
**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA :

v. :

VENKATARAMANA MANNAM, :
a/k/a "Venkata Mannam," :
a/k/a "Ramana Mannam," :

**CRIMINAL COMPLAINT
Magistrate No. 19-3272**

FERNANDO SILVA, :

SATISH VEMURI, :

and :

VIJAY MANE :

I, Hosam M. Hashem, 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 U.S Department of Homeland Security, Homeland Security Investigations, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.



Special Agent Hosam M. Hashem
U.S. Dept. of Homeland Security
Homeland Security Investigations

Sworn to before me and subscribed in my presence,

June 20, 2019 at
Date

Newark, New Jersey
City and State



Honorable James B. Clark, III
United States Magistrate Judge

ATTACHMENT A

Count 1
(Conspiracy to Commit Visa Fraud)

From at least as early as in or around January 2015 through at least in or around December 2016, in the district of New Jersey and elsewhere, defendants

VENKATARAMANA MANNAM,
a/k/a "Venkata Mannam,"
a/k/a "Ramana Mannam,"

FERNANDO SILVA,

SATISH VEMURI,

and

VIJAY MANE

knowingly and intentionally conspired and agreed with each other and with others to commit an offense against the United States, namely, visa fraud, in that they and others did knowingly and intentionally subscribe and cause to be subscribed as true, under penalty of perjury, a false statement with respect to a material fact in a document required by the immigration laws and regulations of the United States, to wit, a Form I-129 Petition for Nonimmigrant Worker, contrary to Title 18, United States Code, Section 1546.

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

ATTACHMENT B

1. I, Hosam M. Hashem, am a Special Agent with the United States Department of Homeland Security (“DHS”), Homeland Security Investigations (“HSI”), and have been so employed for nine years. As such, I have experience, and have received training and instruction, in conducting investigations regarding visa fraud. As a federal agent, I am authorized to investigate violations of the laws of the United States and to execute warrants issued under the authority of the United States.

2. I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and evidence. Where statements of others are related herein, they are related in substance and part. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged. Because this Complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation.

BACKGROUND

3. At all times relevant to this Complaint:

a. Defendant Venkataramana Mannam (“MANNAM”) was a resident of Middlesex County, New Jersey.

b. Defendant Fernando Silva (“SILVA”) was a resident of Mercer County, New Jersey.

c. Defendant Satish Vemuri (“VEMURI”) was a resident of Contra Costa County, California.

d. Defendant Vijay Mane (“MANE”) was a resident of Middlesex County, New Jersey.

e. Procure Professionals Inc. (“Procure”) was an information technology (“IT”) staffing and consulting company with its principal office in New Jersey. According to records maintained by the State of New Jersey, at all relevant times, Procure’s corporate documents listed a relative of defendant MANNAM as Procure’s sole principal, director, and agent for service of process.

f. Krypto IT Solutions Inc. (“Krypto”) was an IT consulting and business-services company with its principal office in New Jersey.

According to records maintained by the State of New Jersey, at all relevant times, Krypto's corporate documents listed defendant VEMURI as Krypto's incorporator and Chief Executive Officer.

g. Defendants MANNAM, SILVA, VEMURI, and MANE (collectively, the "defendants") used Procure and Krypto (collectively, the "Subject Companies") to submit fraudulent immigration documents to the United States Department of Homeland Security's United States Citizenship and Immigration Service ("USCIS") in furtherance of their scheme to gain an advantage over other information-technology ("IT") staffing companies by obtaining expedited H-1B visas for potential employees.

THE OBJECT OF THE CONSPIRACY

4. The object of the conspiracy was for the defendants and others to gain an advantage over their competitors in the IT-staffing industry by using fraudulent documents and false representations to obtain expedited H-1B visas for potential employees.

A. The H-1B Visa Process

5. H-1B visas allow U.S. employers to hire skilled foreign nationals to work temporarily in "specialty occupations" for which there is a shortage of U.S. workers, including certain positions in the IT field. Because H-1B visas are meant solely to fill short-term gaps in the labor market, they are subject to strict issuance requirements and, as a result, often entail lengthy processing times. Petitioning employers frequently must wait many months before their sponsored employees can enter the U.S. and begin work. Specifically, the H-1B visa process includes the following steps:

a. First, the prospective employer must submit a Labor Condition Application for Nonimmigrant Workers (an "LCA") to the United States Department of Labor (the "DOL") through an online portal.

b. Second, after the DOL approves the LCA, the employer must submit to DHS a 36-page Petition for a Nonimmigrant Worker (referred to as a "Form I-129"), certifying, under penalty of perjury, the proposed employee's name and biographical information, proposed wage, proposed work site, and information about the employer itself, among other information.

c. Third, if the USCIS approves the Form I-129, the beneficiary may then obtain his or her visa at an American consulate (if he or she

resides in a foreign country) or may have the visa mailed to his or her home (if he or she resides in the United States). Only then can the beneficiary travel to the U.S. to begin work.

