

United States District Court  
District of New Jersey

**UNITED STATES OF AMERICA** : **Hon. Steven C. Mannion**  
**v.** : **Magistrate No.: 16-6042 (SCM)**  
**TEJESH KODALI, and** : **Criminal Complaint**  
**JYOTI PATEL**

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

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

at Newark, New Jersey  
City and State

  
Signature of Judicial Officer

**ATTACHMENT A**

**COUNT ONE**

**(Conspiracy to Commit Visa Fraud)**

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

**TEJESH KODALI, and  
JYOTI PATEL**

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

**TEJESH KODALI, and**  
**JYOTI PATEL**

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 TEJESH KODALI (hereafter, "KODALI") was an Indian national and a lawful permanent resident in the United States, residing in Edison, New Jersey. KODALI was the chief executive officer and managing director of Promatrix Corp., a purported information technology consulting and outsourcing company located in Edison, NJ ("Promatrix").<sup>1</sup>

b. Defendant JYOTI PATEL (hereafter, "PATEL") was a naturalized U.S. citizen who was born in India. PATEL resided in Franklin Park, New Jersey, and was the business development manager of Promatrix.

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").

---

1. During the course of the conspiracy alleged herein (in or about March 2015), KODALI changed his company's name from Promatrix to Blue Cloud Techs Corp. ("Blue Cloud"). However, the day-to-day business operations, personnel, and location of Promatrix/Blue Cloud remained constant after the name change.



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 KODALI and PATEL (hereinafter "CC-1").

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

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

#### 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 KODALI and PATEL enabled numerous foreign individuals to fraudulently maintain non-immigrant status and obtain employment authorization to remain in the United States through student visas obtained on the false pretense that these aliens were participating in full courses of study at an academic institution.<sup>2</sup> In truth and in fact, KODALI and PATEL 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, KODALI and PATEL fraudulently obtained student visas and work authorization for foreign individuals, who were then outsourced by Promatrix as information technology ("IT") consultants with

---

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



various businesses in the U.S. Additionally, KODALI and PATEL facilitated the creation of false student records, including transcripts, for some of the purported 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 intend to enter the United States on a temporary basis, such as for tourism, medical treatment, business, temporary work, or study.<sup>3</sup>

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"<sup>4</sup>), 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," that lasts as long as the foreign citizen is enrolled as a

---

3. 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. . . ."

4. One area of study available to F-1 students includes English language training, or ESL, courses. 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.



full-time student in an approved educational program and making normal progress toward completion of the course of study.<sup>5</sup> 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.

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

---

5. 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.



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.<sup>6</sup>

---

6. 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 accurately input 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



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.<sup>7</sup>

### The Defendants' Criminal Activities

5. On or about April 7, 2014, PATEL contacted the School to discuss potential recruiting and placement opportunities for IT consultants. 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 KODALI and PATEL to negotiate the terms of their company's proffered recruiting services.

---

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.

7. 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).

6. For example, on or about April 9, 2014, KODALI and PATEL traveled to the School and met with UC-1 and UC-2. During this consensually recorded meeting (audio and video), KODALI explained that he was the owner of Promatrix, a New Jersey-based agency that placed foreign IT consultants with several large U.S.-based corporations for a fee. KODALI initially stated that he was interested in recruiting potential IT consultants from the School, whom KODALI and PATEL could then outsource through Promatrix to their U.S. clients. KODALI also inquired whether the School would accept purported foreign transfer students referred by Promatrix. KODALI explained that several of Promatrix's employees were foreign individuals with F-1 student visas who wanted to obtain full-time work authorization without having to attend classes. Through Promatrix, KODALI and PATEL could then outsource these foreign individuals - on a full-time basis - to various U.S.-based corporations for a fee. As part of this discussion, the following conversation ensued:

UC-1: They wanna work? They don't wanna learn anything, meaning your prospective employee, client, whatever? I'm okay with that.

KODALI: Sure.

UC-1: A lot of risk I take, but I'm also getting a reward.

KODALI: Right.

UC-1: I don't want you sending me people who want to, you know, learn. . . . I'm not looking for those kinds of people. . . . if they wanna come here and they wanna just maintain their status, if they want to just be able to work, that's fine. We can give them diplomas, we can give them transcripts, we can do whatever they want on paper, okay? We can make it all look good [i.e., for U.S. immigration officials], believe me, it wouldn't be the first time.

