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Description of document: Department of Justice (DOJ) Executive Office for Immigration Review (EOIR) Fraud and Abuse Prevention Program Newsletters, 2012-2017

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Attn: FOIA Service Center
Executive Office for Immigration Review
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Falls Church, VA 22041
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U.S. Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 1903
Falls Church, Virginia 22041

July 28, 2017

RE: Freedom of Information Act Request - Fraud and Abuse Prevention Program Newsletters

This letter is in response to your Freedom of Information Act (FOIA) request to the Executive Office for Immigration Review (EOIR), in which you seek copies of the Fraud and Abuse Prevention Program Newsletters.

Enclosed is a computer disk containing the information responsive to your FOIA request. Please be advised that EOIR has redacted one of the Newsletters pursuant to 5 U.S.C. § 552 (b)(6), because it contains information that would constitute a clearly unwarranted invasion of personal privacy; 5 U.S.C. § 552(b)(7)(E), which affords protection to all law enforcement information that would disclose techniques and procedures for law enforcement investigations or prosecutions; and 5 U.S.C. § 552(b)(7)(A), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to interfere with enforcement proceedings. There will be no charge for this information.

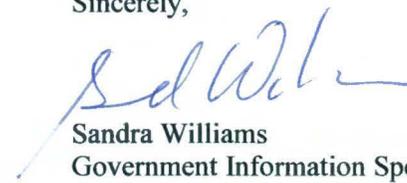
For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. *See* <http://www.justice.gov/oip/foiapost/2012foiapost9.html>.

You may contact the analyst who processed your FOIA request and/or the FOIA Public Liaison at the telephone number 703-605-1297 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal

through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in blue ink, appearing to read "Sandra Williams", is written over a light blue horizontal line.

Sandra Williams
Government Information Specialist

Enclosure: CD

EOIR FOIA# 2017-30309



OGC Fraud Program Crier

A publication of the Office of the General Counsel, Executive Office for Immigration Review, July 2012

OGC Fraud Program News

Greetings from the Fraud Prevention Program!

Fraud Program Contact Information:

Fraud Program Intranet Link: <http://eoirweb/component/OGC/FraudProgram/webhomepage.stm>.

Fraud Program In Box: EOIR.Fraud.Program@usdoj.gov.

Kathy John, Fraud and Abuse Prevention Counsel: Kathy.John@usdoj.gov or (703) 605-1282.

Patricia Wegner, Paralegal Specialist: Patricia.Wegner@usdoj.gov or (703) 305-0172.

News Briefs

Indian National Pleads Guilty to 33 Instances of Visa Fraud (Wilmington, DE)

Srinivas Doppalapudi, a citizen of India and lawful permanent resident of the United States, pleaded guilty in U.S. District Court for the District of Delaware to multiple counts of visa fraud and money laundering. In entering the plea, Mr. Doppalapudi admitted that on 33 occasions between March 2007 and September 2010 he utilized his various businesses to request H-1B temporary employment visas for foreign nationals who had no intention of working for him. In most cases, the visa requests were made on behalf of persons who were residing in the country on student visas that were about to expire. Mr. Doppalapudi also transferred more than \$1 million in criminal proceeds from his business bank accounts in the United States to a personal bank account in India. He is scheduled for sentencing in September 2012. He also faces possible removal from the United States. To read more, visit <http://www.justice.gov/usao/de/press/2012/Doppalapudi.pdf>.

Six Defendants Sentenced for Marriage Fraud Scheme (Boise, ID)

Jenny Sedano-Vilcapoma, a Peruvian citizen living in Ketchum, Idaho, pleaded guilty and was sentenced in U.S. District Court for the District of Idaho to 12 months plus one day in prison and fined \$1,000 for her role in orchestrating a marriage fraud conspiracy. She also faces possible removal from the United States. In 2006, Ms. Sedano-Vilcapoma entered into a marriage with a United States citizen for the sole purpose of obtaining immigration benefits and, in applying for benefits, misrepresented to immigration authorities that her marriage was legitimate. She also assisted other Peruvian nationals in arranging sham marriages. Co-defendant Rudy Isla-Mejico, who assisted Ms. Sedano-Vilcapoma in recruiting American citizens to participate in the sham marriages, pleaded guilty to conspiracy to commit marriage fraud and was sentenced to five years' probation and fined \$1,000. Four citizens who were paid to participate in fraudulent marriages arranged by Ms. Sedano-Vilcapoma — Joshua Lee Buell, Daniel Casado, Anthony

Joseph Scafidi, and Bryon Thomas Bain — each pleaded guilty to making false statements in an immigration application. Mr. Buell and Mr. Casado were sentenced to five years' probation and 60 hours of community service and were fined \$5,000 and \$3,500, respectively. Mr. Scafidi was sentenced to three years' probation and fined \$5,000. Mr. Bain was fined \$3,500. To read more, visit <http://www.justice.gov/usao/id/news/2012/jun/vilcapoma06212012.html>.

Eleven Persons Indicted for Trafficking Fraudulent IDs (Grand Rapids, MI)

Eleven foreign nationals, most of whom are members of the same family, were indicted in U.S. District Court for the Western District of Michigan for conspiring to produce and traffic fraudulent U.S. identification documents, including "green cards" and Social Security cards. The defendants are as follows: Juan Jose Morales-Martinez, Jacinto Morales-Martinez, Maria De La Luz Mendoza-Martinez, Jacinto Jonathan Morales-Mendoza, Ricardo Uriel Morales-Jimenez, Hugo Alexis Morales-Jimenez, Luis Alberto Morales-Jimenez, Giovanni Sanabria-Morales, Rodolfo Esquivel, Ledin Over Ovalle-Perez, and Amparo Mercado. According to law enforcement authorities, ten of the defendants are Mexican citizens residing unlawfully in the United States. One defendant, Mr. Ovalle-Perez, reportedly is a Guatemalan citizen residing unlawfully in the United States. If convicted, the defendants face maximum penalties of 15 years in prison and \$250,000 in fines. To read more, visit http://www.justice.gov/usao/miw/news/2012/2012_0625_Morales_Martinez_etal.html.

Authorities Halt Multi-State Document Fraud Conspiracy (Newark, NJ)

Federal authorities in New Jersey have brought criminal charges against 22 persons for their role in a multi-state conspiracy that assisted illegal aliens fraudulently obtain U.S. driver's licenses. According to court documents, Young-Kyu Park, formerly of Fort Lee, New Jersey, was the ringleader of the conspiracy which operated in Palisades Park and Fort Lee, New Jersey, as well as in California, Georgia, New York, Nevada, and Virginia. Mr. Park and his co-defendants allegedly shepherded hundreds of alien customers, primarily from the Korean immigrant community, through the driver's license application process and provided them with stolen, altered, or counterfeit documents to aid in substantiating claims of lawful U.S. residence. The documents included altered passports, counterfeit utility bills and bank statements, and genuine I-797 Notice of Action forms, which reportedly were stolen by defendant Martin Trejo, a U.S. Citizenship and Immigration Services (USCIS) contract employee at the agency's Western Forms Center in Montclair, California. Customers reportedly paid from \$3,000 to \$4,500 for the documents and services they received.

Mr. Park specifically was charged with conspiracy to unlawfully produce identification documents, conspiracy to steal and transport government property in interstate commerce, and conspiracy to commit money laundering. Mr. Trejo was charged with conspiracy to steal and transport government property in interstate commerce. The remaining defendants, who include Mr. Park's wife, Soong-Young Park, and his daughter, Hanna Park, were charged with one or more of the following offenses: conspiracy to unlawfully produce identification documents, conspiracy to steal and transport government property, and conspiracy to commit money laundering. To read more, visit <http://www.justice.gov/usao/nj/Press/files/Park,%20Young-Kyu%20et%20al%20Arrests%20News%20Release.html>.

New Mexico Residents Charged with Driver's License Fraud (Albuquerque, NM)

Luis Raul Collazo-Medrano and eight accomplices, including wife Olivia Campos and daughter Viridiana Campos, were charged by New Mexico authorities with running a \$30,000 per month driver's license fraud scheme that benefitted undocumented aliens. According to authorities, from 2009 to 2011 Mr. Collazo-Medrano and his accomplices arranged for undocumented out-of-state aliens to travel to New Mexico and procure state driver's licenses. Mr. Collazo-Medrano reportedly acquired multiple residences in Clovis and Portales, New Mexico, and allowed foreign nationals from Mexico, El Salvador, Brazil,

Guatemala, Uruguay, and Honduras to use these addresses in applying for driver's licenses. In addition, Mr. Collazo-Medrano allegedly provided aliens with fake rental agreements, bank statements, vehicle titles, and insurance paperwork as evidence of New Mexico residency. Authorities report that hundreds of driver's licenses may have been wrongfully issued as a result of the fraud conspiracy. Authorities further report that Mr. Collazo-Medrano, his wife, his daughter, and two other defendants, Jose Luis Tirado and Esteban Lopez-Mendieta, remain fugitives from justice. Defendants Maria Rivas and Veronica Rivera have been arrested. Two additional defendants, Veronica Diaz and Brenda Vicuna, have been located in Texas and are expected to self-surrender to New Mexico authorities. To read more, visit <http://www.tax.newmexico.gov/Press%20Release%20Document%20Library/pr-01-06062012.pdf>.

Nepalese Woman Pleads Guilty to Defrauding Fellow Immigrants (New York, NY)

Hit Shrestha, a Nepalese national residing in Elmhurst, New York, pleaded guilty in a Manhattan court to engaging in an immigration fraud scheme that targeted fellow Nepalese immigrants. Specifically, Ms. Shrestha falsely promised members of the Nepalese immigrant community that she could arrange for their family members to immigrate to the United States. She convinced her victims that for fees ranging from \$3,000 to \$7,000 she could arrange air travel to the United States, travel documents, and immigration forms for their relatives. Ms. Shrestha targeted newly arrived immigrants to the United States and to gain their initial trust invited them into her home, helped them find employment, paid for meals, and introduced them to others in the local Nepalese community. She also on occasion used the alias "Nitu Rana" and falsely represented to others that she was the sister of a well-known Nepalese public figure, Dr. Arzu Rana Deuba, and the wife of former Nepalese Prime Minister Sher Bahadur Deuba. When victims realized they had been defrauded, Ms. Shrestha threatened the victims with deportation if they complained or demanded their money back. To read more, visit <http://www.manhattanda.org/press-release/da-vance-announces-guilty-plea-nepalese-woman-who-defrauded-fellow-immigrants>.

Immigration Attorney Sentenced for Naturalization Fraud (Greensboro, NC)

North Carolina attorney Alexander L. Lapinski pleaded guilty and was sentenced in U.S. District Court for the Middle District of North Carolina to three years' probation and eight months of monitored home detention for his role in preparing and submitting a false application for naturalization on behalf of a client. Mr. Lapinski also was fined \$1,600. Specifically, Mr. Lapinski assisted foreign national client Oleksiy Solomonko in filing a naturalization application under the false name "Roman Kylymnyk." As a result of his guilty plea, Mr. Lapinski has been barred from practicing before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security. He also reportedly has surrendered his North Carolina law license. To read more, visit http://www.justice.gov/usao/ncm/press_releases/2012/06_25_12.html.

Texas Woman Arrested for Arranging Sham Marriages (McAllen, TX)

Santos Botello, a resident of Edinburg, Texas, was charged by criminal complaint filed in U.S. District Court for the Southern District of Texas with conspiracy to commit marriage fraud. According to the complaint, Ms. Botello has been arranging sham marriages between foreign nationals and U.S. citizens for profit since 2002. She allegedly completed visa applications and other immigration paperwork on behalf of the foreign nationals, advised them on what evidence to produce in support of the applications, and coached them and their purported U.S. citizen spouses on how to respond to questions posed by U.S. Citizenship and Immigration Services (USCIS) examiners. To read more, visit <http://www.justice.gov/usao/txs/1News/Releases/2012%20June/120621%20Botello.html>.

AILA Issues Anti-Fraud Warning

In an effort to forestall *notario* and related fraud against young immigrants interested in seeking deferred action under the new prosecutorial discretion policy announced by the Department of Homeland Security on June 15, 2012, the American Immigration Lawyers Association (AILA) has issued a consumer

advisory entitled “Deferred Action for Certain Young Immigrants: Don’t Get Scammed!” The advisory warns interested persons to trust information only from reliable sources, such as an official government website or reputable legal or charitable organization, and to consult with a qualified immigration attorney before requesting deferred action. The advisory can be found at <http://www.aila.org/content/default.aspx?docid=40233>.

Disciplined Practitioners

■ The most recently disciplined practitioners are:

William M. Dickerson - On July 10, 2012, the Board issued a final order indefinitely suspending Attorney Dickerson based on his administrative suspension in Pennsylvania.

Aquah Moira Singh aka Aquah Moira Singh-Meneghini - On July 10, 2012, the Board issued a final order indefinitely suspending Attorney Singh based on her transfer to inactive status in Pennsylvania followed by her continued practice before U.S. Citizenship and Immigration Services (USCIS), which amounted to knowingly or with reckless disregard making false statements about her qualifications and eligibility to practice before USCIS.

Gary Stephen Abrams - On June 27, 2012, the Board issued a final order suspending Attorney Abrams for 3 years based on his 3-year suspension in Texas for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Edward Joel Abramson - On June 27, 2012, the Board issued a final order suspending Attorney Abramson for 60 days based on his 60-day suspension in Florida for conduct involving dishonesty, fraud, deceit, or misrepresentation.

Kaaren L. Barr - On June 27, 2012, the Board issued a final order disbaring Attorney Barr based on her disbarment in Washington state for engaging in conduct lacking competence and diligence and conduct involving dishonesty, fraud, deceit, or misrepresentation.

Virginia R. Fling - On June 27, 2012, the Board issued an order immediately suspending Attorney Fling based on her 90-day suspension in the District of Columbia for misconduct involving lack of competence and diligence and conduct involving dishonesty, fraud, and deceit.

David G. Ignacio, Jr. - On June 27, 2012, the Board issued a final order disbaring Attorney Ignacio based on his disbarment in New York for violations of the state’s rules of professional conduct.

Reynaldo O. Yana - On June 27, 2012, the Board issued an order immediately suspending Attorney Yana based on his indefinite suspension in the Northern Mariana Islands for violations of the jurisdiction’s rules of professional conduct when he and his law partner

refused to return over \$1 million in attorneys' fees, which resulted in his receiving a contempt citation and spending over a year in jail.

Benjamin L. Carter - On June 26, 2012, the Board issued an order immediately suspending Attorney Carter based on his disbarment in Washington state for misconduct involving lack of diligence, failure to communicate with clients, and trust account violations.

Bart A. Chavez - On June 26, 2012, the Board issued a final order disbaring Attorney Chavez based on his transfer to disability inactive status and ultimate voluntary surrender of his law license in Nebraska.

Judd Barton James - On June 21, 2012, the Board issued an order immediately suspending Attorney James based on his 6-month suspension in Illinois for violations of the state's rules of professional conduct.

Wayne K. Teebken - On June 21, 2012, the Board issued a final order suspending Attorney Teebken for 60 days based on his 30-day suspension in California for failing to complete legal services for which he was retained and for failing to report his discipline in California to the DHS Disciplinary Counsel.

David G. Ignacio, Jr. - On June 12, 2012, the Board issued an order immediately suspending Attorney Ignacio based on his disbarment in New York for violations of the state's rules of professional conduct.

■ The most recently reinstated practitioners are:

Jeffrey Sondel - On July 10, 2012, the Board reinstated Attorney Sondel after he completed his 7-month suspension. On November 3, 2011, the Board issued a final order in *Matter of Sondel*, D2007-276, pursuant to 8 C.F.R. § 1003.106(c). The Board found "no reason to disturb either the factual findings or any other conclusion or ruling reached by the Adjudicating Official (AO) in her thoughtful, well-reasoned decisions." The AO previously found that Attorney Sondel's conduct far exceeded the fair boundaries of zealous advocacy. The AO found that Attorney Sondel made personal attacks on the professional integrity of the Immigration Judge as well as the government trial attorney and repeatedly engaged in insolent and discourteous conduct degrading both to the tribunal and to the judicial process. Attorney Sondel's tone and the manner in which he addressed the Immigration Judge was frequently aggressive, belligerent, and confrontational.

Raymond G. Hellwig - On June 27, 2012, the Board reinstated Attorney Hellwig after he completed his 9-month suspension based on his 9-month suspension in California for trust account violations, failing to return unearned fees, and committing an act involving lack of moral turpitude, dishonesty, or corruption.

EOIR employees may report attorney misconduct at EOIR.Attorney.Discipline@usdoj.gov. If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at Jennifer.Barnes@usdoj.gov.



OGC Fraud Program Crier

A publication of the Office of the General Counsel, Executive Office for Immigration Review, August 2012

OGC Fraud Program News

Interesting Reading:

The Aftermath of Fraud by Immigration Attorneys: Hearing Before the House Judiciary Committee, Subcommittee on Immigration Policy and Enforcement (July 24, 2012).

