "CC-2").

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 defendants PLAHA, SUKHIJA, and SACHDEVA enabled numerous foreign individuals to fraudulently maintain non-immigrant 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, PLAHA, SUKHIJA, and SACHDEVA had 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. Rather, PLAHA, SUKHIJA, and SACHDEVA fraudulently maintained student visa status and obtained work authorization for foreign individuals, who were then outsourced by the Network as information technology ("IT") consultants with various businesses in the U.S. Additionally, PLAHA and SACHDEVA facilitated the creation of false student records, including transcripts, for some of the purported 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, university, seminary, conservatory, academic high school, or other academic institution, or for English language training (commonly referred to as "ESL"³), 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.⁴ Pursuant to 8 C.F.R. §

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. One area of study available to F-1 students includes English language training, or ESL, courses. In order to pursue ESL studies, an F-1 student must enroll in an SEVP-certified English language training program. ESL students are not eligible for online or distance education, as all training must take place in a classroom (or computer lab) setting for a minimum of eighteen (18) hour per week. A foreign citizen who is granted an F-1 visa to participate in an ESL program may not obtain work authorization.

4. 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

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 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, 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.

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.

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.⁵

5. 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.

h. In addition to taking a full course of study at an accredited institution, a non-ESL, F-1 student may also seek practical training – which 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 non-ESL, F-1 students include curricular practical training ("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.⁶

The Defendants' Criminal Activities

5. In or about July 2013, SUKHIJA contacted the School to discuss potential recruiting and placement opportunities for international students. Over the course of the next few weeks, HSI undercover officers engaged in several consensually recorded telephone conversations, audio and video recorded in-person meetings, and e-mail correspondence with PLAHA and SUKHIJA to negotiate the terms of the Network's proffered recruiting services.

6. For example, on or about July 23, 2014, SUKHIJA traveled to the School and met with UC-1. During this consensually recorded meeting (audio and video), SUKHIJA explained that he was affiliated with Right OPT, a New Jersey-based agency that sought to place foreign individuals, predominantly from India, with U.S.-based colleges and corporations for a fee. According to SUKHIJA, Right OPT was a "one stop shop for international students" whose mission was to assist foreign students "find ways to get here to this country [i.e.,

6. 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).

the United States]. . . .” SUKHIJA explained that Right OPT was interested in recruiting potential foreign students from India to the School. Additionally, SUKHIJA explained that several of the Network’s recruits were foreign individuals with F-1 student visas who wanted to transfer to the School to obtain full-time work authorization without having to attend classes. As part of this discussion, the following conversation ensued:

UC-1: So what we do is, we’re able to manipulate the system. Uh, I control SEVIS so I kind of put in there whatever I want. We get the attendance done, we get the grades in, we have the transcripts, we have diplomas, we have the whole nine yards. As long as they pay for it. ***It’s pay for status. That’s what it is.*** (emphasis added).

SUKHIJA: Actually, actually that’s better.

UC-1: So we could do that.

SUKHIJA: Right.

7. On or about August 6, 2014, UC-1 and UC-2 met with PLAHA and SUKHIJA at a location in New Jersey and engaged in a consensually recorded conversation. The matters discussed at this meeting included, among others, the Network’s proffered recruiting services for the School, payment for those fraudulent services, and the Network’s referral methods. Ultimately, PLAHA and SUKHIJA negotiated an agreement with UC-1 and UC-2 whereby the School would accept “tuition” payments from Right OPT’s recruits. In return, the purported foreign students would receive full-time work authorization through CPT, but would not be required to attend any actual classes or make any progress toward a legitimate course of study. This illicit arrangement provided PLAHA the ability – through Platys Group LLC and Ikkon Group - to outsource these foreign workers to U.S.-based corporations for profit. During this conversation, the following conversation ensued, in part:

SUKHIJA: These people that we give to you, they will be 100 percent. . . .

UC-2: And then they’re under you, so they...

UC-1: Are they, are they gonna work for your company?

PLAHA: Yes.

SUKHIJA: Yes.

UC-1: And they're already placed with a client?

PLAHA: Right.

UC-1: So you're, like we talked before, you're making the money on the placement, filling the [job] for the client.

PLAHA: Right.

UC-1: ***[I]t's pay for status, it's pay to work, that's, that's what it is*** (Emphasis added).

SUKHIJA: [t]he ones we've reviewed are for sure, sure they're joining us. So we're getting business from them. That's for sure...

PLAHA: So also from the perspective of these people . . . some will work . . . we do a lot of . . . some of them we train. . . .