KODALI: Okay, right, sure.

PATEL: Right.

\*\*\*\*

UC-1: [If you have a candidate who is never gonna get an H1B [visa], we can fake the system and just continue to give them CPT because no one's gonna check. . . .



KODALI: Oh, yeah . . . exactly.

PATEL: Right, yeah.

UC-1: . . . . [S]o we can do that indefinitely even though the [CPT] program says only one year we can keep giving. . . I mean, because we've had clients where essentially they have had computer training, they are very good with computers, they barely graduated high school, don't wanna go to college, they just wanna . . . work. So, they're enrolled and we just keep giving it [*i.e.*, CPT] to them, and they're never gonna graduate, ever. But they know that. They know they're never gonna get an H1B [visa].

KODALI: Okay.

\*\*\*\*\*

UC-1: But I think, I think if they [*i.e.*, the purported foreign students] are just wanting to play the game, we can work with that.

PATEL: You can work with that

KODALI: Okay, so, yeah. Okay.

\*\*\*\*\*

UC-2: Yes, when we're very straightforward that way, we don't have any students coming in getting the wrong idea and having to explain to them.

KODALI: Correct. Exactly, yeah.

UC-2: So as long as you're straightforward with the students you send us. . . .

KODALI: Right. That part, we will take care of it. Don't worry.

\*\*\*\*\*

UC-1: So, do you have any clients for me pretty soon?

KODALI: Oh, yeah, we have plenty of clients, actually.

\*\*\*\*

KODALI: [W]e have a few people, you know, like talented people who, you know, like they don't have status, like they were on H4 or like B1.

PATEL: They needed a launch pad. So these people, they're talented, they're qualified, but just to retain them, it's a launch pad. So some of the students that he is talking about they've already finished, now they're using the CPT status, and those are the ones are absorbed but we need more and more [i.e., foreign workers] because we're growing so much, with [i.e., our contract] backed to five million dollars, it's like we're gonna have more and more. This is just an initial start-up.

UC-1: So now, are you looking at, and I'm looking at this from a business perspective, you are making your money based on the placement of the student with the CPT, or do you plan on making money from me?

KODALI: **No, actually we are going to use them for our projects.** (emphasis added).

UC-1: **Okay, so you're making money on the placement of the student.** (emphasis added).

KODALI: **Exactly, yeah.** (emphasis added).

\*\*\*\*

UC-1: But the thing is, I don't need your students telling other people because then it's. . . .

KODALI: No, they will never, don't worry about anything.

PATEL: These are only like selected ones, it's not gonna be with all the people.

KODALI: **They won't even come here** [i.e., the School]. (emphasis added).



UC-1: But a lot of times the clients you have, or I shouldn't say the clients, the students, quote-unquote students you have, talk to each other. Because I've had it happen. . .

KODALI: **No, they are not students actually**, and they will not be [i.e., outsourced] in one location. We will make them in different locations. (emphasis added).

PATEL: Spread them out.

UC-1: Okay.

7. KODALI and PATEL ultimately negotiated an agreement with UC-1 and UC-2 whereby the School would accept "tuition" payments from KODALI and PATEL on behalf of Promatrix 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 KODALI and PATEL the ability – through Promatrix - to outsource these foreign workers to U.S.-based corporations for profit while falsely representing to the United States Government that their foreign workers were lawfully in the country as students.

8. Based on the foregoing discussions, KODALI and PATEL began to facilitate 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.<sup>8</sup> Once KODALI and PATEL referred an alien to the School, KODALI and PATEL routinely followed up with School personnel, acting in an undercover capacity, 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 KODALI and PATEL caused the School to issue to their recruits were falsely made and procured by fraud. KODALI and PATEL 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 any established curriculum. Indeed, the Forms I-20 were procured by KODALI and PATEL to fraudulently maintain their foreign recruits' immigration and work status in the United States, which status they in turn capitalized on by outsourcing those recruits to various U.S. corporations for profit.

---

8. From in or about April 2014 through in or about March 2016, KODALI and PATEL recruited and referred approximately 37 foreign individuals to the School, and collected thousands of dollars in fees as a result of their illicit referral services.