6. This lengthy and involved process, along with the consistently high demand for skilled foreign workers in the IT field, has given rise to a subset of IT staffing companies that act, in effect, as temp agencies specializing in the placement of H-1B workers. When one of these staffing companies receives a request from a corporate client (commonly known as an “end client”) seeking a worker with a specific skill set, the staffing company finds and recruits a foreign national possessing the desired skills, files an H-1B visa and supporting documents with USCIS on that foreign national’s behalf, and becomes the foreign national’s employer once the visa is granted. The staffing company then assigns the new H-1B visa holder to perform work for the end client, which typically reimburses the staffing company for the worker’s salary plus an additional service fee.

7. Some such IT staffing companies, including the Subject Companies, have sought to gain an unfair advantage over their competitors by manipulating the H-1B visa process. In one such practice, commonly known as a “bench-and-switch” scheme, the staffing company files an H-1B petition for a foreign national without first securing him or her a position with an end client. The purpose of the scheme is to build a “bench” of skilled foreign workers already authorized to work in the U.S., who can then be assigned to end clients immediately upon request, without the need to wait through the prolonged visa process.

8. As explained above, however, the H-1B process requires the sponsoring employer to provide USCIS with specific details regarding, among other things, the prospective employee’s proposed salary and work site. To satisfy these requirements, a company engaged in a bench-and-switch scheme must create fraudulent information and documents to convince USCIS that an end-client assignment awaits the prospective visa recipient, when in fact no such position exists.

9. Several individuals associated with the Subject Companies have informed law enforcement agents that the defendants and others have caused Procure and Krypto to submit fraudulent documents and make false representations to USCIS in order to obtain expedited processing of H-1B visas for potential employees. The scheme involved the creation and submission of false service contracts, statements of work, and employment-verification letters by both Procure and Krypto, each of which documents was signed by one or more of the defendants.

B. The Conspiracy

10. During the period of the scheme, the defendants caused the Subject Companies to file approximately 50 H-1B petitions and supporting documents, all falsely asserting that the foreign-national beneficiaries would be working for Client A on “AppExchange product enhancement and customization” (the “AppExchange Project”).

11. The false and fraudulent statements and documents submitted by the Subject Companies were material to USCIS’s decisions to approve their petitions, because those statements and documents, on their face, attested to USCIS that the foreign-national beneficiaries indeed had roles in “specialty occupation” fields at specific companies in the U.S., where they would be working upon USCIS approval, as required for H-1B visas.

1. Procure

12. During the period of the conspiracy, Procure filed approximately 40 H-1B petitions asserting that the foreign-national beneficiaries would be working for Client A on the AppExchange Project. Those petitions were usually signed, under penalty of perjury, by “Geetha Singh, HR Manager.” However, Procure never had an HR Manager named Geetha Singh during the period of the scheme. In interviews with law enforcement, Procure’s actual HR Manager during that period denied ever handling any H-1B petitions or other immigration-related paperwork during her tenure with Procure.

13. In support of its H-1B petitions, Procure, through defendants MANNAM and MANE, typically submitted the following documents:

a. A purported Professional Services Agreement (“PSA”) between Procure and Client A, dated on or about March 13, 2014 and signed by defendant MANE as Procure’s “Business Development Lead” and by defendant MANNAM as Client A’s “Principal;”

b. A Statement of Work (“SOW”), also dated on or about March 13, 2014 and signed by defendant MANE as Procure’s “Business Development Lead” and by defendant MANNAM as Client A’s “Principal,” purporting to detail work to be performed by Procure on the AppExchange Project pursuant to the PSA; and

c. Letters from Client A, signed by defendant MANNAM in or around August 2015 “on behalf of” Client A, assuring USCIS that the foreign-national beneficiary of each petition would indeed be working on the AppExchange Project. Each of these letters described the prospective

employee's job duties on the AppExchange Project. That work supposedly included, among other things, the "[r]esearch, design and develop[ment of] SFDC AppExchange products in conjunction with hardware choices, for medical, industrial, communications, scientific, engineering, commercial, and financial applications which require use of advanced computational and quantitative methodologies." The letters further provided that foreign-national beneficiaries would "plan, develop, design, test and implement software programs for engineering applications and highly sophisticated network systems."