Testimony provided by U.S. Citizenship and Immigration Services (USCIS), Immigration and Customs Enforcement (ICE), and the American Immigration Lawyers Association (AILA) can be found at:

<http://judiciary.house.gov/hearings/Hearings%202012/Kendall%2007242012.pdf>

<http://judiciary.house.gov/hearings/Hearings%202012/Rodriguez%2007242012.pdf>

<http://judiciary.house.gov/hearings/Hearings%202012/Lichter%2007242012.pdf>

Fraud Program Contact Information:

Fraud Program Intranet Link: <http://eoirweb/component/OGC/FraudProgram/webhomepage.stm>.

Fraud Program In Box: EOIR.Fraud.Program@usdoj.gov.

Kathy John, Fraud and Abuse Prevention Counsel: Kathy.John@usdoj.gov or (703) 605-1282.

Patricia Wegner, Paralegal Specialist: Patricia.Wegner@usdoj.gov or (703) 305-0172.

News Briefs

Document Fraud Operation Dismantled (Fresno, CA)

Three Mexican nationals — Maurelio Rico-Rios *a.k.a.* “Bambi,” Yaneyri Zavala-Barrera, and Cristina Garcia-Hernandez — were indicted in U.S. District Court for the Eastern District of California for conspiring to produce, transfer, possess, and sell false identification documents. According to the indictment, Mr. Rico-Rios brokered the sale of documents, including fraudulent Social Security cards, resident alien cards, and California identification cards; and, Mr. Zavala-Barrera and Ms. Garcia-Hernandez produced the documents. The trio reportedly conducted their illicit business in Tulare County in the California Central Valley south of Fresno. If convicted, the defendants face up to 15 years in prison and \$250,000 in fines. To read more, visit <http://www.justice.gov/usao/cae/news/docs/2012/07-26-12Rico-RiosIndictment.html>.

Customs Officer Arrested for Accepting Bribes / Smuggling Aliens (San Diego, CA)

Federal authorities in the Southern District of California charged Customs and Border Protection Officer Hector Rodriguez and two co-defendants, Gerardo Rodriguez and Vanessa Moya, with bringing illegal aliens into the United States for financial gain and conspiring to bring illegal aliens into the United States. Authorities also charged the trio with conspiracy to give and/or accept bribes. According to the criminal complaint in the case, Gerardo Rodriguez and Vanessa Moya unlawfully transported aliens from Mexico into the United States via vehicle inspection lanes manned by Officer Hector Rodriguez at the San Ysidro Port of Entry. To conceal this activity, Officer Rodriguez allegedly entered false, fraudulent, and misleading information about the vehicles and the drivers of the vehicles, that is, Mr. Rodriguez and Ms. Moya, into official Department of Homeland Security (DHS) databases. Officer Rodriguez also reportedly failed to enter any information about the aliens who were passengers in the vehicles. The criminal complaint further maintains that the trio received thousands of dollars in fees from the aliens they transported and that Gerardo Rodriguez provided Officer Rodriguez with the use of luxury automobiles, apartment rent payments, and other bribes in exchange for his participation in the smuggling operation. To read more, visit <http://www.justice.gov/usao/cas/press/2012/cas12-0713-RodriguezEtAl.pdf>.

Kansas Court Enjoins Immigration Consulting Business (Kansas City, KS)

A Kansas court issued a temporary injunction ordering the Kansas City, Kansas, immigration services firm Centro Migratorio, Inc., also known as Peoples Centro Migratorio, to cease advertising, soliciting, performing, accepting payments for, or in any manner conducting business within the State of Kansas. The injunction was issued at the request of the Kansas Attorney General who alleged that Centro Migratorio engaged in the unauthorized practice of law in violation of the state's Consumer Protection Act. The Attorney General also alleged that the organization repeatedly failed to comply with subpoenas issued as part of an ongoing investigation into its business activities. To read more, visit <http://ag.ks.gov/media-center/news-releases/2012/07/20/wyandotte-county-immigration-company-ordered-to-cess-business-in-kansas>.

Louisiana Woman Convicted for Immigration-Related Fraud (Lafayette, LA)

Holly Calva pleaded guilty in U.S. District Court for the Western District of Louisiana and was sentenced to 33 months in prison followed by one year of supervised release for assisting illegal aliens fraudulently secure Louisiana identification cards. Specifically, from March 2008 through December 2009, Ms. Calva allowed roughly 400 aliens, at a charge of \$400 each, to list her home address in Houma, Louisiana, on applications for state identification cards, which are issued only to Louisiana residents. She also accompanied the aliens to the Office of Motor Vehicles (OMV) where she assisted them in filing their application forms and served as a Spanish translator. In addition, she falsely represented to OMV officials that she worked for a company that brought seasonal workers into the United States and that the Houma address provided by the aliens was in fact a large bunkhouse where the aliens lawfully resided. To read more, visit <http://www.justice.gov/usao/law/news/wdla20120706.pdf>.

Mexican Nationals Sentenced for Document Fraud (Baltimore, MD)

Miguel Reyes-Ontiveros and Adrian Badillo-Carrasco *a.k.a.* "Rana," both nationals of Mexico, pleaded guilty in U.S. District Court for the District of Maryland to conspiring to operate a document mill and selling thousands of fraudulent government identification documents, including permanent resident and Social Security cards. Messrs. Reyes-Ontiveros and Badillo-Carrasco were sentenced to 57 months in prison and 33 months in prison, respectively, followed by three years' supervised release. According to court documents, the two men, along with seven co-defendants, sold the fraudulent documents to foreign nationals in the Baltimore, Maryland, area for \$130 to \$160 per document and made approximately \$1.68 million as a result of the scheme. The co-defendants, including two apparent ringleaders of the

conspiracy – Ivan Altamirano-Perez *a.k.a.* “Elmer” and his brother, Roberto Morales-Perez *a.k.a.* “Piza” – also pleaded guilty to various criminal offenses and await sentencing. Moreover, all nine defendants face possible removal from the United States. To read more, visit http://www.justice.gov/usao/md/Public-Affairs/press_releases/Press12/LeaderandCo-conspiratorinBroadwayDocumentMillSentencedforSellingFakeIdentificationDocuments.html and <http://www.ice.gov/news/releases/1207/120720baltimore2.htm>.

Texas Attorney General Takes Action Against Unauthorized Practitioners (Austin, TX)

The Attorney General for the State of Texas filed suit against Just for People, Inc., an immigration services business located in Austin, Texas, and against the following persons who own and operate the business: Elizabeth Gabriella “Gabby” Paneque *a.k.a.* Nilda Odalys Paneque and Gabriella Gatjines; Frank Alarcon Marimon; Luz L. Guerrero; and, Ayan Mohamed Ismail. The suit alleges that the defendants, who also conducted business under the unusual name “Lead God,” violated the Texas Deceptive Trade Practices Act (DTPA) by offering unauthorized legal advice and document preparation services. The suit alleges that none of the individual defendants are attorneys or accredited representatives as required by law and that neither Just for People, Inc. nor the affiliate “Lead God” is a registered nonprofit organization permitted to provide legal assistance. The suit further alleges that at least 23 clients paid the defendants sums ranging from \$2,500 to \$50,000 for immigration assistance that they never received, including assistance in securing work visas and lawful permanent resident status, and that clients who requested a refund often were threatened and intimidated. In response to the suit, a Texas state court issued a temporary restraining order (TRO) barring the defendants from providing immigration services and freezing their corporate and individual assets. To read more, visit <https://www.oag.state.tx.us/oagnews/release.php?id=4099>.

Argentine National Sentenced to Prison for Fake Military IDs (San Antonio, TX)

The U.S. District Court for the Western District of Texas convicted Argentine national Mario Oscar Achaval on four counts of manufacturing fake military identification documents and sentenced him to 15 months in prison. According to law enforcement authorities, in June and July 2011 Mr. Achaval produced four U.S. Department of Defense Common Access Cards (CAC) in his name. The CACs indicated that he was a Lieutenant Colonel in the U.S. Army. Several of the cards also indicated that he held a Top Secret/Special Compartmented Information (TS/SCI) security clearance. Mr. Achaval, who committed the offense while on bond pending his removal from the United States, reportedly produced the fake military documents, and also acquired a U.S. military uniform, in order to gain re-entry into the country following his anticipated removal by immigration authorities. To read more, visit http://www.mysanantonio.com/news/local_news/article/Argentine-man-made-fake-military-IDs-3700294.php; http://www.justice.gov/usao/txw/press_releases/2012/Achaval_conviction.pdf; and <http://www.fbi.gov/sanantonio/press-releases/2012/federal-jury-finds-argentinian-guilty-of-producing-false-u.s.-military-identification-documents>. See also <http://eoirweb/Biadec/4890620.pdf>.

Disciplined Practitioners

- The most recently disciplined practitioners are:

Earl Seth David - On August 1, 2012, the Board issued a final order disbaring Attorney David based on his conviction in the U.S. District Court for the Southern District of New York for conspiracy to commit immigration fraud and mail and wire fraud. The superseding indictment also sets out that, although Attorney David was suspended from the practice of law in New York in 2004, he “continued to participate in the scheme and to direct

operations at the David Firm, but ceased using his name on paperwork filed with government agencies to avoid detection of his ongoing role.”

Victoria R. Miranda - On July 31, 2012, the Board issued an order immediately suspending Attorney Miranda based on her disbarment in Arizona for engaging in conduct lacking diligence, failing to communicate with clients, and conduct involving dishonesty, fraud, deceit, or misrepresentation.

Rohit C. Sharma - On August 1, 2012, the Board issued an order immediately suspending Attorney Sharma based on his resignation with charges pending in Oklahoma.

Benjamin L. Carter - On July 25, 2012, the Board issued a final order suspending Attorney Carter for 5 years based on his disbarment in Washington state for conduct involving lack of diligence, failure to communicate with clients, and trust account violations.

Eugene E. Chmura - On July 25, 2012, the Board issued an order immediately suspending Attorney Chmura based on his administrative suspension in Pennsylvania, his delinquent registration status in New York, and his administrative ineligibility to practice law in New Jersey.

Virginia R. Fling - On July 25, 2012, the Board issued a final order suspending Attorney Fling for 90 days based on her 90-day suspension in the District of Columbia for conduct involving lack of competence and diligence and conduct involving dishonesty, fraud, and deceit.

Jason C. McBride - On July 25, 2012, the Board issued an order immediately suspending Attorney McBride based on his interim suspension in Oregon.

Julio R. Ferrer Roo - On July 25, 2012, the Board issued an order immediately suspending Attorney Roo based on his suspension in Florida for failure to respond to an official bar inquiry.

Vinh Chi Trieu - On July 25, 2012, the Board issued an order immediately suspending Attorney Trieu based on his indefinite suspension in Ohio.

Reynaldo O. Yana - On July 25, 2012, the Board issued a final order indefinitely suspending Attorney Yana based on his indefinite suspension in the Northern Mariana Islands for violations of the jurisdiction's rules of professional conduct when he and his law partner refused to return over \$1 million in attorney's fees, resulting in his receiving a contempt citation and spending over a year in jail.

Judd Barton James - On July 16, 2012, the Board issued a final order suspending Attorney James for 6 months based on his 6-month suspension in Illinois for violation of the state's rules of professional conduct.

Robert N. Vohra - On July 16, 2012, the Board issued an order immediately suspending Attorney Vohra based on his interim suspension in the District of Columbia.

David K. Wenger - On July 12, 2012, the Board issued a final order suspending Attorney Wenger for 90 days based on his 90-day suspension in Michigan for conduct lacking competence and diligence and misconduct involving scope of representation.

EOIR employees may report attorney misconduct at EOIR.Attorney.Discipline@usdoj.gov. If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at Jennifer.Barnes@usdoj.gov.



OGC Fraud Program Crier

A publication of the Office of the General Counsel, Executive Office for Immigration Review, September 2012

OGC Fraud Program News

Greetings from the Fraud Prevention Program!

Fraud Program Contact Information:

Fraud Program Intranet Link: <http://eoirweb/component/OGC/FraudProgram/webhomepage.stm>.

Fraud Program In Box: EOIR.Fraud.Program@usdoj.gov.

Kathy John, Fraud and Abuse Prevention Counsel: Kathy.John@usdoj.gov or (703) 605-1282.

Paul Rodrigues, Associate General Counsel: Paul.A.Rodrigues@usdoj.gov or (703) 305-0879.

Patricia Wegner, Paralegal Specialist: Patricia.Wegner@usdoj.gov or (703) 305-0172.

News Briefs

Foreign Nationals Sentenced for Counterfeiting ID Documents (Sacramento, CA)

Four Mexican nationals — Alejandro Bielma-Ortiz, Javier Hernandez-Lopez, Juan Hernandez-Lopez, and Luis Eduardo Torres-Hernandez — were convicted and sentenced in the Eastern District of California for operating a large-scale counterfeit document ring in the Sacramento, California area. The defendants reportedly produced thousands of fake green cards, driver's licenses, and Social Security cards at home-based document mills. They sold the documents on the street and in business parking lots for \$120 a piece or \$250 for a set of three documents. Mr. Bielma-Ortiz was sentenced to 24 months' imprisonment. Javier Hernandez-Lopez, who also was convicted of returning illegally to the United States following deportation, was sentenced to seven years' imprisonment. Juan Hernandez-Lopez was sentenced to 33 months' imprisonment, and Mr. Torres-Hernandez was sentenced to 19 months' imprisonment. To read more, visit <http://www.justice.gov/usao/cae/news/docs/2012/08-2012/08-03-12Hernandez.html>, <http://www.ice.gov/news/releases/1208/120803sacramento.htm>, and <http://www.ice.gov/news/releases/1011/101119sacramento.htm>.

University CEO Indicted for Visa Fraud (San Francisco, CA)

Jerry Wang, the Chief Executive Officer (CEO) of Herguan University in Sunnyvale, California, was indicted in the Northern District of California on 15 counts of conspiracy to commit visa fraud, visa fraud, use of false documents, aggravated identity theft, and unauthorized access to a government

computer. The indictment alleges that from 2007 to at least February 2011 Mr. Wang and others conspired to submit falsified documents to the Department of Homeland Security (DHS) Student and Exchange Visitor Program (SEVP) on behalf of students at the university. According to media reports, Mr. Wang faces up to 23 years in prison and more than \$1 million in fines if convicted. In addition, Herguan University, whose student body is comprised largely of students from India, may lose its authorization to enroll foreign students under the SEVP. To read more, visit, http://www.justice.gov/usao/can/news/2012/2012_08_02_wang.charged.press.html and <http://www.ice.gov/news/releases/1208/120802sanjose.htm>.

Denver Resident Accused of Unlawfully Procuring Citizenship (Denver, CO)

A Denver, Colorado, resident using the name Habteab Berhe Temanu was indicted in U.S. District Court for the District of Colorado for unlawfully procuring U.S. citizenship and aggravated identity theft. Authorities maintain that Mr. Temanu is in fact Kefelegn Alemu Worku *a.k.a.* "TUFA," who in the late 1970s served as a guard at an Ethiopian prison where political prisoners were tortured and killed. They maintain that Mr. Temanu assumed his current identity around 2004 in order to enter the United States as a refugee and that he also used the identity in 2009 and 2010 in applying for naturalization. Authorities further allege that, during naturalization proceedings, Mr. Temanu falsely denied that he had persecuted others, either directly or indirectly, on account of their race, religion, national origin, membership in a particular social group, or political opinion. To read more, visit http://www.justice.gov/usao/co/press_releases/2012/August2012/8_31_12.html and <http://www.ice.gov/news/releases/1208/120831denver.htm>.

Federal Authorities Indict Twenty-one Persons for Benefit Fraud (Orlando, FL)

As the result of a multi-agency criminal investigation code-named "Operation Knot So Fast 2012," twenty-one individuals were indicted in the Middle District of Florida on conspiracy and immigration benefit fraud charges. According to court documents, Bethania Deschamps of the Bronx, New York, arranged for foreign nationals to marry American citizens in order to obtain lawful permanent resident status in the United States. Ms. Deschamps allegedly received an unspecified recruiting fee for arranging each sham marriage. The U.S. citizen spouses also reportedly were paid an unspecified amount for their involvement in the scheme. To read more, and for a complete list of those persons who were indicted, visit http://www.justice.gov/usao/flm/press/2012/sep/20120905_MarriageFraud.html and <http://www.ice.gov/news/releases/1209/120905orlando.htm>.

Authorities Allege Attempted Bribery of Immigration Official (Atlanta, GA)

Three men were indicted in U.S. District Court for the Northern District of Georgia on charges that they bribed and conspired to bribe a Federal official in an effort to secure immigration benefits. According to the indictment, Hakeem Omar and Ibrahim Barrie of Atlanta, Georgia, and New York resident Samuel Bolay paid thousands of dollars in bribes over a two-year period to a Department of Homeland Security (DHS) special agent working in an undercover capacity. The defendants made the payments in the belief that the DHS agent would provide them assistance in securing naturalization or lawful permanent resident status. To read more, visit <http://www.justice.gov/usao/gan/press/2012/09-06-12b.html> and <http://www.ice.gov/news/releases/1209/120907atlanta3.htm>.

