

---

United States District Court  
District of New Jersey

---

**UNITED STATES OF AMERICA** : **Hon. Steven C. Mannion**  
**v.** : **Magistrate Number: 16-6045 (SCM)**  
**AVINASH SHANKAR** : **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 February 2014 through in or about March 2016, in Union County, in the District of New Jersey, and elsewhere, defendant

**AVINASH SHANKAR**

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

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

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

**COUNT TWO**  
**(Conspiracy to Harbor Aliens for Profit)**

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

**AVINASH SHANKAR**

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

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

## ATTACHMENT B

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

### The Defendant and Other Parties

1. At all times relevant to this Criminal Complaint:
  - a. Defendant AVINASH SHANKAR ("SHANKAR") was a citizen of India and resided in Bloomington, Illinois. SHANKAR as the president of A2 Consulting LLC, a purported international student consulting firm also located in Bloomington.
  - b. A federal agent was acting in an undercover capacity (hereinafter "UC-1").
  - c. 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.
  - d. A co-conspirator not named as a defendant herein was a foreign citizen who fraudulently maintained student visa status through SHANKAR (hereinafter "CC-1").
  - e. A co-conspirator not named as a defendant herein was a foreign citizen who fraudulently maintained student visa status through SHANKAR (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 defendant SHANKAR enabled numerous foreign individuals to fraudulently maintain nonimmigrant status and obtain employment authorization to remain in the United States on the false pretense that these aliens were participating in full courses of study at an academic institution.<sup>1</sup> In truth and in fact, SHANKAR, 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 he believed were co-schemers. Additionally, SHANKAR 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 intend to enter the United States on a temporary basis, such as for tourism, medical treatment, business, temporary work, or study.<sup>2</sup>

---

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

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

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>3</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," 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.<sup>4</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.

---

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.

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.<sup>5</sup>

---

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

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>6</sup>

---

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, internship, cooperative education, or any other type of required internship or practicum



## Defendant SHANKAR's Criminal Activities

5. In or about October 2013, SHANKAR contacted School officials to discuss purported enrollment at the School. As a result of these communications, SHANKAR ultimately paid School officials a fee for his "tuition" at the School; in exchange, SHANKAR received a Form I-20 and CPT work authorization. In violation of SEVP protocol, SHANKAR never attended a single class, never earned a single legitimate credit, and never made any actual progress toward obtaining a degree in any field of study. In truth and in fact, SHANKAR purchased documents from the School to fraudulently maintain his non-immigrant status and obtain employment authorization to remain in the United States.<sup>7</sup>

6. Thereafter, beginning in or about February 2014, SHANKAR contacted School officials to offer his services as a recruiting agent for other purported foreign students. Over the course of the next several weeks and in response to SHANKAR's inquiries, UC-1 and SHANKAR engaged in several consensually recorded telephone conversations, text messages, and e-mail correspondence to negotiate the terms of SHANKAR's proffered recruiting services through A2 Consulting LLC.

7. For example, on or about March 7, 2014, SHANKAR contacted the School by telephone and engaged in a consensually recorded conversation with UC-1. During this call, SHANKAR and UC-1 negotiated an agreement whereby the School would accept "tuition" payments from purported foreign students referred by SHANKAR and, in exchange, the students would receive full-time CPT authorization; however, as part of this illegal arrangement, SHANKAR's referred "students" would not be required to attend any actual classes or make any

---

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).

7. In addition to the bogus student visa and work authorization, SHANKAR subsequently purchased other fake and sham documents from School officials acting in an undercover capacity, including a fake academic transcript and a fictitious master's degree.

progress toward a legitimate course of study. As part of these discussions, the following conversation ensued, in part:

UC-1: So you're going to be able to profit off this. You are doing this as a side business?

SHANKAR: Yes, absolutely.

\*\*\*\*

UC-1: Do you have a company name you use or anything? Or do you want to be paid in. . . .

SHANKAR: No. No, I don't have a company name.

UC-1: Okay, cause you [could] just do it as a free-lancer.

SHANKAR: Yes, just like, just like a free-lancer.

UC-1: Okay.

SHANKAR: I actually told the students who I actually spoke to that . . . that you've actually recognized me as the first level screening candidate, who actually screen[s] them. Is that okay?