Further, PLAHA and SUKHIJA asked UC-1 and UC-2 about the precautions taken by the School to prevent detection by law enforcement and immigration officials of the School's ongoing illicit operations. As part of this discussion, the following conversation ensued:

UC-1: We just need to make sure that when they [*i.e.*, the purported foreign students] come over here it's just for the same kind of program we have . . . we'll have the transcripts, we'll have degrees . . . it'll look good. I mean, it'll look real good.

SUKHIJA: So now, here's my question. See, here is what happens. Now, when we talk to students, right, they want to come here. But the first thing that happens, first question they have, is "What is the safety of this college?" What they are seeing at [the School], I'm sorry, uh, Virginia, you are part of those three?

UC-1: At the school in Virginia?

SUKHIJA: University of Virginia, Northern

UC-1: University of Northern Virginia?

UC-2: Northern Virginia.⁷

SUKHIJA: And there's one in California, something that happened right? So they wanna be safe, uh tomorrow, like . . . kind of, they want to be safe. Have we taken precaution for those things? If something goes wrong tomorrow, how, how are you going to be safe or not?

UC-1: Let me tell you about the precautions I have in place and maybe this will put your, your mind at ease. . . .

UC-2: you have to keep a good standing, basically....like, for instance, we have all of our students , the attendance sheets, so that we can ensure, like if anybody asks us for attendance sheets, that we can produce these, we have [them] completed, they sign them, you know, so we're covered that way.

SUKHIJA: Okay.

PLAHA: Yeah.

UC-2: We do a lot of things like that just even on, like within the admissions process. We have them [*i.e.*, the purported foreign students] provide all the documents, ***even though we don't really need them***, just to have them in their file and be able to show that, you know, we're looking at the [test] scores and things like that. (emphasis added).

8. Based on the foregoing discussions, PLAHA, SUKHIJA, and SACHDEVA facilitated the enrollment of dozens of purported foreign students at the School despite knowing that the individuals they referred were not bona fide students and had no intention of attending classes or earning credits at the School.⁸ Once PLAHA, SUKHIJA, and SACHDEVA referred an alien to the

7. Your Affiant has interpreted SUKHIJA's reference to the University of Northern Virginia ("UNV") as relating to the closure of a "pay to stay" visa mill in Annandale, Virginia, in July 2013. In or about 2011, UNV (which had been stripped of its accreditation in 2008 and which provided no legitimate academic curriculum) was alleged to have procured dozens of false visas on behalf of purported foreign students.

8. From in or about August 2014 through in or about March 2016, the Network recruited and referred approximately 45 foreign individuals to the School, and collected thousands of dollars in referral fees as a result of their illicit activities.

School, the defendants routinely followed up with School personnel via telephone and e-mail to track the status of the issuance of relevant immigration documents, including Forms I-20 and CPT documentation, for their recruits. The Forms I-20 that PLAHA, SUKHIJA, and SACHDEVA caused the School to issue to their recruits were falsely made and procured by fraud. As stated, PLAHA, SUKHIJA, and SACHDEVA knew the Forms I-20 were fraudulent because their recruits would not be attending any real classes at the School, would not be earning real credits, and would not be making any academic progress toward a legitimate degree in an established curriculum. The Forms I-20 were procured by PLAHA, SUKHIJA, and SACHDEVA to fraudulently maintain their foreign recruits' immigration and work status in the United States, which they in turn capitalized on by outsourcing those recruits to various U.S. corporations for profit.

9. On or about March 24, 2015, PLAHA and SACHDEVA contacted UC-1 by telephone and engaged in a consensually recorded conversation. During this conference call, PLAHA informed UC-1 that SACHDEVA wanted to enroll in the School to obtain a Form I-20 and CPT work authorization so that SACHDEVA could continue to work full-time for PLAHA at Right OPT. According to PLAHA, SACHDEVA had been working at Right OPT – and more specifically, with SUKHIJA – for the past several months in connection with the Network's illicit recruitment efforts for the School. In response, UC-1 stated, in part, "You've explained to him the situation, right? He knows that this is just to maintain status. He knows he's not gonna learn anything, it's not about education. You explained this to him, right?" PLAHA replied, "[r]ight, he's my trusted guy." Thereafter, by e-mail dated on or about March 30, 2015, UC-1 contacted PLAHA and informed him that the School would waive the agreed-upon "tuition" fee for SACHDEVA's enrollment. Specifically, UC-1 stated, in part, "I am not going to charge you for him since he is working with you getting us business . . . as long as he knows the deal and works with us to get the right type of client (student). . . ." The following day, SACHDEVA sent an e-mail to UC-1 and acknowledged his role with the Network. SACHDEVA stated, in part "Narendra [*i.e.*, PLAHA] has explained me everything and I will play accordingly." Subsequently, on or about June 24, 2015, PLAHA and SACHDEVA met with UC-1 at the School and engaged in a consensually recorded conversation. The matters discussed at this meeting included, among others, the Network's ongoing recruiting services for the School, and the Network's continuing efforts to fraudulently maintain student visa status for its clients. As part of this conversation, SACHDEVA inquired whether UC-1 could extend CPT status for several of Right OPT's purported foreign students. In response, the following discussion ensued, in part:

