
United States District Court
District of New Jersey

UNITED STATES OF AMERICA

: Hon. Steven C. Mannion

v.

: Magistrate No.: 16-6038 (SCM)

TING XUE,

a/k/a "Tiffany Xue," and

YANJUN LIN,

a/k/a "Aimee Lin"

: Amended 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,

April 4
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 May 2014 through in or about March 2016, in Union County, in the District of New Jersey, and elsewhere, defendants

TING XUE,
a/k/a “Tiffany Xue,” and
YANJUN LIN,
a/k/a “Aimee Lin”

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

TING XUE,
a/k/a “Tiffany Xue,” and
YANJUN LIN,
a/k/a “Aimee Lin”

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 TING XUE, a/k/a Tiffany Xue ("XUE"), was a naturalized United States citizen, residing in Flushing, New York. XUE was the registered agent and primary point of contact for US Quickly Consulting Center, Inc. ("US Quickly"), a purported professional continuing education business and consulting organization with office in Flushing, New York, and El Monte, California. XUE advertised US Quickly's services on various Chinese language online discussion forums, representing its ability to indefinitely extend its clients' student visa status.

b. Defendant YANJUN LIN, a/k/a Aimee Lin ("LIN"), was a Chinese national who recently enlisted in the United States Army. LIN is currently stationed in Washington. LIN worked for US Quickly and registered the US Quickly website in her name on or about February 26, 2014. LIN advertised US Quickly's services on various Chinese language online discussion forums, representing its ability to indefinitely extend its clients' student visa status.

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

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

e. 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.

f. A co-conspirator not named as a defendant herein was a foreign citizen who fraudulently maintained student visa status through XUE and LIN (hereinafter "CC-1").

Summary 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 XUE and LIN 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, XUE and LIN, 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 they believed were co-schemers. Additionally, XUE and LIN facilitated the creation of false student records, including transcripts, for some of the foreign students for the purpose of deceiving immigration authorities.

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

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

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. § 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.

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 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.

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.

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

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

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.

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,

The Defendants' Criminal Activities

5. Beginning in or about May 2014, LIN solicited School officials to ascertain potential recruiting opportunities. Specifically, on or about May 28, 2014, LIN contacted UC-1 by telephone and engaged in a consensually recorded conversation. During this call, LIN explained that she was a recruiting agent and wanted to know whether the School provided CPT work authorization on a student's first day of enrollment at the School. LIN stated, in part, "I wanna make sure that our student [sic] don't need to go to school. They can work full-time." After UC-1 confirmed that the School would provide the authorization, LIN discussed her receipt of potential commission payments from the School in exchange for her referral of purported foreign students. LIN further indicated that she was interested in doing business with the School.

6. Over the course of the next few weeks, and in response to XUE's and LIN's inquiries, UC-1 engaged in several consensually recorded telephone conversations and in-person meetings with XUE and LIN (collectively, the "Defendants") to discuss the Defendants' proffered recruiting services. For example, days after LIN's first call to the School, on or about June 2, 2014, LIN met with UC-1 and UC-2 at the School and engaged in a consensually recorded conversation. At this meeting, LIN sought verification of the School's ability to provide immigration benefits to her recruits, such as Forms I-20, and inquired whether any of the School's other purported foreign students had experienced problems with immigration officials. LIN also asked UC-1 whether the School was able to provide diplomas to its students, whether those diplomas were recognized by other schools and the United States government, and how much the School charged for the purchase of a diploma. In an effort to ensure the School could withstand potential scrutiny by law enforcement or immigration officials, LIN requested to view the School's SEVIS computer system, as well as its SEVIS accreditation. LIN acknowledged that her recruits would not attend classes at the School, stating, "[n]o, no, they don't wanna go to school." Further, in exchange for her referral of purported foreign students, LIN negotiated the payment of commission payments by the School for her referral of purported foreign students. LIN agreed that she and XUE would charge

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).

their clients “tuition” of \$10,000, and the clients would pay the School directly, in full. Furthermore, seventy percent of the total amount paid by the students would go to the School, and the remaining thirty percent would go to XUE and LIN for the first two months of US Quickly’s business dealings with the School. Additionally, XUE and LIN were to receive \$100 per client from the School as an incentive for their continuing referral of purported foreign students.