New Yorker Charged with Defrauding Ecuadorean Immigrants (New York, NY)

An uptown Manhattan parking garage attendant, Jose Delvalle, was indicated in a New York state court on grand larceny, criminal possession of stolen property, and scheme to defraud charges after scamming two Ecuadorean immigrants with whom he worked. The indictment alleges that Mr. Delvalle falsely advised his co-workers that he had contacts within the U.S. immigration bureaucracy and that in exchange for \$6,000 apiece, with \$3,000 paid up-front, he would secure labor certification and green cards on their

behalf. According to news media reports, Mr. Delvalle is a former New York City police officer who only recently completed a 5-year Federal prison term for drug-related offenses. To read more, visit <http://manhattanda.org/press-release/district-attorney-vance-announces-indictment-former-garage-attendant-defrauding-immigr>.

N.C. Resident Sentenced on Immigration and Terrorism Charges (New Bern, NC)

Anes Subsasic, a naturalized U.S. citizen residing in North Carolina, was convicted in U.S. District Court for the Eastern District of North Carolina for engaging in naturalization fraud and terrorist activities. He was sentenced to 30 years in prison followed by five years of supervised release. He also was fined \$1,000. Mr. Subsasic, who reportedly came to the United States in the 1990s as a Bosnian refugee, falsely indicated in his 2003 naturalization application that he had never been charged with a criminal offense when he in fact had been charged in Serbia on at least 10 occasions, including for several violent crimes. Between 2006 and 2009, he also conspired with at least seven other North Carolina residents, most of them native-born or naturalized U.S. citizens, to wage violent jihad overseas. The men, informally referred to as the “Raleigh Jihad Group,” offered training in weapons use and financing, arranged overseas travel and contacts, and raised money in support of violent jihad planned for Kosovo, Israel, Jordan, and the Gaza Strip. To read more, and for information on Mr. Subsasic’s co-defendants, visit http://www.justice.gov/usao/nce/press/2012/2012-aug-24_02.html and <http://www.justice.gov/usao/nce/press/2012/2012-aug-24.html>.

El Salvadoran Indicted for Lying at Naturalization Hearing (Pittsburgh, PA)

Salvadoran national Ernesto Ivan Lazo-Rodriguez *a.k.a.* Daniel Mancero was indicted in U.S. District Court for the Western District of Pennsylvania on charges of making false statements under oath in a naturalization proceeding. He also was indicted for re-entering the United States following deportation. According to the indictment, Mr. Lazo-Rodriguez entered the country as a permanent resident in 1993. Thereafter he allegedly was convicted under the alias Daniel Mancero on robbery charges and under this alias was removed from the United States in 2000. He subsequently returned to the United States and applied for naturalization using his real name, Ernesto Ivan Lazo-Rodriguez. Law enforcement authorities allege that, at his naturalization interview with U.S. Citizenship and Immigration Services (USCIS) in July 2012, he falsely denied being previously arrested or removed from the United States. To read more, visit http://www.justice.gov/usao/paw/news/2012/2012_august/2012_08_22_12.html.

ICE Seeks Public’s Assistance in Fraud Investigation (Seattle, WA)

Federal law enforcement authorities are seeking assistance from members of the public who may have been deceived, threatened, or harmed by an individual named Jose “Panama” Antonio Haughton. According to authorities, Mr. Haughton posed as an Immigration and Customs Enforcement (ICE) agent and promised undocumented aliens that for a fee he would expedite their immigration benefit applications. He allegedly exploited the aliens’ fear of deportation in order to obtain money as well as sexual favors and in some cases threatened the aliens with bodily harm. While Mr. Haughton apparently has operated primarily in the Seattle and Tacoma, Washington areas, ICE reports that he may possibly have victimized immigrants in other parts of the country. Mr. Haughton currently is being held by local authorities on rape and robbery charges, but has not yet been indicted on Federal criminal charges. To read more, visit <http://www.ice.gov/news/releases/1208/120821seattle.htm>.

States and Localities Alert Young Immigrants About Possible Scams

A number of state and local officials across the United States have issued warnings urging potential applicants for relief under the U.S. Government’s “Consideration of Deferred Action for Childhood Arrivals” program to be alert to fraudulent legal services providers and other scam artists who may wish to prey upon them. For two warning notice examples, visit the following:

<http://oag.ca.gov/news/press-releases/attorney-general-kamala-d-harris-issues-warning-potential-scams-targeting-young>

<http://www.manhattanda.org/press-release/district-attorney-vance-warns-immigrants-requesting-deferred-action-guard-against-scam>.

Follow Up: Online Immigration Consultants Plead Guilty (Jefferson City, MO)

Thomas Joseph Strawbridge, owner and founder of Immigration Forms and Publications (IFP), and two company employees, Elizabeth Lindsey Meredith and Thomas Barret Laurence (*a.k.a.* Thomas Barnes, Thomas Laurente, and Thomas Johnson), pleaded guilty in U.S. District Court for the Western District of Missouri to defrauding consumers who sought immigration-related services from IFP. Specifically, the defendants pleaded guilty to conspiracy to commit mail and wire fraud. Ms. Meredith also pleaded guilty to multiple counts of mail and wire fraud. Employees of IFP, a Missouri-based telemarketing firm that solicited clients via the Internet, falsely represented to consumers that the company was affiliated with the U.S. Government. IFP employees also improperly provided legal advice to clients regarding which immigration forms to file and charged customers a total of more than \$400,000 for forms that could have been obtained for free from the Federal government. The defendants face up to 20 years in prison, three years of supervised release, and \$250,000 in fines for their criminal wrongdoing. To read more, visit <http://www.justice.gov/opa/pr/2012/August/12-civ-1041.html> and <http://www.justice.gov/opa/pr/2012/August/12-civ-1047.html>.

Disciplined Practitioners

■ The most recently disciplined practitioners are:

David W. Iverson - On September 11, 2012, the Board issued a final order suspending Attorney Iverson for 90 days, effective June 28, 2012, based on his 90-day suspension in Florida for violations of the state's rules of professional conduct.

Jonathan S. Schwartz - On September 11, 2012, the Board issued an order immediately suspending Attorney Schwartz based on his 90-day suspension in Florida for providing financial assistance to a client, making a false statement to a tribunal, and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Kimberly S. Daise - On September 10, 2012, the Board issued a final order disbaring Attorney Daise based on her conviction in the U.S. District Court for the Southern District of Florida for conspiracy to defraud a federally insured financial institution and wire fraud.

Victoria R. Miranda - On September 10, 2012, the Board issued a final order suspending Attorney Miranda for 5 years based on her disbarment in Arizona for engaging in conduct lacking diligence, failing to communicate with clients, and conduct involving dishonesty, fraud, deceit, or misrepresentation.

James H. Alcala - On September 4, 2012, the Board issued an order immediately suspending Attorney Alcala based on his suspension in Utah for failure to renew his license to practice law.

Paul S. Franco - On September 4, 2012, the Board issued a final order suspending Attorney Franco based on his 6-month suspension by the U.S. Court of Appeals for the Tenth Circuit for failing to abide by the court's rules and orders by not filing the appropriate documents in two cases.

Jeffrey A. Schwarz - On September 4, 2012, the Board issued an order immediately suspending Attorney Schwarz based on his permanent disbarment in Florida for violating trust account rules.

Eugene E. Chmura - On August 28, 2012, the Board issued a final order indefinitely suspending Attorney Chmura based on his administrative suspension in Pennsylvania, his delinquent registration status in New York, and his administrative ineligibility to practice law in New Jersey.

Julio R. Ferrer Roo - On August 28, 2012, the Board issued a final order indefinitely suspending Attorney Roo based on his suspension in Florida for failure to respond to an official bar inquiry.

Courtney B. Harmon - On August 22, 2012, the Board issued an order immediately suspending Attorney Harmon based on her suspension in Massachusetts for one year and one day for violations of the commonwealth's rules of professional conduct.

Vinh Chi Trieu - On August 22, 2012, the Board issued a final order indefinitely suspending Attorney Trieu based on his indefinite suspension in Ohio.

■ The most recently reinstated practitioners are:

David K. Wenger - On August 30, 2012, the Board issued an order reinstating Attorney Wenger after he completed a 90-day suspension based on his 90-day suspension in Michigan for conduct lacking competence and diligence and for conduct involving scope of representation.

Mark M. Freeman - On August 22, 2012, the Board issued an order reinstating Attorney Freeman after he completed a 6-month suspension based on his 6-month suspension in Massachusetts for multiple violations of the commonwealth's rules of professional conduct, including conduct lacking competence and diligence and conduct involving dishonesty, fraud, deceit, or misrepresentation.

Edward Joel Abramson - On August 20, 2012, the Board issued an order reinstating Attorney Abramson after he completed a 60-day suspension based on his 60-day suspension in Florida for conduct involving dishonesty, fraud, deceit, or misrepresentation.

Ronald Salomon - On August 20, 2012, the Board issued an order reinstating Attorney Salomon after he completed a 6-month suspension based on his 6-month suspension in New York for conduct involving a pattern of neglect, prior disciplinary history, and misrepresentation.

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OGC Fraud Program Crier

A publication of the Office of the General Counsel, Executive Office for Immigration Review, October 2012

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Kathy John, Fraud and Abuse Prevention Counsel: Kathy.John@usdoj.gov or (703) 605-1282.

Paul Rodrigues, Associate General Counsel: Paul.A.Rodrigues@usdoj.gov or (703) 305-0879.

Patricia Wegner, Paralegal Specialist: Patricia.Wegner@usdoj.gov or (703) 305-0172.

News Briefs

Suspected Human Rights Violator Accused of Citizenship Fraud (Atlanta, GA)

Mladen Mitrovic, a native of Bosnia and naturalized United States citizen, was charged in the Northern District of Georgia with fraudulently obtaining his citizenship. According to the criminal information filed against him, Mr. Mitrovic failed to disclose in his 2002 citizenship application that he served as a Serbian concentration camp guard during the 1990s Bosnian conflict and that during his tenure at the camp he abused and tortured persons, primarily Muslims, on account of their religion, national origin, and membership in a particular social group. If convicted, Mr. Mitrovic faces up to 10 years in prison, a \$250,000 fine, and removal from the United States. To read more, visit <http://www.ice.gov/news/releases/1209/120924atlanta.htm> and <http://www.justice.gov/usao/gan/press/2012/09-24.12.html>.

Massachusetts Resident Arrested for Citizenship and Identity Fraud (Boston, MA)

Massachusetts resident Wilmer Radames Alves-Villar was indicted in U.S. District Court for the District of Massachusetts for falsely claiming on four separate occasions that he was a United States citizen and for appropriating the identity of another person to support his claim of citizenship. According to the indictment, Mr. Alves-Villar made two of the false claims to citizenship while appearing before the Boston Immigration Court. To read more, visit <http://www.justice.gov/usao/ma/news/2012/September/Alves-VillarWilmerRadamesarrest.html>.

New Mexico AG Shuts Down Unauthorized Practitioner (Albuquerque, NM)

The Attorney General for the State of New Mexico entered into an enforcement agreement, called an "Assurance of Discontinuance," that puts Centro Ayuda USA, Inc., an immigration consulting firm, and its owner, Elias Bermudez, out of business. The agreement requires Centro Ayuda to close its office and dissolve as an organization. The agreement also bars Mr. Bermudez from providing immigration consulting services in the future. Centro Ayuda is not recognized by the Board of Immigration Appeals (BIA), and Mr. Bermudez is neither an attorney nor an accredited representative. According to New Mexico authorities, however, Centro Ayuda provided legal services, including preparation of applications for "deferred action," to clients in the Albuquerque, New Mexico, area. While Centro Ayuda promoted itself as a non-profit entity, the organization informed clients that it expected a donation of \$500 in exchange for services. Moreover, Centro Ayuda conducted business without registering with the State and without acquiring a business license from the City of Albuquerque. To read more, visit <http://www.nmag.gov/News-Releases/agtargetsimmigrationserviceprovider>.

New York Woman Sentenced for Impersonating ICE Officer (New York, NY)

Marion Sarah Francis, a resident of Mount Vernon, New York, was convicted in U.S. District Court for the Southern District of New York of impersonating a Federal immigration official and defrauding two foreign nationals out of approximately \$13,000. Ms. Francis, using a stolen identity, represented to the foreign nationals, one of whom she approached at a bus stop in the Bronx, New York, that she was an employee of U.S. Immigration and Customs Enforcement (ICE) and as such had information indicating the two individuals were about to be deported. She promised to assist them in legalizing their status in exchange for \$9,000 and \$4,000 respectively. In addition to this immigration-related fraud, Ms. Francis scammed two elderly women out of an unspecified amount of money by posing as a home health care aide and as a cleaning lady and gaining access to her victims' bank accounts. She specifically was convicted of false personation, aggravated identity theft, and bank fraud and was sentenced to 30 months' imprisonment followed by 5 years' supervised release. She also was ordered to forfeit \$40,000 to the U.S. Government. To read more, visit <http://www.ice.gov/news/releases/1209/120924newyork.htm>.

Two Federal Employees Indicted for Passport Fraud (Houston, TX)

Nyle Churchwell and Temi Russell, both employees of the U.S. Government, were indicted in U.S. District Court for the Southern District of Texas on one count of conspiracy to commit passport fraud and three counts of making false statements in the application and use of a United States passport. According to law enforcement sources, Mr. Churchwell, while employed as an adjudications manager with the U.S. Department of State Passport Office in Houston, Texas, approved passport applications with substandard documentation, falsely documented parental identification information required for minors applying for U.S. passports, and knowingly approved passport applications filed by non-citizens using false identities. Ms. Russell, an Internal Revenue Service (IRS) tax examiner who worked in the same building as the Passport Office, allegedly picked up the fraudulent passports and delivered them to recipients with knowledge that the passport recipients were using fake identities and were not American citizens. The two defendants face up to five years in prison on the conspiracy charge if convicted and up to 10 years in prison on each count of making false statements. To read more, visit <http://www.justice.gov/usao/txs/1News/Releases/2012%20September/120924%20Churchwell%20and%20Russell.html>.

Federal Authorities Target "Green Card" Scheme (Alexandria, VA)

Twenty-three Chinese nationals and one United States citizen were indicted in U.S. District Court for the Eastern District of Virginia in June 2012 for their role in a wide-spread conspiracy to acquire fraudulent lawful permanent resident cards, or "green cards," through bribery of a public official. According to court records, from January 2011 to June 2012, the defendants paid as much as \$60,000 in bribes to

undercover officers posing as agents for a corrupt U.S. immigration official. Most of the defendants had been ordered removed from the United States, had exhausted all administrative and court appeals, and allegedly were seeking fraudulent green cards in an effort to remain in the country. Sixteen of the alleged conspirators have been apprehended and arrested, including the following: Xiaoyang Li, Chang Yun Hui, Shu Hong Zhao, Fu Guan Pan, and Rui Shui Chen. Mr. Chen recently was convicted in the Eastern District of Virginia of conspiracy to commit immigration fraud and is scheduled for sentencing in December 2012. Eight alleged conspirators remain fugitives from justice. To read more, visit <http://www.justice.gov/usao/vae/news/2012/09/20120927chenr.html> and <http://www.ice.gov/news/releases/1209/120927alexandria.htm>.

Canadian Government Cracks Down on Citizenship Fraud (Ottawa, Canada)

As the result of a year-long investigation launched by Citizenship and Immigration Canada (CIC) in cooperation with the Royal Canadian Mounted Police (RCMP) and Canada Border Services Agency (CBSA), Canadian authorities have identified almost 11,000 individuals who engaged or may have engaged in fraud in order to gain Canadian citizenship or maintain their status as lawful permanent residents. To date, authorities have denied 500 citizenship and residency applications as a result of the investigation, have removed or denied readmittance to over 600 persons, and have begun the process of revoking the citizenship of 3,100 persons. Authorities estimate that an additional 1,800 persons abandoned their citizenship or residency applications as word of the law enforcement crackdown spread. To read more, visit <http://www.cic.gc.ca/english/department/media/releases/2012/2012-09-10.asp>.

Follow up: Rwandan National Sentenced for Immigration Fraud and Perjury (Boston, MA)

Prudence Kantengwa was sentenced in U.S. District Court for the District of Massachusetts to 21 months in prison for lying to immigration authorities about her political and family connections to the 1994 Rwandan genocide. According to evidence at trial, Ms. Kantengwa entered the United States in 2004 with a visa that she fraudulently obtained by providing false information. After arriving in the United States, she provided false information in an asylum application and, between 2006 and 2008, made false and misleading statements in testimony before an Immigration Court. She specifically was convicted of the following offenses: visa fraud, fraud in immigration documents, perjury during testimony before an Immigration Judge, and obstructing administrative proceedings. To read more, visit <http://www.abc2news.com/dpp/news/national/rwandan-woman-gets-21-months-for-lying-to-feds>; http://articles.boston.com/2012-10-12/metro/34390566_1_beatrice-munyenyezi-rwandan-genocide-federal-court; and, <http://www.justice.gov/usao/ma/news/2012/May/KantengwaPrudenceVerdict.htm>.