UC-1: Yeah, that's fine. That's fine.

SHANKAR: Yeah, yeah that's all. I just spoke [to] them.

UC-1: Okay.

SHANKAR: I'll be sending out the required documents to them and also screen them well and send it to you, so you actually proceed from there.

UC-1: Yeah, . . . that sounds good. You know the two things I care about is, make sure they going to pay and that they don't care about the educational part. As long as they don't care about making education progress, they just want to work, just want status.

SHANKAR: Yes.

Ultimately, SHANKAR and UC-1 agreed that SHANKAR would receive a commission for each transfer student he recruited and/or referred to the School.

7. Based on the foregoing discussions, SHANKAR began to facilitate the enrollment of dozens of foreign students at the School, knowing that the individuals he referred were not bona fide students and had no intention of attending classes or earning credits at the School.<sup>8</sup> In exchange for receiving a Form I-20 from the School and being reported in SEVIS as a legitimate foreign student, SHANKAR's 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 SHANKAR and subsequently "enrolled" at the School, SHANKAR received a percentage of the foreign student's tuition payments as commission for his recruiting services. Once SHANKAR referred an alien to the School, SHANKAR 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 his recruits. The Forms I-20 that SHANKAR caused the School to issue to SHANKAR's recruits were falsely made and procured by fraud. SHANKAR knew the Forms I-20 were fraudulent because his recruits would not be attending any classes at the School and would not be making any academic progress toward a legitimate degree in any established curriculum; indeed, the Forms I-20 were procured by SHANKAR solely to fraudulently maintain his foreign recruits' immigration and work status in the United States.

8. Additionally, SHANKAR engaged in discussions with UC-1 that were intended to thwart potential scrutiny of the School – and of SHANKAR's illicit dealings – by law enforcement officials. SHANKAR advised UC-1 about illegal activities at other purported educational institutions that could have an impact on SHANKAR's dealings with the School. On at least one occasion, SHANKAR discussed a recent federal takedown of a "pay to stay" visa mill in Sunnyville, California, and expressed his concern whether the School might encounter similar criminal exposure as a result of the ongoing illegal transactions conducted by and between SHANKAR and the School. For example, on or about April 22, 2015, SHANKAR communicated with UC-1 via text messaging. During this correspondence, the following conversation ensued, in part:

---

8. From in or about March 2014 through in or about March 2016, SHANKAR recruited and referred approximately 35 foreign individuals to the School, and he collected thousands of dollars in commission fees as a result of his illicit activities.

SHANKAR: I was browsing online for the Herguan University<sup>9</sup> info and I found this: [website link to an online news article]. The president of the school was arrested and he's sentenced to . . . prison and . . . [a] fine for admitting international students. I'm seriously wondering that [the School] will also fall in this limelight someday by some smart-ass trying to prove that we are also in the same trend like Herguan. I know that you sent me the mandatory document to suffice the info for USCIS, however, I hope that you can back me up, support me if I fall into a trap like this. As I serve as a point of contact to the students and they would tell my name alone and nothing more. That's why.

UC-1: We will take care of you.

SHANKAR: That's reassuring. Thanks.

UC-1: Let's do this. Do not recruit any more students until things cool down. Finish up what you have in the pipeline but let's have things cool off.

SHANKAR: Sure.

UC-1: Let's clean up the house and stay safe. No more clients for a while.

SHANKAR: I'll inform the students that the next intake is Nov[ember, 2015] and not anymore as we are done for this intake. Ok?

UC-1: Yea, just finish with the ones we started.

---

9. On or about August 2, 2012, federal authorities arrested Jerry Wang, the CEO of Herguan University, a then non-accredited university in California. Wang was initially charged with fifteen (15) counts of visa fraud in connection with a scheme to fraudulently obtain visas for international students. On April 9, 2015, Wang pled guilty to a criminal information charging him with submitting false documents to the SEVP. Wang was ultimately sentenced for his offenses on or about September 16, 2015.