9. For example, by e-mail dated on or about July 28, 2015, PATEL contacted UC-1 to request enrollment at the School for one of KODALI's and PATEL's foreign recruits ("CC-1"). In response to PATEL, UC-1 inquired whether "[t]his client knows the deal right . . . they are not expecting to go to school or learn anything...just work for your company [i.e., Promatrix/Blue Cloud]....please confirm." By e-mail dated on or about July 29, 2015, PATEL replied, "[t]hanks for accommodating [CC-1]....[y]es she don't need to attend school, she will work for us." KODALI and PATEL subsequently made a payment for CC-1's "tuition" at the School; in exchange, CC-1 received a fraudulent Form I-20 and CPT work authorization.

10. In addition to Forms I-20, KODALI and PATEL 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. For example, in or about May 2015, KODALI contacted UC-1 to discuss documents he wanted to obtain for one of KODALI and PATEL's School recruits ("CC-2"). Specifically, KODALI informed UC-1 that Promatrix/Blue Cloud had filed an H1-B visa<sup>9</sup> application for CC-2. KODALI further advised that, in response to the application, U.S. immigration officials requested additional information (this request is commonly referred to as a "request for evidence," or "RFE"),<sup>10</sup> and that KODALI needed UC-1's assistance in compiling

---

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 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 U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services ("USCIS") periodically issues RFEs 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



several of the RFE reply documents. By e-mail dated on or about May 28, 2015, UC-1 sent KODALI and PATEL a number of blank, or "template," documents that KODALI and PATEL could use for their RFE response to USCIS. The documents provided by UC-1 included the following: (i) a blank School transcript; (ii) a receipt evidencing purported fees paid by CC-2 for School tuition; and (iii) a letter from the School to USCIS purporting to document CC-2's School enrollment, major course of study, and CPT work authorization. UC-1 further advised KODALI and PATEL that the cost for providing the false documents was \$620. These false documents were requested by KODALI and PATEL to trick USCIS into believing that CC-2 was lawfully enrolled in the School and had lawful status in an effort to induce USCIS to convert CC-2'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 June 8, 2015, PATEL requested UC-1's review and signature on the completed RFE documents, including a false transcript with CC-2'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. After paying for, and receiving the signed false documents from UC-1, KODALI and PATEL facilitated USCIS's receipt of the fraudulent RFE documents. Significantly, law enforcement agents' review of official records maintained by USCIS has confirmed that the false School documents obtained by KODALI and PATEL were, in fact, submitted to U.S. immigration authorities in support of CC-2's H1-B application.

11. By e-mail correspondence dated on or about September 24, 2015, PATEL contacted UC-1 to request another packet of false documents on behalf of a School recruit identified as "CC-3." Specifically, PATEL informed UC-1 that Promatrix/Blue Cloud had filed an H1-B visa on behalf of CC-3, and that the RFE process was underway. By e-mail dated September 27, 2015, UC-1 provided PATEL with a number of template documents that PATEL could use for the RFE response to USCIS. The documents provided by UC-1 included the following: (i) a blank School transcript; (ii) a tuition receipt; (iii) a letter from the School to USCIS purporting to document CC-3's School enrollment and status; and (iv) a blank "Student Attendance Record," purporting to show CPT sessions with a fake professor. UC-1 also advised PATEL the cost for the fake documents would be \$620. These false documents were requested by KODALI and PATEL to trick USCIS into believing that CC-3 was lawfully enrolled in the School and had lawful status in an effort to induce USCIS to convert CC-3's F-1 status into an H1-B status. Subsequently, by e-mail dated on or about October 2, 2015, PATEL sent UC-1 draft copies of the completed and falsified School documents,

---

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 requested that UC-1 review and sign the documents so that PATEL could have them submitted to USCIS in response to the RFE. In that e-mail, PATEL stated, in part, "[a]s per the templates given by you, I am sending the filled documents. . . . [k]indly do the needful and send it original to the office . . . . [a]lso she will need the transcript in a sealed envelope and transcript should be embossed stamped." Among the documents received by UC-1 from PATEL were a false School transcript for CC-3 (which included fake courses attended, fake credits earned, and a false GPA), as well as a series of false attendance records signed by CC-3 which purported to show that CC-3 attended more than fifty (50) classes at the School from in or about January 2015 through September 2015. After paying for, and receiving the final signed false documents from UC-1, PATEL facilitated USCIS's receipt of the fraudulent RFE documents. Significantly, law enforcement agents' review of official records maintained by USCIS has confirmed that the false School documents obtained by PATEL were, in fact, submitted to U.S. immigration authorities in support of CC-3's H1-B application.