Follow up: Immigration Attorney Sentenced for Alien Smuggling (New York, NY)**

Hak Tung Lam, an immigration attorney practicing in New York City, was sentenced in U.S. District Court for the Southern District of New York to 21 months in prison followed by three years' supervised release for conspiring to encourage and induce aliens illegally to enter and reside in the United States. He also was fined \$5,000 and ordered to forfeit \$750,000 in ill-gotten gains. According to Federal authorities, from 2006 to 2009 Mr. Lam worked with others to smuggle approximately 470 Chinese nationals into the United States. He served as a legal and logistical advisor for the smuggling operation, recommending ports of entry, advising on methods of avoiding detection, filing false applications on behalf of the smuggled aliens, and securing their release from detention by fraud. He reportedly made close to \$1 million from his criminal activity.

*** EOIR's Fraud and Abuse Prevention Program, Office of the General Counsel, and the Office of Planning, Analysis, and Technology (OPAT) assisted in this case.*

Disciplined Practitioners

■ The most recently disciplined practitioners are:

James S. Dilday - On October 23, 2012, the Board issued a final order suspending Attorney Dilday for 1 year based on his 1-year suspension in the Commonwealth of Massachusetts for multiple violations of the rules of professional conduct, including conduct lacking competence and diligence and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Chukwu Uwakwe Oko - On October 23, 2012, the Board issued an order immediately suspending Attorney Oko based on his suspension in Texas for 2 years for multiple violations of the state's rules of professional conduct, including engaging in conduct involving the lack of communication and the safekeeping of property.

Juan Antonio Vega - On October 23, 2012, the Board issued a final order indefinitely suspending Attorney Vega based on his suspension in Texas for non-compliance with continuing legal education requirements and with Texas Supreme Court rules concerning repayment of Texas Guaranteed Student Loans.

Carol Chandler - On October 22, 2012, the Board issued an order immediately suspending Attorney Chandler based on her suspension in the Commonwealth of Pennsylvania for 1 year and 1 day for multiple violations of the rules of professional conduct, including engaging in conduct lacking competence and diligence and conduct involving neglect.

Bakary Fansu Conteh - On October 22, 2012, the Board issued a final order suspending Attorney Conteh for 6 months based on his 6-month suspension in Washington state for knowingly making a false statement of fact or law to a tribunal.

Jonathan S. Schwartz - On October 22, 2012, the Board issued a final order suspending Attorney Schwartz for 90 days based on his 90-day suspension in Florida for providing financial assistance to a client, making a false statement to a tribunal, and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Eduardo Exposito - On October 4, 2012, the Board issued an order immediately suspending Attorney Exposito based on his permanent disbarment in Florida for continuously and repeatedly engaging in the practice of law while disbarred.

Siamack Kalantar - On October 4, 2012, the Board issued an order immediately suspending Attorney Kalantar based on his resignation in lieu of disbarment, which is permanent, in Washington state.

Jeffrey A. Schwarz - On October 4, 2012, the Board issued a final order disbaring Attorney Schwarz based on his permanent disbarment in Florida for violating trust account rules.

Martin S. Streit - On October 4, 2012, the Board issued an order immediately suspending Attorney Streit based on his disbarment in New York for engaging in the unauthorized practice of law during his suspension.

Manuel S. Velasco - On October 4, 2012, the Board issued an order immediately suspending Attorney Velasco based on his disbarment in Texas for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

James Robert Watt - On September 26, 2012, the Board issued an order immediately suspending Attorney Watt based on his interim suspension in Washington state.

James S. Phillips, Jr. - On September 24, 2012, the Board issued a final order disbaring Attorney Phillips based on his disbarment in Kansas for failure to competently represent clients in immigration matters and for engaging in conduct involving dishonesty, fraud, deceit, and misrepresentation and based on his conviction in the U.S. District Court for the District of Kansas, upheld by the U.S. Court of Appeals for the Tenth Circuit, on eight felony counts of making a false statement to a Federal agency.

Rohit C. Sharma - On September 24, 2012, the Board issued a final order disbaring Attorney Sharma based on his resignation with charges pending, which is tantamount to disbarment, in Oklahoma.

Vlad Sigalov - On September 24, 2012, the Board issued an order immediately suspending Attorney Sigalov based on his disbarment in Ohio for multiple violations of the state rules of professional conduct, including conduct lacking competence and diligence and conduct involving dishonesty, fraud, deceit, or misrepresentation.

Pius Airewele - On September 25, 2012, the Board issued an order immediately suspending Attorney Airewele based on his 6-month and 1-day suspension in Massachusetts for multiple violations of the Commonwealth's rules of professional conduct, including conduct lacking diligence, failure to communicate with clients, and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

James H. Alcalá - On September 25, 2012, the Board issued a final order indefinitely suspending Attorney Alcalá based on his suspension in Utah for failure to renew his license to practice law.

Courtney B. Harmon - On September 25, 2012, the Board issued a final order suspending Attorney Harmon for 1 year and 1 day based on her suspension in Massachusetts for 1 year and 1 day for violations of the Commonwealth's rules of professional conduct.

■ The most recently reinstated practitioner is:

Jagjot Singh Khandpur - On October 10, 2011, the Board reinstated Attorney Khandpur after he completed his 60-day suspension based on his indefinite suspension in Maryland for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation and lacking diligence.

EOIR employees may report attorney misconduct at EOIR.Attorney.Discipline@usdoj.gov. If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at Jennifer.Barnes@usdoj.gov.

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*The OGC Fraud Program Crier is a monthly newsletter produced by the Office of the General Counsel, Executive Office for Immigration Review. The purpose of the publication is to inform its readers of investigations, prosecutions, and other current events relating to immigration fraud and abuse across the United States and to provide information that will aid staff in detecting or preventing fraud and abuse in immigration proceedings. It is intended only as an informational resource for the use of employees of the Executive Office for Immigration Review.*



# OGC Fraud Program Crier

A publication of the Office of the General Counsel, Executive Office for Immigration Review, November 2012

## OGC Fraud Program News

### **Greetings from the Fraud Prevention Program!**

#### **Fraud Program Contact Information:**

Fraud Program Intranet Link: <http://eoirweb/component/OGC/FraudProgram/webhomepage.stm>.

Fraud Program In Box: [EOIR.Fraud.Program@usdoj.gov](mailto:EOIR.Fraud.Program@usdoj.gov).

Kathy John, Fraud and Abuse Prevention Counsel: [Kathy.John@usdoj.gov](mailto:Kathy.John@usdoj.gov) or (703) 605-1282.

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Patricia Wegner, Paralegal Specialist: [Patricia.Wegner@usdoj.gov](mailto:Patricia.Wegner@usdoj.gov) or (703) 305-0172.

## News Briefs

### **Employment Agency Owner Indicted for Immigration Fraud (Los Angeles, CA)**

Lilia Tabafunda, the owner of People's Resources International Services, a Los Angeles employment agency, was indicted in U.S. District Court for the Central District of California on multiple counts of visa fraud and one count of perjury after she allegedly filed bogus employment-based visa applications and made false statements in her own application for naturalization. According to law enforcement authorities, Ms. Tabafunda was involved in visa-related fraud for close to a decade and filed more than 100 fraudulent applications with U.S. Citizenship and Immigration Services (USCIS) and the U.S. Department of Labor. The applications falsely claimed that her clients were being sought by prominent hospitals and non-profit organizations, as well as by shell companies that Ms. Tabafunda had invented, to work in positions for which U.S. citizens were not available, including as budget analysts, clinical research specialists, and health educators. Ms. Tabafunda's clients, most of whom were Philippine nationals, reportedly paid her from \$2,500 to \$10,000 apiece for filing the applications on their behalf. To read more, visit <http://www.ice.gov/news/releases/1211/121101losangeles.htm>.

### **Phony Immigration Attorney Arrested (San Diego, CA)**

Alberto Rodrigo Garcia, a resident of Tijuana, Mexico, doing business in San Ysidro, California, was arrested by Immigration and Customs Enforcement (ICE) agents for posing as an immigration attorney. He subsequently was turned over to state authorities to face felony grand theft and unauthorized practice

of law charges. According to ICE, Mr. Garcia advertised using business cards that identified his company, Alberto R. Garcia, Inc., as a “professional attorney service.” He convinced at least two persons, and possibly more, to hire him as their attorney and to pay him more than \$5,000 to prepare and file immigration benefit applications on their behalf. To read more, visit <http://www.ice.gov/news/releases/1211/121101sandiego.htm>.

### **Massachusetts State Employee Arrested for Scamming Immigrants (Boston, MA)**

Adriana Ferreira, an employee of the Massachusetts Registry of Motor Vehicles (RMV), was indicted in state court for defrauding immigrants and their family members out of thousands of dollars by falsely promising to provide the immigrants with driver’s licenses and other benefits. The specific charges against Ms. Ferreira include larceny by false pretense (5 counts), attempted larceny by false pretense (4 counts), conspiracy to falsely obtain a Massachusetts driver’s license (4 counts), and bribery (14 counts). According to state authorities, Ms. Ferreira solicited cash payments ranging from \$500 to \$1,100 to obtain driver’s licenses for undocumented aliens, but never delivered the licenses. Ms. Ferreira, who is neither an attorney nor a notary public, allegedly held herself out as a *notario* with special training to provide legal advice. She falsely indicated that, by paying bribes to immigration officials, she could delay or end an alien’s deportation proceedings or could secure their release from Federal detention. Ms. Ferreira reportedly scammed at least five and perhaps as many as 30 immigrants or their family members between approximately 2009 and 2012. To read more, visit <http://www.suffolkdistrictattorney.com/front-page-press-office/prosecutors-rmv-employee-swindled-immigrants-seeking-licenses-immigration-help>.

### **Missouri Residents Indicted for Identity Fraud Conspiracy (Kansas City, MO)**

Five Missouri residents were indicted in U.S. District Court for the Western District of Missouri on conspiracy and related criminal charges for their role in assisting more than 100 undocumented aliens secure Missouri driver’s licenses and state identification cards. According to the indictment, the conspiracy took place from July 2010 to January 2012 and involved the following defendants: Thomas Richard McNamara III, an employee at a driver’s license facility in St. Joseph, Missouri; Hector Juarez Mendoza, a citizen of Mexico and lawful permanent resident of the United States; his wife, Isabel Ramirez Mendoza; and, Guatemalan nationals Domingo Ajanel-Castro and Pedro Pablo-Solis. Messrs. Ajanel-Castro and Pablo-Solis allegedly produced U.S. birth certificates and matching Social Security cards and sold the set of documents to undocumented aliens for between \$500 and \$950. Isabel and Hector Mendoza allegedly prepared the aliens for potential questions from driver’s license examiners and, for an additional fee of approximately \$100, accompanied the aliens to the driver’s license office ostensibly to act as translators. The couple also allegedly provided out-of-state aliens with a Missouri residential address to use on their driver’s license applications. Mr. McNamara allegedly facilitated the conspiracy by issuing driver’s licenses and identity cards to aliens who failed to provide acceptable documentation. He reportedly received \$70 to \$100 each time he issued a license or identity card to an alien whose supporting documentation was suspect. To read more, visit <http://www.justice.gov/usao/mow/news2012/ajanel.ind2.html>.

### **New Jersey Man Charged with Impersonating Federal Officer (Newark, NJ)**

Ruben Alvarado of Elizabeth, New Jersey, was charged in the District of New Jersey with impersonating a Federal officer and identification document fraud. According to the complaint against him, Mr. Alvarado posed as an employee of both Immigration and Customs Enforcement (ICE) and the Transportation Security Administration (TSA) on multiple occasions between September 2009 and May 2011 and did so primarily in order to defraud aliens seeking immigration benefits. He reportedly identified, via Facebook and in person, individuals who were seeking lawful resident status, work authorization, and travel authorization and demanded money to assure approval of their applications. He allegedly provided his victims with false approval notices, often on forms inappropriate to the relief

requested. When victims complained that the approval forms were not genuine, he allegedly threatened to have them as well as their children deported from the United States. Law enforcement authorities estimate that Mr. Alvarado made more than \$17,000 from his criminal activity. To read more, visit <http://www.justice.gov/usao/nj/Press/files/Alvarado,%20Ruben%20Arrest%20News%20Release.html> and <http://www.ice.gov/news/releases/1210/121019newark.htm>.

### **Tennessee Court Shuts Down Unauthorized Practitioner (Nashville, TN)**

A Tennessee court permanently enjoined Nashville immigration consultant Martha Salazar, doing business as *Comunidad Hispana*, from practicing law without a license. The court also ordered her to refund legal fees that she had collected from clients. The court's action was in response to a civil suit filed by the Attorney General for the State of Tennessee alleging violations of state consumer protection laws. Specifically, the suit asserted that Ms. Salazar advertised herself to Spanish-speaking consumers as a *notario publico* without posting the legally required notice that a notary public is not an attorney. The suit also asserted that Ms. Salazar, who is neither an attorney nor an accredited representative, prepared immigration petitions and other legal filings for clients. To read more, visit <http://www.tn.gov/attorneygeneral/press/2012/pr12-25.html>.

### **Utah Resident Arrested for Defrauding Undocumented Aliens (Salt Lake City, UT)**

State law enforcement agents arrested Utah resident Jose Marcos Gonzalez on communication fraud charges after he allegedly posed as an Immigration and Customs Enforcement (ICE) agent and falsely promised undocumented aliens that he would secure green cards and citizenship papers for them in exchange for money. According to media reports, Mr. Gonzalez initially requested a payment of \$5,000 from each alien, then returned to demand more money in exchange for his services. When victims refused to pay the additional money, Mr. Gonzalez allegedly threatened to report them to immigration authorities. To date, 18 possible victims, primarily from the Latino community, have been identified. Mr. Gonzalez's girl friend, Marlene Castro Sanchez, also was arrested. However, her role in the scheme and the nature of the charges against her have not yet been reported. To read more, visit <http://fox13now.com/2012/09/20/suspect-arrested-for-allegedly-defrauding-utah-immigrants> and <http://fox13now.com/2012/09/24/more-accusations-in-immigration-fraud-case>.

## **Disciplined Practitioners**

■ The most recently disciplined practitioners are:

**Paul Shearmen Allen** - On November 19, 2012, the Board issued an order immediately suspending Attorney Allen based on his consent to disbarment in the District of Columbia.

**Carol Chandler** - On November 7, 2012, the Board issued a final order suspending Attorney Chandler for 1 year and 1 day based on her suspension in the Commonwealth of Pennsylvania for 1 year and 1 day for multiple violations of the rules of professional conduct, including engaging in conduct lacking competence and diligence and conduct involving neglect.

**Martin S. Streit** - On November 7, 2012, the Board issued a final order suspending Attorney Streit for 7 years based on his disbarment in New York for engaging in the unauthorized practice of law during his suspension.

**Manuel S. Velasco** - On November 7, 2012, the Board issued a final order suspending Attorney Velasco for 5 years based on his disbarment in Texas for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

**Rufino Marc Cardoso** - On November 6, 2012, the Board issued an order immediately suspending Attorney Cardoso based on his disbarment by the U.S. Court of Appeals for the Ninth Circuit for violations of the court's rules and orders.

**Fernando Hernandez** - On November 6, 2012, the Board issued an order immediately suspending Attorney Hernandez based on his disbarment in Florida for sharing fees with non-lawyers, commingling funds, and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

**Gordon Blaine Morgan** - On November 6, 2012, the Board issued an order immediately suspending Attorney Morgan based on his resignation with charges pending in Texas.

**Nick A. Simon** - On November 6, 2012, the Board issued an order immediately suspending Attorney Simon based on his temporary suspension in Nebraska.

**Harte Peary Stafford** - On November 6, 2012, the Board issued an order immediately suspending Attorney Stafford based on the revocation of his license to practice law in Virginia for multiple violations of the commonwealth's rules of professional conduct, including conduct lacking competence, diligence, and communication.

**Michael G. Wyman** - On November 6, 2012, the Board issued an order immediately suspending Attorney Wyman based on his disbarment in South Carolina for misappropriation of funds, engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, and engaging in conduct tending to pollute the administration of justice or to bring the court or the legal profession into disrepute.

**Pius Airewele** - On October 31, 2012, the Board issued a final order suspending Attorney Airewele for 6 months and 1 day based on his 6-month and 1 day suspension in Massachusetts for multiple violations of the commonwealth's rules of professional conduct, including conduct lacking diligence, failure to communicate with clients, and conduct involving dishonesty, fraud, deceit, or misrepresentation.

**Vinaya Saijwani** - On October 31, 2012, the Board issued an order immediately suspending Attorney Saijwani based on her ineligibility to practice law in New Jersey because of her non-payment of fees to the state's client protection fund.