SHANKAR: Sure, that I will. Thanks.<sup>10</sup>

9. In addition to Forms I-20, SHANKAR used the School to obtain other false and fraudulent documents for himself and his clients that were intended to deceive U.S. immigration officials and to unlawfully obtain visa documents. For example, in November 2014, SHANKAR purchased a false master's degree from the School. SHANKAR also purchased supporting documentation for the fake degree, including a false transcript purporting to show that SHANKAR completed sixty (60) credit hours in courses at the School over four (4) semesters between 2013 and 2014. Law enforcement agents' review of official records maintained by USCIS has confirmed that the false School documents purchased by SHANKAR were subsequently provided to U.S. immigration authorities in support of an H1-B visa<sup>11</sup> application submitted by SHANKAR's employer.

10. SHANKAR obtained similar false documents for a number of his clients. For example, by text message communication dated May 11, 2015, SHANKAR contacted UC-1 to discuss documents he wanted to obtain for one of SHANKAR's School recruits ("CC-1"). Specifically, SHANKAR informed UC-1 that an H1-B visa application had been filed on CC-1's behalf, and that U.S. immigration officials had requested additional information for CC-1's file (this request is commonly referred to as a "request for evidence," or "RFE").<sup>12</sup> By

---

10. Despite SHANKAR's fear of possible exposure as summarized above, SHANKAR ultimately continued to recruit purported foreign students to the School for profit.

11. 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.

12. The USCIS periodically issues a request for evidence ("RFE") in connection with its review of various immigration petitions. As it applies to the instant

e-mail dated on or about May 11, 2015, CC-1 and SHANKAR contacted UC-1 and further explained that they needed UC-1's assistance in compiling several of the RFE reply documents that included the following, among others: (i) an official School transcript; (ii) a receipt evidencing purported fees paid by CC-1 for School tuition; and (iii) a letter from the School to USCIS purporting to document CC-1's School enrollment, major course of study, and CPT work authorization. These false documents were requested to trick USCIS into believing that SHANKAR's client (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). To expedite the process, by e-mail dated on or about May 30, 2015, UC-1 sent sample versions of each of the aforementioned documents to CC-1 for her use in preparing the RFE reply. Subsequently, by e-mail dated on or about June 2, 2015, CC-1 and SHANKAR sent copies of the draft RFE documents to UC-1. By e-mail dated on or about June 9, 2015, UC-1 provided CC-1 and SHANKAR with copies of the final, signed RFE documents; UC-1 mailed the original copies of the documents to CC-1's address in New Hampshire. Thereafter, law enforcement agents' review of official records maintained by USCIS confirmed that the false School documents obtained by SHANKAR for CC-1 were, in fact, submitted to U.S. immigration authorities in support of CC-1's H1-B application.

11. By e-mail correspondence dated on or about September 26, 2015, a purported foreign student ("CC-2") previously recruited by SHANKAR contacted UC-1 to request a packet of false documents in response to an RFE. By e-mail dated on or about September 27, 2015, UC-1 provided SHANKAR and CC-2 with a number of template documents that SHANKAR and CC-2 could use for the RFE response to USCIS. The documents provided by UC-1 included the following, among others: (i) a blank School transcript; (ii) a tuition receipt; and (iii) a letter from the School to USCIS purporting to document CC-2's School enrollment and status. UC-1 also advised SHANKAR and CC-2 the cost for the fake documents would be \$620. These false documents were requested to trick USCIS into believing that SHANKAR's client (CC-2) 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. In this e-mail exchange, SHANKAR provided additional instructions to CC-2 concerning the drafting of the template documents. Specifically, SHANKAR explained to CC-2, in part "[h]ere are the documents that I spoke of over the phone with you . . . [p]lease fill in the details and send it back

---

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.

to us for us to furnish these documents in the [School] letterhead for the RFE purposes.” Additionally, with regard to the false transcript, SHANKAR stated, “[f]ill in your details, save and send the document – change the grades such that it is not 4.0 exactly.” SHANKAR and CC-2 then sent UC-1 draft copies of the completed and falsified School documents and requested that UC-1 review and sign the documents so that SHANKAR and CC-2 could have them submitted to USCIS in response to the RFE. After paying for, and receiving the final signed false documents from UC-1, SHANKAR and CC-2 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 SHANKAR and CC-2 were, in fact, submitted to U.S. immigration authorities in support of CC-2’s H1-B application.