7. Based, in part, on the foregoing discussions, the Defendants began to facilitate the enrollment of dozens of foreign students at the School, knowing that the individuals they referred 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, the Defendants’ recruits made “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 the Defendants and subsequently “enrolled” at the School, the Defendants took a percentage of the foreign student’s tuition payments as commission for their recruiting services. Once an alien was referred to the 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 the Defendants caused the School to issue to the Defendants’ recruits were falsely made and procured by fraud. The Defendants knew the Forms I-20 were fraudulent because their recruits would not be attending any classes at the School and would not be making any academic progress toward a legitimate degree in an established curriculum; indeed, the Forms I-20 were procured by the Defendants to fraudulently maintain their foreign recruits’ immigration and work status in the United States. The majority of individuals referred by the Defendants 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.⁷

8. The fraudulent nature of the Defendants’ activities was underscored by their continuing efforts to maximize their commission fees and to obtain fraudulent documents intended to deceive immigration officials. For example, on or about August 11, 2014, XUE met with UC-1 at the School and engaged in a consensually recorded conversation. During this meeting, XUE stated that she routinely withheld from her clients the actual amount of money she received for her School referrals. Specifically, XUE admitted that while her clients paid US Quickly a service fee to facilitate their false enrollment and to obtain fake School related documents, XUE did not reveal the additional

7. From in or about May 2014 through in or about March 2016, XUE and LIN recruited and referred approximately 47 foreign individuals to the School, and collected thousands of dollars in referral fees for their illicit recruiting efforts.

commissions that US Quickly took from the “tuition” prices charged by the School for her clients’ fraudulent enrollment. XUE stated, in part, “if the student come to my office, I already told them, ‘okay, I maybe I just charge you like a couple hundred service fee,’ but you know, I already do other thing for you. The, the student think, ‘oh, this is very cheaper [sic].’ . . . Right? But they don’t know I charge the top of the tuition from the school. Like a commission . . . and I still can get the commission from the, from the both.”

9. Further, in certain instances, XUE used the School to obtain false academic documents on behalf of their recruits. For example, by e-mail dated on or about November 24, 2014, XUE contacted UC-2 and asked for a transcript for a client she had referred to the School. XUE knew that the client was not a legitimate student and never attended a single class at the School. Nevertheless, XUE specified the details that should be included on the false transcript, stating, “[the client] want MBA courses and 12 credits, GPA is 4.0, can you send me the unofficial transcript first, then after I pay you can you send the official one to [the client]. . . .”

10. As previously stated, XUE 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 May 11, 2015, a US Quickly representative contacted the School to advise UC-1 that an H-1B visa⁸ application had been submitted on behalf of one of the Defendants’ School recruits, and that U.S. immigration officials had requested additional information for its review of the file (this request is commonly referred to as a

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. 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.

“request for evidence,” or “RFE”).⁹ US Quickly sought to obtain a number of documents from the School to prepare the RFE response for this client and others, including, among others: (i) a false “official” School transcript; (ii) a fake student identification card; (iii) copies of course syllabi or outlines for the School’s purported degree program; (iv) fake receipts for the purchase of books and school supplies for the client’s period of enrollment at the School; (v) a fake parking pass; and (vi) any other documentary evidence to establish the client’s engagement in a full course of study at the School toward completion of a degree. These documents were needed to disguise the fact this US Quickly’s recruits/clients had not attended any classes or earned any credits toward an actual degree; indeed they were intended to make it appear as if the “students” purported courses of study at the School were legitimate. More specifically, these false documents were requested to trick USCIS into believing that the Defendants’ clients were lawfully enrolled in the School and had lawful status in an effort to induce USCIS to convert the clients’ F-1 status into an H1-B status (which H1-B status can later be changed into lawful permanent resident status). Ten days later, on May 21, 2015, XUE contacted UC-1 by e-mail to request that UC-1 prepare additional H-1B RFE documents, explaining that, “Now we have totally three students [sic] . . . who need to prepare for the H-1B check documents, please give me the evidence as early as you can.” Subsequently, by e-mail dated on or about May 28, 2015, UC-1 sent XUE a number of blank, or “template,” documents that XUE and LIN could use for their various RFE responses to USCIS. These template documents provided by UC-1 included the following, among others: (i) a blank School transcript; (ii) a receipt evidencing purported fees paid by a purported student for School tuition; and (iii) a letter from the School to USCIS purporting to document students’ School enrollment, major course of study, and CPT work authorization. UC-1 further advised XUE that the cost for providing the false documents for each client was \$620.