UC-1: So normally what we would require is a letter to show that they're gonna have a job. At the end of the day, I don't necessarily care. ***These are not real students. This is just to maintain status and such. We're all in agreement on that.*** Just give me the information so I could put it in the system, so my record would look good. It's always preferable if I do have a letter just because my file then looks good. So if anyone ever comes in and does an inspection or somebody shows up about it, a person, my files always look good. That's something I take pride in. See, this is all here, this [*i.e.*, the School] is all making the files look good. (emphasis added).

SACHDEVA: Okay.

PLAHA: Right. Good.

UC-1: As long as I can manipulate the system any way I want, we could do whatever we want. We're able to circumvent CIS [*i.e.*, USCIS]. That's the nice part about this. That's how we're able to kind of do this kind of stuff. But yes, it's, it's pretty much the practice of, of the way things are. And we do a very good job of, of kind of backstopping ourselves in a way to make sure that if somebody does come to look at our files, whether it be an inspection or an audit or somebody makes a complaint, everything looks good, we never have a problem.

SACHDEVA: I think that's the major thing that we need to take care of, right?

UC-1: Yes. Yeah, to make sure . . . nobody wants to go to jail over this, right?

SACHDEVA: No, I know. I'm 100 percent with you. Like, I'll provide you with each and every paper support that you need.

10. In addition to Forms I-20, PLAHA and SACHDEVA used the School to obtain a number of false and fraudulent documents for their 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. In certain instances, PLAHA and SACHDEVA sought the School's assistance in obtaining false documents that could be used in connection with

H1-B visa⁹ applications submitted on behalf of the Network's recruits. Typically, in response to these applications, U.S. immigration officials often requested additional information to properly consider the visa filing (this request is commonly referred to as a "request for evidence," or "RFE").¹⁰ In order to assist PLAHA and SACHDEVA in this endeavor, by e-mail dated June 24, 2015, UC-1 sent them a number of blank, or "template," documents that PLAHA and SACHDEVA could use for their RFE responses to USCIS. The documents provided by UC-1 included the following, among others: (i) a blank School transcript; (ii) a receipt evidencing purported fees paid by a given recruit for School tuition; (iii) a letter from the School to USCIS purporting to document the recruit's School enrollment, major course of study, and CPT work authorization; and (iv) a blank "Student Attendance Record," purporting to show CPT sessions with a fake professor. UC-1 further advised PLAHA and SACHDEVA that the cost for preparing the false RFE documents for each recruit was \$620.

11. PLAHA and SACHDEVA used the RFE template documents provided by UC-1 on numerous occasions. For example, by e-mail dated on or about November 30, 2015, PLAHA informed UC-1 that an H1-B visa application had been submitted on behalf of one of the Network's recruits ("CC-1"). PLAHA

9. 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. 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.

10. The USCIS periodically issues a request for evidence ("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.

stated, in part, "We will be needing RFE paper set for [CC-1] whose response is due in a week time for the H1-B. Harry [i.e., SACHDEVA] will send you the paperwork on that as you requested earlier." Subsequently, by e-mail dated December 10, 2015, SACHDEVA sent PLAHA a set of draft RFE documents for CC-1. Thereafter, by e-mail dated on or about December 14, 2015, PLAHA sent the draft documents to UC-1 and requested his response. The draft RFE documents prepared by SACHDEVA and PLAHA included a fake student identification card with CC-1's photograph, as well as a false transcript with CC-1's name, student identification number, major course of study, number of credits, GPA, and classes attended at the School over the previous two semesters. These false documents were requested to trick USCIS into believing that CC-1 was lawfully enrolled in the School and had lawful status in an effort to induce USCIS to convert CC-1'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 January 17, 2016, UC-1 supplied final copies of the RFE documents to PLAHA and SACHDEVA and further informed the Defendants that original copies of the documents had been mailed to their office in Somerset, New Jersey. After paying for and receiving the signed false documents from UC-1, PLAHA and SACHDEVA 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 PLAHA and SACHDEVA were, in fact, submitted to U.S. immigration authorities in support of CC-1's H1-B application.