**Vlad Sigalov** - On October 31, 2012, the Board issued a final order disbaring Attorney Sigalov based on his disbarment in Ohio for multiple violations of the state's rules of professional conduct, including conduct lacking competence and diligence and conduct involving dishonesty, fraud, deceit, or misrepresentation.

■ The most recently reinstated practitioner is:

**David W. Iverson** - On November 19, 2012, the Board issued an order reinstating Attorney Iverson after he completed his 90-day suspension, which was effective June 28, 2012, based on his 90-day suspension in Florida for violation of the state's rules of professional conduct.

**Alaba S. Ajetunmobi** - On November 7, 2012, the Board issued an order reinstating Attorney Ajetunmobi after he served his 6-month suspension based on a 6-month suspension in California for failing to perform legal services and failing to cooperate in a disciplinary investigation.

EOIR employees may report attorney misconduct at [EOIR.Attorney.Discipline@usdoj.gov](mailto:EOIR.Attorney.Discipline@usdoj.gov). If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at [Jennifer.Barnes@usdoj.gov](mailto:Jennifer.Barnes@usdoj.gov).

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The OGC Fraud Program Crier is a monthly newsletter produced by the Office of the General Counsel, Executive Office for Immigration Review. The purpose of the publication is to inform its readers of investigations, prosecutions, and other current events relating to immigration fraud and abuse across the United States and to provide information that will aid staff in detecting or preventing fraud and abuse in immigration proceedings. It is intended only as an informational resource for the use of employees of the Executive Office for Immigration Review.



OGC Fraud Program Crier

A publication of the Executive Office for Immigration Review, Office of the General Counsel, December 2012.

Happy Holidays and welcome to the newly redesigned Fraud Crier. This is the first redesign since the Crier began publication almost six years ago. We hope you like it.

Contact Information

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News Briefs

Former INS Employee Indicted in Marriage Fraud Scheme (San Francisco, CA)

Andrew Chojecki, a former applications adjudicator with the Immigration and Naturalization Service (INS), was indicted in U.S. District Court for the Northern District of California on nine counts of conspiracy to commit marriage and visa fraud, marriage fraud, and harboring aliens. According to the indictment, Mr. Chojecki, who is a naturalized American citizen currently residing in Poland, facilitated fraudulent marriages in exchange for cash payments. From approximately April 2010 through November 2012, he allegedly introduced undocumented aliens to potential U.S. citizen spouses, prepared fraudulent visa applications for the aliens, gave guidance on steps they should take to make their marriages appear legitimate, and provided them with sample questions to anticipate from immigration examiners. Six other persons also were named in the indictment: Aaron Goldsmith, Beata Szkop, Pawel Karolak, Vito Scherma, Hector Vargas, and Malgorzata Zuk. To read more, visit http://www.justice.gov/usao/can/news/2012/2012_12_10_chojecki.indicted.press.html.

Disbarred Attorney Pleads Guilty to Unauthorized Practice of Law (Yonkers, NY)**

Claude R. Simpson pleaded guilty in a New York court to the practice of law by an attorney who has been disbarred, suspended, or convicted of a felony, which is a misdemeanor offense. Specifically, Mr.

Simpson, who was disbarred in 2009 by the New York Court of Appeals, deceived an alien respondent and the respondent's family into thinking he was an attorney in good standing. He charged the respondent \$5,000 to provide legal advice and otherwise represent him in proceedings before the Atlanta Immigration Court. Mr. Simpson is scheduled for sentencing in January 2013.

*** The Fraud and Abuse Prevention Program, Office of the General Counsel, assisted with this case.*

New Jersey Court Enjoins Immigration Services Business (Newark, NJ)**

A New Jersey court permanently enjoined Project Freedom Fund, a bogus non-profit legal services organization, and its principal officer, Bruce S. Buccolo of West Orange, New Jersey, from advertising, selling, or providing legal services. The injunction was issued in response to a lawsuit filed by the Attorney General for the State of New Jersey alleging that, in violation of state consumer protection laws, Project Freedom Fund misrepresented itself as a non-profit organization when in fact it operated primarily for the financial benefit of Mr. Buccolo and others and through misleading advertisement induced clients, including immigrant detainees facing possible deportation, to pay up-front non-refundable "consulting fees" for services that rarely were provided. The lawsuit further alleged that, on those rare occasions when legal services were performed, they were performed either by Mr. Buccolo, who is not an attorney or accredited representative, or by disbarred attorney Mark Bendet. In addition to enjoining the defendants from future involvement in legal services work, the court ordered them to pay approximately \$2.2 million in civil penalties, restitution, and attorneys' fees. To read more, visit <http://www.nj.gov/oag/newsreleases12/pr20121016a.html>.

*** The Fraud and Abuse Prevention Program, Office of the General Counsel, and the Recognition and Accreditation Program, Board of Immigration Appeals, assisted with this case.*

11 Defendants Accused of Document Fraud Conspiracy (Myrtle Beach, SC)

Eleven men were charged in the District of South Carolina with conspiracy to procure by fraud resident alien and employment authorization documents. Law enforcement sources report that the eleven defendants traveled to South Carolina to obtain valid immigration documents to which they were not entitled from an individual they believed to be a corrupt U.S. Citizenship and Immigration Services (USCIS) employee. They allegedly paid the purported USCIS official \$5,000 to \$6,000 each to obtain the documents. The defendants are: Nevo Yosef Katzav, Amir Arpally, Assi David Nishri, Einan Salach, Idan Oren, Omri Lipman, Anat Bor, Florence Tiego, Lior Shriki, Amos Shmilovich, and Eran Kol. Ten of the defendants reportedly are from Israel, and one defendant reportedly is from Kenya. To read more, visit <http://www.justice.gov/usao/sc/news/11.30.12.katzav.html>.

Unauthorized Legal Practitioner Pleads Guilty (Fairfax, VA)

Immigration consultant Luis M. Ramirez pleaded guilty in Fairfax County Circuit Court to three counts of obtaining money under false pretenses. He is scheduled for sentencing in February 2013. Mr. Ramirez, who worked out of offices located in the Tysons Corner, Virginia, area, reportedly passed himself off as an attorney, charged clients thousands of dollars in legal fees, but did little or no legal work on their behalf. According to media reports, Mr. Ramirez maintained a high profile in the Latino community, which enhanced his ability to attract clients. Specifically, he had his own radio show and used the show to dispense legal advice. He also regularly appeared in Spanish-language media,

including on Univision. To read more, visit http://www.washingtonpost.com/blogs/crime-scene/post/legal-adviser-pleads-guilty-to-defrauding-immigrants/2012/12/10/057f9096-42f6-11e2-8e70-e1993528222d_blog.html.

Attorney Discipline

● Most recently disciplined practitioners:

Paul Shearman Allen – On December 5, 2012, the Board issued a final order disbaring Attorney Allen based on his consent to disbarment in the District of Columbia.

Nancy Elizabeth Coulter - On December 5, 2012, the Board issued an order immediately suspending Attorney Coulter based on her having been placed on disability inactive status by the Supreme Court of Colorado.

Jose A. Espinosa - On December 5, 2012, the Board issued an order immediately suspending Attorney Espinosa based on his disbarment by the Supreme Judicial Court for Suffolk County, Massachusetts, for multiple violations of the commonwealth's rules of professional conduct, including conduct lacking competence, diligence, and communication.

Arnold Baligod Ferry - On December 5, 2012, the Board issued an order immediately suspending Attorney Ferry based on his inability to practice law in New York due to failure to comply with attorney registration requirements.

Fernando Hernandez - On December 5, 2012, the Board issued a final order suspending Attorney Hernandez for 5 years based on his disbarment in Florida for sharing fees with non-lawyers, commingling funds, and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

James C. Lopez - On December 5, 2012, the Board issued an order immediately suspending Attorney Lopez based on his resignation from the practice of law in California with charges pending.

Michael G. Wyman - On December 5, 2012, the Board issued a final order disbaring Attorney Wyman based on his disbarment in South Carolina for misappropriation of funds, engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, and engaging in conduct tending to pollute the administration of justice or bring the court and legal profession into disrepute.

Chukwu Uwakwe Oko - On November 29, 2012, the Board issued a final order suspending Attorney Oko for 4 years based on his suspension in Texas for 2 years, followed by 2 years' probation, for multiple violations of the state's rules of professional conduct, including engaging in conduct involving the lack of communication and the safekeeping of property.

Richard A. Samad - On November 29, 2012, the Board issued an order immediately suspending Attorney Samad based on his 3-year suspension in the District of Columbia for multiple violations of the Rules of Professional Conduct, including conduct involving neglect, failure to return unearned fees, and failure to take steps reasonably practicable to protect a client's interests.

Eduardo Exposito - On November 26, 2012, the Board issued a final order disbaring Attorney Exposito based on his permanent disbarment in Florida for continuously and repeatedly engaging in the practice of law while disbarred.

Siamack Kalantar - On November 26, 2012, the Board issued a final order disbaring Attorney Kalantar based on his resignation in lieu of disbarment in the State of Washington.

EOIR employees may report attorney misconduct at EOIR.Attorney.Discipline@usdoj.gov. If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at Jennifer.Barnes@usdoj.gov.

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*The OGC Fraud Program Crier is a monthly newsletter produced by the Office of the General Counsel, Executive Office for Immigration Review. The purpose of the publication is to inform its readers of investigations, prosecutions, and other current events relating to immigration fraud and abuse across the United States and to provide information that will aid staff in detecting or preventing fraud and abuse in immigration proceedings. It is intended only as an informational resource for the use of employees of the Executive Office for Immigration Review.*



# OGC Fraud Program Crier

*A publication of the Executive Office for Immigration Review, Office of the General Counsel, January 2013.*

## Contact Information

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Paul Rodrigues, Associate General Counsel: [Paul.A.Rodrigues@usdoj.gov](mailto:Paul.A.Rodrigues@usdoj.gov) or (703) 305-0879.

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## News Briefs

### **Los Angeles Lawyer Sentenced for Visa Fraud and Money Laundering (Los Angeles, CA)**

Joseph Wai-Man Wu, a Los Angeles attorney and former head of the now-defunct East West Law Group, pleaded guilty in August 2011 in U.S. District Court for the Central District of California to money laundering, obstruction of justice, and conspiracy to commit visa fraud. He recently was sentenced to 10 months' imprisonment. According to Federal prosecutors, between 1996 and 2009 Mr. Wu and other members of the East West Law Group filed at least 137 bogus H-1B and other employment-based visa applications on behalf of foreign workers. The workers each paid Mr. Wu and his co-conspirators between \$6,000 and \$50,000 to obtain the employment visas. Mr. Wu in turn laundered the illicit payments in an unusual manner, that is, by purchasing cemetery plots and gravestones valued in the hundreds of thousands of dollars. In addition to his prison sentence, Mr. Wu was ordered to surrender to the U.S. Government a portion of profits received from the fraud scheme and to forfeit 30 unused cemetery plots and 20 gravestones. Co-defendant Kelly Einstein Darwin Giles, who worked with Mr. Wu as an attorney at the East West Law Group, pleaded guilty in September 2012 to conspiracy to commit visa fraud and obstruction of justice and is scheduled for sentencing in February 2013. Mr. Wu's wife, May Yim-Man Wu, who reportedly played a minor role in the conspiracy, was placed in a pretrial diversion program. To read more, visit <http://www.scpr.org/news/2012/11/15/34947/visa-fraud-scheme-involved-laundering-money-buying> and <http://www.ice.gov/news/releases/1211/121115losangeles.htm>.

### **New York Immigration Attorney Pleads Guilty to Fraud (New York, NY)**

According to the *New York Law Journal*, Jed M. Philwin, an immigration attorney practicing in the Bronx, New York, pleaded guilty in the Southern District of New York to participating in a long-running asylum fraud scheme. He reportedly filed more than 100 fraudulent asylum applications between 2003 and 2008. He is scheduled for sentencing in May 2013. To read more, visit [http://www.newyorklawjournal.com/PubArticleNY.jsp?id=1202583243232&Immigration Lawyer Pleas Guilty to Fraud](http://www.newyorklawjournal.com/PubArticleNY.jsp?id=1202583243232&Immigration_Lawyer_Pleas_Guilty_to_Fraud).

### **Dozens Indicted for Asylum Fraud (New York, NY)**

Twenty-six persons were indicted in U.S. District Court for the Southern District of New York as a result of a major asylum fraud crackdown in the New York City area. All 26 defendants were indicted for conspiracy to commit immigration fraud. Seven of the defendants also were charged with immigration fraud and/or identity fraud. According to law enforcement authorities, 21 of the 26 defendants were employed as attorneys, paralegals, office managers, or translators at law firms operating in the Chinatown neighborhoods of Manhattan and Queens, New York. The law firms allegedly manufactured for hundreds of Chinese immigrants persecution claims based on coercive population control policy, religion (Christianity), Falun Gong participation, or membership in China's Democratic Party. Non-attorney employees at the law firms, acting at the direction of the attorneys, allegedly prepared asylum applications setting forth the false claims and coached clients on how to lie during interviews with U.S. Citizenship and Immigration Services (USCIS) asylum officers. Translators employed by the law firms reportedly accompanied the clients to asylum interviews and falsely translated answers that did not conform to the applicants' pre-fabricated stories. In some cases in which clients were seeking asylum based on Christian beliefs, the law firms reportedly referred the clients to a church in Queens to receive training in the basic tenets of the religion and to obtain certificates proving that they belonged to the church. Also, when clients were denied asylum by USCIS and placed in removal proceedings, the six attorneys named in the indictment — Vanessa Bandrich, Ken Giles, Freddy Jacobs, Feng Li, Feng Ling Liu, and John Wang — allegedly instructed clients to provide false testimony to the Immigration Court. To read more, visit <http://www.fbi.gov/newyork/press-releases/2012/twenty-six-individuals-including-six-lawyers-charged-in-manhattan-federal-court-with-participating-in-immigration-fraud-schemes-involving-hundreds-of-fraudulent-asylum-applications> and <http://www.justice.gov/usao/nys/pressreleases/December12/AsylumFraudChargesPR.php>.

### **Former Police Officer Arrested for Preying on Immigrants (Poughkeepsie, NY)**

The Attorney General for the State of New York filed multiple criminal charges against former police officer Miguel A. Rodriguez for defrauding immigrants out of more than \$13,000. According to the indictment against Mr. Rodriguez, between October 2010 and August 2012 he conned immigrants into paying \$300 each to enter a state lottery he falsely claimed could secure the immigrants a New York driver's license. He also allegedly conned immigrants into paying \$500 to \$1,000 each for asylum and withholding applications and falsely promised his victims that the applications would be reviewed by an attorney and filed with the appropriate immigration authorities. According to the New York Attorney General, Mr. Rodriguez formerly served as an officer with the New York Police Department (NYPD) and was serving as a police officer and liaison to the Latino community in the Village of Wappingers Falls, New York, at the time of the alleged fraud. The specific charges against Mr. Rodriguez include nine counts of grand larceny, one count of attempted grand larceny, two counts of

engaging in a scheme to defraud, two counts of petit larceny, and one count of official misconduct. To read more, visit <http://www.ag.ny.gov/press-release/ag-schneiderman-announces-arrest-former-cop-preying-immigrants-money-licenses-scam>.

### **Irish National Sentenced for Falsely Claiming U.S. Citizenship (Providence, RI)**

Denis Quirke, an Irish national, pleaded guilty in U.S. District Court for the District of Rhode Island to making a false claim to United States citizenship and to the fraudulent use of a Social Security number. In entering the plea, Mr. Quirke admitted that, in an effort to secure a state identification card, he misrepresented to the Rhode Island Department of Motor Vehicles (DMV) that he was an American citizen and as proof of citizenship provided DMV with a Social Security number that belonged to another person. Mr. Quirke was sentenced by the court to approximately 4 months' time served in prison. He also faces possible removal from the country. To read more, visit <http://www.justice.gov/usao/ri/news/2013/jan2013/quirke.html>.

### **Somali Pleads Guilty to Obstructing Immigration Court Proceedings (San Antonio, TX)**

A Somali national, Abdullah Omar Fidse, pleaded guilty in U.S. District Court for the Western District of Texas to conspiracy to obstruct justice by lying to an Immigration Judge and conspiracy to make false statements to Federal Bureau of Investigation (FBI) agents investigating his possible ties to terrorist groups. According to the indictment as well as media reports, from June 2008 to July 2009 Mr. Fidse conspired with his wife and fellow Somali national, Dekka Abdalla Sheikh, to hide from immigration authorities his true identity, marital status, the circumstances and time of his departure from Somalia, and his place of residence prior to arriving in the United States.