11. Thereafter, by e-mail dated on or about September 30, 2015, one of US Quickly’s School recruits (“CC-1”) contacted UC-1 to request H-1B RFE reply documents. CC-1 explained that he/she sought to purchase copies of the documents UC-1 had specifically referenced in his May 28, 2015 e-mail to XUE, along with a fake course syllabi, false attendance records, and a letter from the School purporting to document the client’s enrollment. Shortly thereafter, by e-mail dated on or about October 5, 2015, CC-1 sent UC-1 three draft documents - a false School transcript, a false School RFE response letter,

9. 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.

and a false School payment receipt - which CC-1 had edited and claimed to need for the RFE reply. By e-mail dated on or about November 9, 2015, CC-1 again contacted UC-1 to inform him that CC-1 had received RFE documents he/she needed from the School but also requested a fake parking permit, as well as edits to the fake transcript and fake tuition receipt letter. XUE followed up CC-1's request to UC-1 by e-mail dated November 12, 2015, and asked that UC-1 provide the necessary documents as previously requested by CC-1. Finally, by e-mail dated on or about November 15, 2015, UC-1 sent XUE signed copies of CC-1's bogus transcript and receipt. After receiving the signed false and sham documents from UC-1, XUE 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 XUE were, in fact, submitted to U.S. immigration authorities in support of CC-1's H1-B application.

12. On or about March 15, 2016, XUE traveled to the School and met with UC-1 and three undercover law enforcement agents posing as School investors (the "Investors"). During this consensually recorded meeting, XUE and UC-1 discussed opening a School branch in the Los Angeles area to expand the School's pay-to-stay operation for purported foreign students. XUE explained that she would be able to recruit a high volume of "fake" students in Los Angeles and attempted to negotiate an exclusive recruiting contract for the School's potential Los Angeles-area business. In addition to the expansion of XUE's illicit recruiting efforts for the School, XUE also advised UC-1 and the Investors of potentially lucrative opportunities involving the enlistment of foreign nationals in the U.S. Armed Forces. Specifically, XUE discussed her ongoing involvement with the U.S. Army, which involvement included translation and certification services of foreign-language documents submitted by foreign national recruits to military recruiting officials. Further, XUE admitted that she had been recruiting purported international students for military enlistment through the "Military Accessions Vital to the National Interest" ("MAVNI") program.¹⁰ XUE explained that as long as she could maintain a foreign national's F-1 or other immigration status for at least two years, she could help facilitate their enrollment in the MAVNI program. According to XUE, the MAVNI program provided the "fastest path" to U.S. citizenship for her purported foreign student clients. As part of her activities, XUE stated that she charged her foreign national clients a fee of \$2,000 to prepare them to take the "Armed Services Vocational Aptitude Battery"

10. Generally, the Military Accessions Vital to the National Interest ("MAVNI") is a military recruiting program that allows legal non-citizens with in-demand skills to join the military in exchange for expedited U.S. citizenship. Individuals who join the military through this program are able to move from non-immigrant visa or asylee/refugee/Temporary Protected Status (TPS) directly to citizenship. In most cases, participants in the program will become naturalized U.S. citizens by the time they graduate from initial enlistment training, or accept a commission as an officer.

("ASVAB") test, the successful completion of which is a prerequisite for military enlistment and bears on the applicant's selection for certain military occupational specialties.¹¹ XUE claimed she could guarantee that her clients would ultimately pass the ASVAB test because of the nature of her "tutoring" program. However, XUE also admitted that a number of her clients had failed the exam on their first attempt, most likely because of their poor language skills. In particular, XUE advised that many of XUE's purported foreign students did not attain English-language proficiency because their enrollment in U.S.-based learning institutions was to falsely maintain their immigration status and not to actually learn English or pursue a degree in a legitimate course of study.

11. Generally, the Armed Services Vocational Aptitude Battery ("ASVAB") is a series of tests developed by the U.S. Department of Defense and is used by the U.S. Army to determine whether an individual has the requisite mental aptitude to enlist in the military. The ASVAB also helps determine which Military Occupational Specialties (MOS) an individual may be qualified for. The ASVAB is required to enlist in the U.S. Army and is valid for two years. The ASVAB is offered in a computerized version at a Military Entrance Processing Station (MEPS) or in a paper version at various Military Entrance Test (MET) sites around the country, or at high schools and colleges. ASVAB test topics generally include the following: general science; arithmetic reasoning and mathematics knowledge; English-language word knowledge and reading comprehension; electronics, auto, and wood shop knowledge and comprehension; and spatial relationships knowledge and application.