14. In reality, however, there was no AppExchange Project, and Client A was not even in the software-development business. On or about May 9, 2018, a former employee of Client A informed law enforcement that Client A is a staffing agency, not a software-development company, and its clients do not include IT companies.

15. On or about June 12, 2018, the foreign-national beneficiary ("FB1") of one of Procure's fraudulent H-1B petitions stated to law enforcement that FB1 had never worked on anything called "AppExchange" during his brief tenure with Procure. Instead, he had spent approximately one month building websites for a "Dot Net" project, whose purpose (if any) FB1 did not understand. FB1 then obtained other employment on his own.

16. On or about June 13, 2018, a foreign-national beneficiary ("FB2") of another of Procure's fraudulent H-1B petitions told law enforcement agents that FB2 had remained at home, without pay, for the five months FB2 supposedly worked for Procure on a project for Client A.

17. On or about July 16, 2018, a former Procure employee told law enforcement agents that Procure's practice, during the period of the scheme, was to place new H-1B recipients in "holding periods," during which they used Procure's offices to seek and apply for job openings at other companies. According to this former employee, H-1B visa holders never performed any programming or other work for Procure.

18. Evidence obtained by law enforcement indicates that Procure and Client A are under common control:

a. Procure and Client A share a single office suite, at least on paper. On or about January 29, 2016, law enforcement agents visited that location and found that all seven offices and 23 of the suite's 24 cubicles were completely empty. The sole occupied cubicle was the workstation of a Procure employee who stated that defendant MANE and the employee were the only people who worked in the suite, and that defendant MANNAM was the chairman of Procure.

b. In a subsequent interview with law enforcement in or around February 2016, defendant MANE admitted that Procure is owned by a relative of MANNAM.

c. As explained above, defendant MANNAM was also listed as the “Principal” of Client A in the documentation submitted by Procure to USCIS. Defendant MANNAM, thus, effectively controlled both sides of every purported agreement between Procure and Client A.

19. On or about September 18, 2018, defendant MANNAM spoke by telephone with a co-conspirator (“CC1”). During that conversation, which was recorded, CC1 stated that CC1 had five employees already in the United States on H-1B visas who needed to “transfer” to new employment in order to renew those visas and remain in the country.¹ Defendant MANNAM responded, “I will give you five client letters. No problem. Some beautiful clients.”

20. Thereafter, on or about September 21, 2018, defendant MANNAM again spoke by telephone with CC1. During that conversation, which was recorded, CC1 asked whether MANNAM could provide a Master Service Contract² in support of the client letters MANNAM had promised a few days earlier. Defendant MANNAM responded, “I will see. From which company I can get those.”

21. None of CC1’s employees was ever employed by any of MANNAM’s companies or clients.

2. Krypto

22. Over the course of the conspiracy, defendants SILVA and VEMURI used Krypto to submit at least 10 H-1B petitions, which asserted that certain foreign-national beneficiaries would be working for Client A on the AppExchange Project.

23. In support of those H-1B petitions, the defendants, using Krypto,

¹ Because H-1B eligibility requires a sponsoring U.S. employer, an H-1B visa holder who wishes to leave his or her current employment must first find a new U.S. employer in order to remain in the United States.

² Throughout the scheme, the defendants used the terms “Master Service Contract,” “Master Service Agreement,” and “Professional Services Agreement” interchangeably to refer to purported contracts between the Subject Companies and their supposed clients.

typically submitted the following documents:

a. a purported Master Service Agreement (“MSA”) between Krypto and Client A, dated on or about March 7, 2016 and countersigned by defendants VEMURI as President of Krypto, and SILVA as Chief Executive Officer of Client A; and

b. a supposed SOW, also dated on or about March 7, 2016 and signed by defendants VEMURI as Krypto’s President and SILVA on behalf of Client A, purporting to detail work to be performed by Krypto on the AppExchange Project pursuant to the MSA.

24. In reality, however, as explained above, there was no AppExchange Project, and Client A was not in the software-development business.