More specifically, Mr. Fidse allegedly asserted in his Form 1-589 application for asylum and before the Immigration Court that in January 2008 he was living in Mogadishu, Somalia, and was present when his father was killed by members of the Islamic Courts. In fact, Mr. Fidse was residing in Nairobi, Kenya, at the time and his father died of natural causes prior to 2008. Mr. Fidse also reported that he resided in Mogadishu from February 1989 to January 2008 when he in fact resided in Nairobi during this period. Ms. Sheikh, who appeared as a witness for Mr. Fidse during removal proceedings, testified that she first met Mr. Fidse in Ethiopia in June 2008 immediately before traveling to the United States when the two had in fact known each other since childhood, were married, and had lived together for three years. Both Mr. Fidse and Ms. Sheikh lied to the Immigration Judge about a June 2008 interview with U.S. Customs and Border Protection (CBP) during which Mr. Fidse falsely reported that his father had been killed by members of Al-Qaeda. Prior to testifying before the Immigration Court, Ms. Sheikh rehearsed her testimony with Mr. Fidse and the two agreed on certain hand signals they would secretly use to communicate during court proceedings.

Mr. Fidse and Ms. Sheikh made similar misrepresentations when interviewed by agents of the FBI's Joint Terrorism Task Force. In addition, Mr. Fidse misled the FBI about statements he made in support of Osama Bin Laden as well as statements he made, and recorded by undercover agents, about the purchase and subsequent destruction of a \$100,000 armed vehicle. Mr. Fidse is scheduled for sentencing in May 2013. Ms. Sheikh pleaded guilty in September 2012 to conspiracy to make false statements and also is scheduled for sentencing in May 2013. To read more, visit

[http://www.mysanantonio.com/news/local\\_news/article/Somali-with-suspected-terrorism-ties-pleads-guilty-4094440.php](http://www.mysanantonio.com/news/local_news/article/Somali-with-suspected-terrorism-ties-pleads-guilty-4094440.php).

## Attorney Discipline

### • Most recently disciplined practitioners:

**Belinda J. Armijo** - On January 8, 2013, the Board issued an order immediately suspending Attorney Armijo based on her interim suspension in Washington state due to her incapacity to conduct a proper defense to disciplinary proceedings.

**Kelly E.D. Giles** - - On January 8, 2013, the Board issued an order immediately suspending Attorney Giles based on her interim suspension in California following a conviction.

**Michele McMahon** - - On January 8, 2013, the Board issued an order immediately suspending Attorney McMahon based on her suspension in Missouri for being delinquent on taxes or failing to file tax returns.

**Richard A. Samad** - On January 2, 2013, the Board issued a final order suspending Attorney Samad for 3 years based on his 3-year suspension in the District of Columbia for multiple violations of the rules of professional conduct, including conduct involving neglect, failure to return unearned fees, and failure to take steps reasonably practicable to protect a client's interests.

**Nancy Elizabeth Coulter** - On January 7, 2013, the Board issued a final order indefinitely suspending Attorney Coulter based on her having been placed on disability inactive status by the Supreme Court of Colorado.

**Jose A. Espinosa** - On January 7, 2013, the Board issued a final order suspending Attorney Espinosa for 8 years based on his disbarment by the Supreme Judicial Court for Suffolk County, Massachusetts, for multiple violations of the Commonwealth's rules of professional conduct, including conduct lacking competence, diligence, and communication.

**James C. Lopez** - On January 7, 2013, the Board issued a final order disbaring Attorney Lopez based on his resignation from the practice of law in California with charges pending.

**Samuel N. Omwenga** - On January 7, 2013, the Board issued a final order disbaring Attorney Omwenga based on his disbarment in the District of Columbia for multiple violations of the District's rules of professional conduct, including conduct lacking competence and diligence and conduct that involves dishonesty, fraud, deceit, or misrepresentation.

**Rufino Marc Cardoso** - On December 17, 2012, the Board issued a final order indefinitely suspending Attorney Cardoso based on his disbarment by the U.S. Court of Appeals for the Ninth Circuit for violation of ethical rules and of court rules and orders.

**Gordon Blaine Morgan** - On December 17, 2012, the Board issued a final order suspending Attorney Morgan for 5 years based on his resignation with charges pending in Texas.

**Harte Peary Stafford** - On December 17, 2012, the Board issued a final order disbaring Attorney Stafford based on the revocation of his license to practice law in Virginia for multiple violations of the Commonwealth's rules of professional conduct, including conduct lacking competence, diligence, and communication.

EOIR employees may report attorney misconduct at [EOIR.Attorney.Discipline@usdoj.gov](mailto:EOIR.Attorney.Discipline@usdoj.gov). If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at [Jennifer.Barnes@usdoj.gov](mailto:Jennifer.Barnes@usdoj.gov).

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The OGC Fraud Program Crier is a monthly newsletter produced by the Office of the General Counsel, Executive Office for Immigration Review. The purpose of the publication is to inform its readers of investigations, prosecutions, and other current events relating to immigration fraud and abuse across the United States and to provide information that will aid staff in detecting or preventing fraud and abuse in immigration proceedings. It is intended only as an informational resource for the use of employees of the Executive Office for Immigration Review.



OGC Fraud Program Crier

A publication of the Executive Office for Immigration Review, Office of the General Counsel, February 2013.

Contact Information

Fraud Program Intranet Link: <http://eoirweb/component/OGC/FraudProgram/webhomepage.stm>.

Fraud Program In Box: EOIR.Fraud.Program@usdoj.gov.

Kathy John, Fraud and Abuse Prevention Counsel: Kathy.John@usdoj.gov or (703) 605-1282.

Paul Rodrigues, Associate General Counsel: Paul.A.Rodrigues@usdoj.gov or (703) 305-0879.

Patricia Wegner, Paralegal Specialist: Patricia.Wegner@usdoj.gov or (703) 305-0172.

Interesting Reading

Using an Immigration Assistance Service Provider: Tips for Consumers, published by the New York City Department of Consumer Affairs at http://www.nyc.gov/html/dca/downloads/pdf/isp_np_guide.pdf.

News Briefs

California Talent Consultant Sentenced for Visa Fraud Scam (Los Angeles, CA)

Andrew Boryski, a Canadian national who operated an unauthorized immigration services business in Los Angeles, California, entered a no contest plea and was sentenced by a state court to one year in jail followed by three years' probation for perpetrating a visa scam that cheated aspiring foreign actors out of thousands of dollars. Mr. Boryski also was ordered to pay \$38,000 in restitution to nine victims and to shut down his immigration consulting business. Mr. Boryski reportedly advertised via the Internet and presented himself at actors' seminars as an immigration consultant who could help hopeful actors secure visas to enter the United States and seek work. He charged international clients from Australia, Brazil, Canada, Ireland, Kosovo, Mexico, and the United Kingdom approximately \$5,000 each to file O-1 visas on their behalf. However, he never filed paperwork for the clients and did not inform them that O-1 visas are intended for established performers with employment pending in the United States. He also failed to follow through on repeated promises to refund his clients' money. Mr. Boryski specifically was charged with three counts of grand theft and three counts of operating as an

immigration consultant in violation of California law. To read more, visit http://atty.lacity.org/stellent/groups/electedofficials/@atty_contributor/documents/contributor_web_content/lacityp_023657.pdf.

CBP Agent Guilty of Immigration-Related Fraud (San Diego, CA)

Customs and Border Protection (CBP) agent Thomas P. Silva pleaded guilty in U.S. District Court for the Southern District of California to concealing a person from arrest. Specifically, while on duty at the San Ysidro Port of Entry near San Diego, California, Mr. Silva knowingly allowed a wanted fugitive to enter the United States from Mexico and entered inaccurate information about the fugitive's car into the CBP computer database in order to assist the fugitive elude arrest. In a separate scheme, Mr. Silva defrauded Farmers Insurance Company out of more than \$7,000 by falsely reporting that his pickup truck had been stolen from a San Diego community. Mr. Silva was sentenced by the court to eight months in custody for his criminal wrongdoing. In addition, he was ordered to forfeit over \$16,000 in illegal proceeds and make restitution to the Farmers Insurance Company. To read more, visit <http://www.justice.gov/usao/cas/press/2013/cas13-0118-SilvaSentPR.pdf>.

Florida Residents Sentenced for Selling Fake Cuban Birth Certificates (Miami, FL)

Four foreign nationals residing in Kissimmee and Naples, Florida — Fidel Morejon Vega of Cuba, Amelia Osorio of Cuba, Nelson Daniel Silvestri Soutto of Uruguay, and his wife, Laura Maria Ponce Santos, also of Uruguay — pleaded guilty and were sentenced in U.S. District Court for the Southern District of Florida to prison for conspiring to commit immigration fraud. According to media reports, the defendants operated a fraud ring that sold fake Cuban birth certificates for \$10,000 to \$15,000 a piece to undocumented aliens from a variety of Latin American countries, including Argentina, Colombia, Costa Rica, Mexico, Peru, El Salvador, and Venezuela. Those purchasing the fake certificates used them to obtain lawful resident status under the Cuban Refugee Adjustment Act of 1966. Mr. Morejon, who is identified as the ringleader of the conspiracy (and allegedly sold phony Presidential pardon documents as well), was sentenced to 33 months in prison followed by three years' supervised release. He also was ordered to perform 150 hours of community service. Ms. Osorio was sentenced to four months in prison followed by two years' supervised release, including 11 months of house arrest. Mr. Silvestri was sentenced to one year in prison followed by three years' supervised release, including nine months of house arrest. Ms. Ponce was sentenced to six months in prison followed by two years' supervised release, including nine months of house arrest. The defendants also face possible removal from the United States. To read more, visit <http://www.cnn.com/2013/01/18/justice/florida-cuban-birth-certificates/> and <http://www.miamiherald.com/2013/01/17/3188208/defendants-sentenced-in-fake-cuban.html>.

Immigrants from Romania Convicted of Naturalization Fraud (Boise, ID)

Former Ketchum, Idaho, residents Ramona Alina Fenesan and Florin Fleischer pleaded guilty and were sentenced in U.S. District Court for the District of Idaho to unlawful procurement of United States citizenship. In 2003 Ms. Fenesan and Fleischer, both of whom are natives of Romania, entered into marriages with American citizens for the sole purpose of obtaining immigration benefits. Thereafter, the two defendants successfully applied for lawful permanent resident status and eventually were naturalized as U.S. citizens. Upon gaining citizenship, they divorced their respective U.S. citizen spouses and married each other. Ms. Fenesan and Mr. Fleischer both were sentenced to two years'

probation and fined \$1,000. In addition, the court revoked their United States citizenship. To read more, visit <http://www.justice.gov/usao/id/news/2013/jan/fenesan01142013.html> and <http://www.ice.gov/news/releases/1301/130114boise.htm>.

Fugitive Immigration Attorney Captured; Faces Fraud Charges (Salt Lake City, UT)

James Hector Alcalá, a Utah immigration attorney who fled the country following his 2009 indictment on immigration fraud charges, was captured on Christmas Day attempting to re-enter the United States at the San Ysidro Port of Entry near San Diego, California. Mr. Alcalá, his law firm, the Westside Property Management Company, and seven other persons were indicted in 2009 in U.S. District Court for the District of Utah for alien smuggling, visa fraud, and inducing illegal aliens to enter and remain in the United States. According to law enforcement authorities, the defendants, for financial gain, assisted employers in the State of Utah obtain H-2B work visas for foreign nationals who were not eligible to receive the visas. To date, three of Mr. Alcalá's co-defendants, namely, Carlos Manuel Vorher, Andres Lorenzo Acosta Parra, and Westside Property Management, have pleaded guilty to participating in the scheme and await sentencing. To read more, visit <http://www.ice.gov/news/releases/1301/130109saltlakecity.htm>.

Milwaukee Religious Leader Convicted for Visa Violations (Milwaukee, WI)

Sagarsen Haldar *a.k.a.* Gopal Hari Das was convicted in late 2011 in the Eastern District of Wisconsin for obtaining R-1 religious worker visas by fraud. He recently was sentenced to 37 months' imprisonment for his criminal wrongdoing. Mr. Halder, a lawful permanent resident of the United States who identifies himself as the founder, president, and spiritual leader of the Gaudiya Vaisnava Society (GVS), a Hindu temple located in Milwaukee, Wisconsin, assisted more than two dozen Indian nationals fraudulently obtain R-1 visas. He falsely asserted to the U.S. Government that the Indian visa petitioners planned to serve as priests and perform religious work at the GVS temple when they in fact had no religious training or experience, had no intention of serving at the temple once they arrived in the country, and often ended up driving cabs or working at convenience stores. Mr. Halder charged the petitioners exorbitant fees of up to \$30,000 each to serve as their visa sponsor. To read more, visit <http://www.jsonline.com/news/milwaukee/hare-krishna-priest-gets-3year-term-in-visa-fraud-case-hm8fvjk-187964501.html> and <http://www.ice.gov/news/releases/1301/130123milwaukee.htm>.

Attorney Discipline

• Most recently disciplined practitioners:

Michele McMahon - On February 8, 2013, the Board issued a final order indefinitely suspending Attorney McMahon based on her suspension in Missouri for being delinquent on a tax or failing to file tax returns.

Belinda J. Armijo - On February 7, 2013, the Board issued a final order indefinitely suspending Attorney Armijo based on her interim suspension in Washington state due to her incapacity to conduct a proper defense to disciplinary proceedings and her suspension by the U.S. District Court for the Western District of Washington.

● **Recently rescinded suspension:**

Raghubir K. Gupta - On February 8, 2013, the Board issued an order rescinding the immediate suspension of Attorney Gupta based on the reversal of his criminal conviction by the U.S. Court of Appeals for the Second Circuit.

● **Most recently reinstated practitioner:**

Thomas D. Pamilla - On January 22, 2013, the Board issued an order reinstating Attorney Pamilla after he completed his 1-year suspension based on his 1-year suspension in California for engaging in the unauthorized practice of law when dealing with clients in loan modification cases.

EOIR employees may report attorney misconduct at EOIR.Attorney.Discipline@usdoj.gov. If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at Jennifer.Barnes@usdoj.gov.



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OGC Fraud Program Crier

A publication of the Executive Office for Immigration Review, Office of the General Counsel, March 2013.

Contact Information

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Paul Rodrigues, Associate General Counsel: Paul.A.Rodrigues@usdoj.gov or (703) 305-0879.

Patricia Wegner, Paralegal Specialist: Patricia.Wegner@usdoj.gov or (703) 305-0172.

Interesting Reading

To Protect and Serve: Access to Justice for Victims of Notario Fraud in the Nation's Capital. Published by The Community Justice Project at Georgetown University Law Center (January 2013).

<http://www.law.georgetown.edu/academics/academic-programs/clinical-programs/our-clinics/Community-Justice/upload/Ayuda-Final-Report-Stylized-Web-Version.pdf>

News Briefs

Paralegal Sentenced for Filing Fraudulent Visa Applications (New Haven, CT)

Fernando Goncalves, a Brazilian national employed as an office manager and paralegal at a law firm in Stamford, Connecticut, pleaded guilty in U.S. District Court for the District of Connecticut to immigration document fraud. He was sentenced to approximately 7 ½ months' time served in prison. According to court documents, Mr. Goncalves, who prior to coming to the United States was a practicing attorney in Brazil, filed fraudulent I-485 employment-based adjustment of status applications on behalf of at least eight non-citizen clients. The applications contained false statements and were supported by fraudulent documents, including fraudulent rental agreements, fraudulent affidavits and letters, and false statements of employment experience. The foreign nationals each paid Mr. Goncalves more than \$7,000 to prepare and file the fraudulent benefit applications. To read more, visit <http://www.justice.gov/usao/ct/Press2013/20130213-1.html>.

Haitian Immigrant Sentenced for Attempting to Bribe Federal Agent (Tallahassee, FL)

Haitian immigrant Jean Therve was convicted and sentenced in U.S. District Court for the Northern District of Florida to 33 months in prison for attempting to bribe a Federal immigration official. Specifically, in 2011 Mr. Therve, who was under an order of removal from the United States, offered an Immigration and Customs Enforcement (ICE) deportation officer \$3,000 to release him from Federal detention. Mr. Therve subsequently arranged for a third party to wire the officer, who was cooperating with criminal investigators, \$1,400 as an initial payment toward his release. To read more, visit <http://www.justice.gov/usao/fln/press/2013/mar/therve.html>.

Chicago Cracks Down on Delinquent Immigration Service Providers (Chicago, IL)

City of Chicago inspectors, working undercover, visited 54 local immigration service providers and found that 44 percent were not in compliance with city ordinances. According to city officials, provider misconduct included charging exorbitant fees, failing to post required consumer information, providing unauthorized legal advice, and promising to secure immigration benefits that clients did not qualify for. The providers were fined \$200 to \$10,000 for each regulatory violation. To read more, visit http://www.cityofchicago.org/city/en/depts/mayor/press_room/press_releases/2013/march_2013/mayor_emanuel_announcesresultsofstingoperationtargetingfraudulen.html and <http://chicago.cbslocal.com/2013/03/08/city-44-percent-of-immigration-service-providers-committing-fraud>.

Illinois Residents Indicted for Marriage Fraud Conspiracy (Chicago, IL)

Two Illinois residents – Teresita Zarrabian, a naturalized U.S. citizen who owns Zarrabian and Associates, an immigration consulting business in Arlington Heights, Illinois, and Michael Smith of Bellwood, Illinois – were indicted in the Northern District of Illinois for visa fraud, marriage fraud, and conspiracy to commit marriage fraud. According to the indictment, between 2005 and 2012 Ms. Zarrabian, with paid assistance from Mr. Smith, arranged at least four sham marriages between U.S. citizens and foreign nationals. She reportedly helped the couples compile fraudulent evidence, such as wedding photographs, to make their marriages appear legitimate. She also reportedly filed lawful permanent resident applications on their behalf and coached the parties on how to respond to interview questions posed by immigration officials. She reportedly was paid \$8,000 to \$15,000 for each arranged marriage. The indictment further alleges that Ms. Zarrabian attempted to persuade one citizen spouse involved in the conspiracy not to cooperate with law enforcement authorities investigating the matter. As a result, she also was charged with one count of obstruction of justice. To read more, visit http://www.justice.gov/usao/iln/pr/chicago/2013/pr0211_01.html and <http://www.ice.gov/news/releases/1302/130211chicago.htm>.

Law Firm Translator Charged with Defrauding Immigrants (New York, NY)

Mamadou Yaya Sy, who worked as a translator at a Manhattan law firm from 2001 to 2011, was charged by New York authorities with three counts of grand larceny and one count of engaging in a scheme to defraud immigrant clients. Beginning in 2008, Mr. Yaya allegedly met alone with multiple clients of the law firm where he worked and assisted them in filling out adjustment of status applications. The clients paid him from \$600 to \$3,000 each purportedly for legal fees and for U.S. Citizenship and Immigration Services (USCIS) application fees. However, according to state authorities, Mr. Yaya deposited this money into his own personal bank account. To read more, visit

<http://manhattanda.org/press-release/district-attorney-vance-announces-criminal-charges-against-law-firm-translator-defraud>.

El Paso Resident Indicted for Impersonating Federal Officer (El Paso, TX)

Jose Mario Carrera-Marrufo, a Mexican national residing in El Paso, Texas, was indicted in U.S. District Court for the Western District of Texas on eight counts of wire fraud, money laundering, and impersonating a Federal officer. According to the indictment, Mr. Carrera-Marrufo misrepresented to members of the immigrant community that he was either a U.S. immigration agent or an attorney and as such could assist them in obtaining immigration benefits for themselves or their relatives. He allegedly instructed his victims in person or by telephone, e-mail, or text messaging to send him personal identification documents to use in applying for the benefits and, thereafter, to deposit funds into certain designated bank accounts. The accounts, while not in Mr. Carrera-Murrufó's name, apparently were accessible to him. The indictment notes that at least three victims paid Mr. Carrera-Marrufo from \$1,000 to \$10,800 each for immigration benefits which they never received. To read more, visit http://www.elpasotimes.com/ci_22577351/30-year-old-man-accused-scamming-immigrants and <http://m.ice.gov/news/releases/1302/130212elpaso.htm>.

Follow up: Eleven Document Fraud Conspirators Sentenced (Grand Rapids, MI)

Eleven foreign nationals, most of whom are members of the same family, were convicted in U.S. District Court for the Western District of Michigan and sentenced to prison terms ranging from 6 months to 5 years for operating a document-manufacturing ring. The ring operated primarily in Southwest Michigan and produced high-quality documents, including fake "green cards" and fake Social Security cards, for sale to undocumented aliens. The ring leader, Jacinto Morales-Martinez, received the stiffest sentence, that is, 5 years' imprisonment, for the following offenses: conspiracy to produce and sell fraudulent documents, possessing and transferring fraudulent documents, and returning to the United States following his deportation as an aggravated felon. To read more, visit http://www.justice.gov/usao/miw/news/2013/2013_0220_JMorales_Martinezi.html.

Attorney Discipline

• **Most recently disciplined practitioners:**

Mohamad Toufic Nehmeh - On March 18, 2013, the Board issued an order immediately suspending Attorney Nehmeh based on his suspension in California for failing to pass the Multistate Professional Responsibility Examination as required by a December 2012 order of the Supreme Court of California.

Bobby Gordon Okechuku Onyemeh Sea - On March 14, 2013, the Board issued an order immediately suspending Attorney Sea based on his conviction in the U.S. District Court for the District of Minnesota for filing a false tax return.

Aroon Roy Padharia - On February 25, 2013, the Board issued an order immediately suspending Attorney Padharia based on his temporary suspension in the District of Columbia for posing a substantial threat of serious harm to the public. **

**** EOIR's Disciplinary Counsel assisted in the prosecution of this case.**

Melina Merino - On February 22, 2013, the Board issued an order immediately suspending Attorney Merino based on her immediate administrative suspension in Massachusetts.

Errol I. Horwitz - On January 30, 2013, the Board issued a final order disbaring Attorney Horwitz based on a stipulation that he be disbarred in the State of California.

• **Most recently reinstated practitioners:**

Kaveh Ardalan - On March 5, 2013, the Board granted Attorney Ardalan's petition for reinstatement after he completed his 1-year suspension based on his 1-year suspension in California for willfully violating probation imposed in a previous disciplinary matter.

Arnold B. Ferry - On March 5, 2013, the Board set aside Attorney Ferry's immediate suspension order after he presented evidence that he is eligible to practice law and is a member in good standing in New York.

James O. Okorafor - On February 13, 2013, the Board issued an order reinstating Attorney Okorafor after he completed his 2-year suspension based on his 2-year suspension in Texas for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

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OGC Fraud Program Crier

A publication of the Executive Office for Immigration Review, Office of the General Counsel, May 2013.

Contact Information

Fraud Program Intranet Link: <https://portal.doj.gov/sites/EOIR/Components/OGC/Pages/Fraud-and-Abuse-Prevention.aspx>.

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Paul Rodrigues, Associate General Counsel: Paul.A.Rodrigues@usdoj.gov or (703) 305-0879.

Patricia Wegner, Paralegal Specialist: Patricia.Wegner@usdoj.gov or (703) 305-0172.

Interesting Reading

Immigration Fraud, a publication of the Virginia State Bar (updated June 2011).

<http://www.vsb.org/site/public/immigration-fraud>

With Or Without Overhaul, Immigration Lawyers In Short Supply by Sandhya Dirks, National Public Radio (April 29, 2013).

<http://www.npr.org/2013/04/29/179019214/with-or-without-reform-immigration-lawyers-in-short-supply>

News Briefs

Federal Law Enforcement Targets Passport Fraud

• **Fresno, CA** - Hipolito Venegas, a Mexican national residing in Bakersfield, California, pleaded guilty in U.S. District Court for the Eastern District of California to using a false name, date of birth, and Social Security number in applying for a United States passport. He is scheduled for sentencing in June 2013 and faces a possible maximum sentence of 20 years in prison, a fine of \$250,000, or both. To read more, visit <http://www.justice.gov/usao/cae/news/docs/2013/04-2013/04-01-13Venegas.html>.

● **San Francisco, CA** - More than 225 San Francisco Bay area residents have been charged with or prosecuted for passport fraud offenses since 2007, including ten persons during the past 18 months. Most recently, Quentin Chiang of San Jose was indicted in U.S. District Court for the Northern District of California for using another person's name in applying for a United States passport. He is awaiting trial. Ruben Reyes Diaz of Oakland was convicted of possessing a false identification document when he applied for a passport and sentenced to 50 days' imprisonment. Marco Matute of San Francisco was convicted of attempting to possess a false passport and sentenced to 2 ½ months in prison. Richard Emmett Monroe of Santa Rosa was charged by felony criminal complaint after allegedly using another person's name in applying for a passport and awaits trial. Lastly, Manuel Sanchez of Salinas was convicted of possessing a false identification document when he applied for a United States passport. He was sentenced to 10 months in prison. To read more, visit http://www.justice.gov/usao/can/news/2013/2013_04_12_ten.charged.press.html.

● **New Haven, CT** - Jamaican national Tashiany Martin was convicted in the District of Connecticut for making false statements in a passport application and for aggravated identity theft. She was sentenced to two years and one day in prison. According to evidence presented at trial, in 2002 Ms. Martin fraudulently obtained a New York driver's license and birth certificate by using the name of a former friend. She used these documents in 2008 to apply for a United States passport at the Passport Office in Norwalk, Connecticut. Interestingly, Ms. Martin also used her former friend's identity to secure a position in Rochester, New York, as a licensed practical nurse although she is not in fact a nurse. To read more, visit <http://www.justice.gov/usao/ct/Press2013/20130320-1.html>.

● **Scranton, PA** - Susan Walmer of Shiremanstown, Pennsylvania, was indicted in U.S. District Court for the Middle District of Pennsylvania on three counts of passport fraud. According to Federal prosecutors, in 2007 Ms. Walmer filed passport applications on behalf of her three minor children and supported the applications with a forged affidavit from her former husband, the children's legal custodian. The affidavit erroneously stated that the husband gave his consent for the children to obtain United States passports and travel to Canada. To read more, visit http://www.justice.gov/usao/pam/news/2013/Walmer_03_28_2013.htm.

Fake Document Operations Shut Down Across the U.S.

● **Baltimore, MD** - A Federal grand jury in Maryland indicated Abraham Cruz-Cruz, a Mexican citizen residing in Adelphi, Maryland, and Henry Ramos Agustin, a Guatemalan citizen residing in Cambridge, Maryland, on charges relating to the sale and transfer of fraudulent identification documents. Specifically, the two men each were indicted on 13 counts of conspiracy, transfer of false identification documents, fraud and misuse of immigration documents, Social Security fraud, and aggravated identity theft. According to the indictment, between October 2012 and February 2013 Mr. Cruz-Cruz manufactured phony identification documents, including permanent resident cards and Social Security cards, and both he and Mr. Ramos Agustin sold the documents to an undisclosed number of undocumented aliens. To read more, visit http://www.justice.gov/usao/md/Public-Affairs/press_releases/Press13/TwoIndictedOnChargesRelatedToTheManufactureAndTransferOfFraudulentIdentificationDocuments.html and <http://www.ice.gov/news/releases/1303/130327baltimore.htm>.

● **Kansas City, MO** - Thirteen persons, most of them Missouri residents, pleaded guilty in U.S. District Court for the Western District of Missouri to participating in a widespread conspiracy that provided unlawfully obtained identification documents, primarily U.S. birth certificates and Social Security cards, to undocumented aliens. The aliens in turn used the documents to obtain Missouri driver's licenses and non-driver identification cards. In addition to providing fraudulent documents, the defendants transported the undocumented aliens to driver's license offices in St. Joseph, Missouri, including from as far away as North Carolina, and helped the aliens prepare for potential questions from licensing officials. Law enforcement authorities estimate that 3,500 licenses were issued to undocumented aliens between approximately 2009 and 2012 as a result of the conspiracy and that gross proceeds from the conspiracy exceeded \$5 million. At least four defendants have been sentenced. Nelson Darisco Bautista-Orozco, a citizen of Guatemala who allegedly resides illegally in the United States, was sentenced to 42 months in prison without the possibility of parole. Ranfe Adaias Hernandez-Flores, *a.k.a.* "Miguel," also a citizen of Guatemala who allegedly resides in the United States illegally, was sentenced to two years in prison without parole. The two men jointly and severally were ordered to pay a \$5,250,000 money judgment. Christina Michelle Gonzalez of St. Joseph, Missouri, was sentenced to 32 months in prison without parole and ordered to pay \$150,000 in restitution. Her sister, Jessica Gonzalez, also of St. Joseph, Missouri, was sentenced to three years' probation. To read more, visit <http://www.justice.gov/usao/mow/news2013/bautista.sen.html> and <http://www.justice.gov/usao/mow/news2013/felipe.ple.html>.

● **Las Vegas, NV** - Jose Navarro-Parra and his business partner, Libia Bustillos-Gonzalez, both of whom are Mexican nationals, pleaded guilty to the state charge of establishing a financial forgery laboratory and were sentenced in Clark County, Nevada, District Court to serve two to five years in prison. They also face possible removal from the United States. According to state authorities, the pair counterfeited and sold high quality green cards, Social Security cards, and driver's licenses from multiple states, including Nevada, Virginia, Colorado, and Texas. They primarily sold the documents at "swap meets" in the Las Vegas, Nevada, area. They charged their buyers \$100 for a packet containing a phony green card and Social Security card and \$180 for a phony driver's license. To read more, visit <http://www.lasvegassun.com/news/2013/mar/25/immigration-document-forgers-serve-prison-time-bei> and <http://www.ice.gov/news/releases/1303/130325lasvegas.htm>.

● **Nashville, TN** - Mexican national Mario Bravo Romualdo pleaded guilty in U.S. District Court for the Middle District of Tennessee to document fraud. In entering his plea, Mr. Romualdo admitted possessing a specialized printer and other electronic equipment designed to manufacture false identification documents as well as 17 blank cards bearing the seal of the U.S. Department of Justice and 54 blank cards bearing the names and emblems of various states. He further admitted that he used the printer and other electronic equipment to counterfeit identification documents, including U.S. permanent resident cards. He is scheduled for sentencing in July 2013. Three co-defendants — Juan Tello Leynes, Maria Marquez Ramirez, and Isaias Hernandez Ramos — are awaiting trial. To read more, visit <http://www.justice.gov/usao/tnm/pressReleases/2013/4-12-13.html>.

Washington State "Madam" Sentenced for Immigration Fraud (Seattle, WA)

Miyong Roberts, a naturalized American citizen residing in Auburn, Washington, pleaded guilty in U.S. District Court for the Western District of Washington to attempting to commit immigration fraud and

conspiracy to harbor and transport illegal aliens. She was sentenced to two years' imprisonment followed by three years of supervised release. According to Federal prosecutors, Ms. Roberts is a Korean national who unlawfully obtained United States citizenship through a sham marriage. Moreover, from 2009 to 2012, she arranged for more than two dozen Korean women to enter the United States illegally to be employed as sex workers at clubs and salons around the country. She arranged housing for the women, supervised their prostitution activities, and counseled them on how to avoid detection. She conducted her activities from the Blue Moon nightclub located in Federal Way, Washington. The owner of the nightclub, Chang Kim, *a.k.a.* Steve Kim, was convicted on more serious charges – conspiracy to transport individuals in furtherance of prostitution and bribery. He was sentenced to 72 months in prison followed by five years of supervised release. He also was ordered to pay close to \$1.8 million in restitution and a \$200 special assessment. To read more, visit <http://blog.thenewstribune.com/crime/2013/02/22/federal-way-madame-sentenced-to-federal-prison-for-immigration-fraud> and <http://www.ice.gov/news/releases/1302/130222seattle.htm>.

Follow up: Attorney Sentenced for Directing Major Fraud Conspiracy (New York, NY)

Former attorney Earl Seth David pleaded guilty in the Southern District of New York to involvement in a massive immigration fraud scheme dating from 1996 to 2009. Specifically, he pleaded guilty to conspiracy to commit immigration fraud and conspiracy to commit mail and wire fraud. He was sentenced to five years in prison followed by two years' supervised release. He also was ordered to forfeit \$2.5 million in ill-gotten gains and pay a \$200 special assessment.

According to court documents, Mr. David operated a Manhattan-based law firm, the "David Firm," that took in millions of dollars in fees from alien clients seeking legal immigration status. In exchange for fees of up to \$30,000 per client, the firm submitted applications for, and obtained, Department of Labor (DOL) employment certifications. However, the DOL applications for the most part were based on phony employment sponsorship information and fabricated documents, including fake pay stubs, fake tax returns and fake work experience letters. The David Firm recruited dozens of individuals to further the scheme, including persons who, in exchange for money, falsely reported to DOL that they were sponsoring aliens for employment, accountants who created fake tax returns for the fictitious employers, and a corrupt DOL employee who helped ensure that labor certifications were granted for Mr. David's clients. The U.S. Government has identified at least 25,000 applications filed by the David Firm and has determined that the vast majority contain fraudulent information.

To date, 24 persons, including Mr. David, have been convicted for their role in the fraud conspiracy. Two defendants, Ali Gomas and Sariel Sabale, remain fugitives from justice. To read more, visit <http://www.justice.gov/usao/nys/pressreleases/April13/DavidEarlSethSentencingPR.php> and <http://www.ice.gov/news/releases/1304/130411newyork.htm>.

Follow up: Unauthorized Legal Practitioner Sentenced (Fairfax, VA)

Luis M. Ramirez, a Northern Virginia immigration consultant who in December 2012 pleaded guilty in Fairfax County Circuit Court to obtaining money under false pretenses, was sentenced to 10 years in prison, with eight years suspended, followed by one year probation. He also was ordered to pay \$89,000 in restitution. Mr. Ramirez, who worked out of offices located in the Tysons Corner, Virginia, area, passed himself off as an attorney and charged clients thousands of dollars in legal fees, but did

little or no legal work in return. According to media reports, Mr. Ramirez maintained a high profile in the Latino community, which enhanced his ability to attract clients. Specifically, he had his own radio show and used the show to dispense legal advice. He also regularly appeared in Spanish-language media, including on Univision.

Attorney Discipline

• Most recently disciplined practitioners:

Keith B. Losey - On April 30, 2013, the Board issued an order immediately suspending Attorney Losey based on his temporary suspension in Florida.

Bobby Gordon Okechuku Onyemeh Sea - On April 30, 2013, the Board issued a final order disbaring Attorney Sea based on his conviction in the U.S. District Court for the District of Minnesota for filing a false tax return.

Frank M. Fernandez - On April 19, 2013, the Board issued a final order suspending Attorney Fernandez for 5 years based on his disbarment in Hawaii for numerous violations of the state's rules of professional conduct, including conduct lacking competence and diligence and conduct involving dishonesty, fraud, deceit, or misrepresentation.

Ronald E. Behling - On April 23, 2013, the Board issued an order immediately suspending Attorney Behling based on his being placed on involuntary inactive enrollment status in California for misappropriation of funds.

John M. Carter - On April 11, 2013, the Board issued an order immediately suspending Attorney Carter based on his disbarment in Nebraska for misconduct involving dishonesty, fraud, deceit, or misrepresentation, and involving the safekeeping of property.

Francis A. Minor - On April 15, 2013, the Board issued an order immediately suspending Attorney Minor based on his 1-year suspension in Virginia for failing to comply with the terms imposed by a prior order of discipline.

Vincenta E. Montoya - On April 11, 2013, the Board issued an order immediately suspending Attorney Montoya based on an order issued by the Supreme Court of Nevada enjoining her from the practice of law in Nevada for 5 years.

David Shawn Clark - On April 9, 2013, the Board issued an order immediately suspending Attorney Clark based on his interim suspension in North Carolina in light of his pleading guilty to two misdemeanor counts of communicating threats and one count of common law obstruction of justice.

Jerry Goh - On April 9, 2013, the Board issued an order immediately suspending Attorney Goh based on his 6-month suspension in Texas for misconduct involving lack of competence, diligence, and communication.

Kelly E.D. Giles - On April 8, 2013, the Board issued a final order disbaring Attorney Giles based on his interim suspension in California and his conviction in the U.S. District Court for the Central District of California for conspiracy to commit visa fraud.

Shange H. Petrini - On April 8, 2013, the Board issued an order immediately suspending Attorney Petrini based on his disbarment in Washington State for misconduct involving lack of diligence, lack of communication, and failure to return unearned fees.

Eric J. Tinsley - On April 8, 2013, the Board issued a final order suspending Attorney Tinsley for 5 years based on his disbarment in Florida for misconduct involving lack of diligence, engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, and for violations of trust account rules.

Emeka M. Uyamadu - On April 8, 2013, the Board issued a final order disbaring Attorney Uyamadu based on his immediate suspension and ultimate disbarment in Texas based on his convictions for theft and witness tampering.

Maria K. Woroby - On April 8, 2013, the Board issued a final order disbaring Attorney Woroby based on her transfer to disability inactive status in Minnesota and her convictions for theft by swindle and engaging in the unauthorized practice of law.

Anthony D. Agpaoa - On March 20, 2013, the Board issued an order immediately suspending Attorney Agpaoa based on his being placed on involuntary inactive enrollment status in California with a recommendation for disbarment after being charged with 24 counts of misconduct, including failing to perform with competence, failing to refund unearned fees, and misappropriating client funds.

Stephen C. Woodruff - On March 20, 2013, the Board issued an order immediately suspending Attorney Woodruff based on his temporary suspension in the Commonwealth of the Northern Mariana Islands for alleged misconduct involving his duties of competence, diligence, and communication.

● **Most recently reinstated practitioners:**

Juan Carlos Perez - On April 30, 2013, the Board reinstated Attorney Perez after he completed his 6-month suspension based on his 6-month suspension in Florida after he was found to have been in contempt of court with regard to a previous disciplinary order.

Pius Airewele - On April 15, 2013, the Board issued an order reinstating Attorney Airewele after he completed his suspension for 6 months and 1 day based on his 6-month and 1-day suspension in Massachusetts for multiple violations of the Commonwealth's rules of professional conduct, including conduct lacking diligence, failure to communicate with clients, and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

EOIR employees may report attorney misconduct at EOIR.Attorney.Discipline@usdoj.gov. If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at Jennifer.Barnes@usdoj.gov.

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*The OGC Fraud Program Crier is a monthly newsletter produced by the Office of the General Counsel, Executive Office for Immigration Review. The purpose of the publication is to inform its readers of investigations, prosecutions, and other current events relating to immigration fraud and abuse across the United States and to provide information that will aid staff in detecting or preventing fraud and abuse in immigration proceedings. It is intended only as an informational resource for the use of employees of the Executive Office for Immigration Review.*



# OGC Fraud Program Crier

*A publication of the Executive Office for Immigration Review, Office of the General Counsel, June 2013.*

## Contact Information

Fraud Program Intranet Link: <http://eoirweb/component/OGC/FraudProgram/webhomepage.stm>.

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Kathy John, Fraud and Abuse Prevention Counsel: [Kathy.John@usdoj.gov](mailto:Kathy.John@usdoj.gov) or (703) 605-1282.

Paul Rodrigues, Associate General Counsel: [Paul.A.Rodrigues@usdoj.gov](mailto:Paul.A.Rodrigues@usdoj.gov) or (703) 305-0879.

Patricia Wegner, Paralegal Specialist: [Patricia.Wegner@usdoj.gov](mailto:Patricia.Wegner@usdoj.gov) or (703) 305-0172.

## News Briefs

### **Prosecutors Bust Attorney / Immigration Officers for Bribery (Los Angeles, CA)**

Five persons, including a Los Angeles immigration attorney and four current or former Department of Homeland Security (DHS) employees, were charged in U.S. District Court for the Central District of California with participating in a widespread immigration fraud and bribery scheme. According to Federal prosecutors, attorney Kwang Man “John” Lee, who previously was employed as an Immigration and Naturalization Service (INS) agent, assisted alien clients in submitting fraudulent immigration benefit applications, then conveyed bribes to DHS employees to ensure that the benefit applications were approved. The bribes included paid foreign vacations, computers, televisions, and cash payments ranging from \$50 to \$10,000. In return, corrupt DHS employees allegedly forged admission stamps with false dates of entry into the United States, rubber-stamped permanent resident and citizenship applications, and added or removed pertinent documents from official immigration files, commonly referred to as “A files.” The employees accused of accepting bribes include: Jesus Figueroa, a U.S. Citizenship and Immigration Services (USCIS) supervisory officer; Paul Lovingood, a former USCIS officer; James Dominguez, a U.S. Immigration and Customs Enforcement (ICE) special agent; and, Michael Anders, a U.S. Customs and Border Protection (CBP) officer. In addition to the defendants mentioned above, Japanese national Mirei Hofmann was indicted on one count of immigration fraud for allegedly paying tens of thousands of dollars to obtain a lawful permanent resident card. To read more, visit <http://www.justice.gov/usao/cac/Pressroom/2013/065.html> and <http://www.ice.gov/news/releases/1305/130508losangeles.htm>.

### **Twenty Defendants Arrested After Posing as Cuban Citizens (Miami, FL)**

Twenty persons were arrested in the Southern District of Florida after allegedly posing as Cuban citizens and petitioning for U.S. permanent resident status under the provisions of the Cuban Adjustment Act of 1996, or after assisting others in this regard. The arrests were the result of a Federal law enforcement operation code-named "Operation Havana Gateway" that was initiated in response to an increase in immigration fraud cases based on false claims of Cuban birth and citizenship. For a complete listing of those arrested and the specific charges filed against them, visit: <http://www.justice.gov/usao/fls/PressReleases/130417-01.html>;  
<http://www.ice.gov/news/releases/1304/130417miami.htm>.

### **Brooklyn Attorney Accused of Visa Fraud (New York, NY)**

Brooklyn immigration attorney Anna Tsirlina and her paralegal assistant, Aleksandr Shusterman, were arrested by Federal authorities in the Eastern District of New York for conspiring to defraud the United States and visa fraud. According to news reports citing Federal prosecutors, the pair received thousands of dollars over at least a seven-year period to prepare and submit fraudulent H1-B employment visa applications, or H1-B visa extensions, on behalf of Eastern European clients. The clients were referred to Ms. Tsirlina's law office by Andrei Kurakin, who also was named as a defendant in the matter. To read more, visit:

[http://www.newyorklawjournal.com/PubArticleNY.jsp?id=1202596635240&Brooklyn Immigration Lawyer Arrested Over Alleged Fraud](http://www.newyorklawjournal.com/PubArticleNY.jsp?id=1202596635240&Brooklyn_Immigration_Lawyer_Arrested_Over_Alleged_Fraud/);  
[http://newsandinsight.thomsonreuters.com/New\\_York/News/2013/04 - April/Immigration attorney arrested for visa fraud/](http://newsandinsight.thomsonreuters.com/New_York/News/2013/04 - April/Immigration_attorney_arrested_for_visa_fraud/).

### **Phony Lawyer Faces State Criminal Charges (New York, NY)\*\***

Michael Schorr of Valley Cottage, New York, was indicted in a New York state court for posing as an attorney and conning clients out of tens of thousands of dollars in legal fees. More specifically, Mr. Schorr was indicted on 35 counts of grand larceny, engaging in a scheme to defraud, falsifying business records, forgery, and practicing or appearing as an attorney without being admitted to the bar. According to the Attorney General for the State of New York, who is prosecuting the case, for at least four years Mr. Schorr misrepresented to clients and potential clients that he was an attorney. He allegedly appeared in Immigration Court on behalf of unsuspecting clients from Brazil, Israel, and Mexico, and lied to Immigration Judges about his status as an attorney. He allegedly filed false and forged documents, notably Form E-28 Notices of Entry of Appearance, with the courts indicating that he was an attorney in good standing in New York. In filing these documents, he reportedly used attorney registration numbers belonging to two persons with valid New York law licenses and made up a third registration number. If convicted, he faces up to seven years in prison. To read more, visit <http://www.ag.ny.gov/press-release/ag-schneiderman-busts-phony-lawyer-scamming-new-york-immigrants>.

### **Former Customs Inspector Charged After Selling Fake Documents (El Paso, TX)**

Federico "Freddy" Garcia, Jr., a former U.S. Customs Service inspector, was charged in U.S. District Court for the Western District of Texas with fraud and misuse of visas, permits, and other documents. Federal law enforcement and media sources report that over a two-year period Mr. Garcia defrauded more than 50 individuals by selling them counterfeit immigration documents, including employment

authorization cards and nonimmigrant visitor visas. He reportedly made close to \$100,000 as a result of the scam. Mr. Garcia also allegedly sold counterfeit documents — a U.S. certificate of naturalization, blank citizenship identification cards, and a State Department certification of the birth of a U.S. citizen abroad — to an undercover law enforcement agent whom he believed to be an alien smuggler. According to media reports, in 1997 while employed by the Customs Service, Mr. Garcia was accused of accepting \$30,000 to overlook cocaine smuggling activity at the U.S. border. He was convicted of bribery, sentenced to nine years in prison, and released from confinement in 2006. If convicted on the current charges, he faces up to 15 additional years in prison. To read more, visit:

<http://www.ice.gov/news/releases/1305/130515elpaso.htm>;

[http://www.elpasotimes.com/news/ci\\_23262941/ice-seeks-victims-immigrant-fraud-case](http://www.elpasotimes.com/news/ci_23262941/ice-seeks-victims-immigrant-fraud-case); and,

[http://www.elpasotimes.com/news/ci\\_23280030/ex-customs-agent-accused-document-fraud](http://www.elpasotimes.com/news/ci_23280030/ex-customs-agent-accused-document-fraud).

### **Follow Up: Leaders of Document Fraud Ring Sentenced (Baltimore, MD)**

The ringleaders of a Baltimore-based counterfeit document scheme – Roberto Morales-Perez *a.k.a.* Piza and his brother Ivan Altamirano-Perez *a.k.a.* Elmer – were sentenced to multi-year prison terms for conspiring to operate a fraudulent document mill and for selling fraudulent government identification documents. Specifically, Mr. Morales-Perez was sentenced to six years in prison followed by three years of supervised release. Mr. Altamirano-Perez was sentenced to 97 months in prison followed by three years of supervised release. The two men also face possible removal from the United States. According to court documents, Messrs. Morales-Perez and Altamirano-Perez, with the help of seven co-defendants, manufactured and sold almost 10,000 fake identification documents, including permanent resident and Social Security cards, to aliens for \$130 to \$160 per document. The conspirators made an estimated \$1.68 million. To read more, visit

<http://www.ice.gov/news/releases/1304/130424baltimore.htm>.

### **Follow up: Immigration Services Providers Agree to Cease Operations (New York, NY)\*\***

As the result of a lawsuit filed by the Attorney General for the State of New York, two of the nation's largest immigration services organizations — International Immigrants Foundation, Inc. (IIF) and the International Professional Association, Inc. (IPA) — and their former president, Edward Juarez, have agreed to cease business. The organizations have also agreed to pay all remaining organizational assets, that is, approximately \$2 to \$3 million, in restitution to clients they victimized. IIF and IPA, which operated in New York City as Section 501(c)(3) tax-exempt organizations, allegedly defrauded immigrants with false promises of citizenship and residency, engaged in the unauthorized practice of law, and illegally charged exorbitant fees for services. IIF, IPA, and Mr. Juarez also allegedly violated state laws governing not-for-profit entities by misusing and failing to safeguard organizational funds. According to law enforcement officials, IIF lured immigrants to purchase “memberships” with the organization for a \$100 up-front registration fee plus \$30 more per month. Immigrants were promised that in return they would receive special privileges such as free or low cost legal services. When they asked for legal representation, however, they were directed to IPA where they generally were required to pay at least several thousand dollars more to have immigration papers prepared and filed. The papers often were prepared by non-attorneys who were neither qualified nor accredited to do the work. To read more, visit:

<http://www.ag.ny.gov/press-release/ag-schneiderman-secures-landmark-agreement-permanently-shuts-down-two-nation%E2%80%99s-largest>;

<http://www.wnypapers.com/news/article/current/2013/05/31/111225/schneiderman-secures-landmark-agreement-to-permanently-shut-down-2-immigration-services-organizations-defrauding-immigrants>.

**Follow Up: Attorney Imposter Sentenced (New York, NY)\*\***

Te-Hu Tsuei *a.k.a.* Peter Tsuei pleaded guilty in a New York state court to grand larceny, engaging in a scheme to defraud, and practicing as an attorney without being properly licensed. He was sentenced to one year in jail and ordered to forfeit more than \$28,000 in ill-gotten gains. Specifically, between November 2007 and May 2009, he defrauded immigrants in the Chinatown neighborhood of New York City out of thousands of dollars by posing as an immigration attorney or paralegal who could assist them in applying for employment visas and obtaining “green cards.”

**Follow Up: Texas AG Shuts Down Unauthorized Practitioners (Austin, TX)\*\***

In response to a lawsuit filed by the Attorney General for the State of Texas, a Texas district court issued a permanent injunction ordering that Just for People, Inc., an immigration services business located in Austin, Texas, be dissolved. The court also ordered that the following persons associated with the business be barred from engaging in immigration consulting work: Elizabeth Gabriella “Gabby” Paneque *a.k.a.* Nilda Odalys Paneque, director and president of Just for People; Frank Alarcon Marimon, director and vice president of Just for People and its affiliate organization, Lead God; and, employee Anthony Burgos. The court also ordered Just For People to pay \$480,000 in civil penalties and more than \$195,000 in restitution and that the three individual defendants pay a combined \$930,000 in civil penalties. According to the Texas Attorney General, the defendants violated the Texas Deceptive Trade Practices Act (DTPA) by offering unauthorized legal advice and document preparation services. Dozens of clients reportedly paid the defendants sums ranging from \$2,500 to \$50,000 each for immigration assistance that the clients never received, including assistance in securing work visas and lawful permanent resident status. A number of clients who requested a refund were threatened and intimidated. To read more, visit <https://www.oag.state.tx.us/oagnews/release.php?id=4389>.

*\*\* The Fraud and Abuse Prevention Program, Office of the General Counsel, and the Recognition and Accreditation Program, Board of Immigration Appeals, assisted with these cases.*

## Attorney Discipline

● **Most recently disciplined practitioners:**

**Francis A. Minor** - On May 30, 2013, the Board issued a final order suspending Attorney Minor for 1 year based on his 1-year suspension in Virginia for failing to comply with the terms of a prior order of discipline.

**John M. Carter** - On May 15, 2013, the Board issued a final order disbaring Attorney Carter based on his disbarment in Nebraska for misconduct involving dishonesty, fraud, deceit, or misrepresentation and misconduct involving the safekeeping of property.

**Jerry Goh** - On May 15, 2013, the Board issued a final order suspending Attorney Goh for 6 months based on his 6-month suspension in Texas for misconduct involving lack of competence, diligence, and communication.

**Vincenta E. Montoya** - On May 15, 2013, the Board issued a final order indefinitely suspending Attorney Montoya based on an order issued by the Supreme Court of Nevada enjoining her from the practice of law in Nevada for 5 years.

**Scott A. Keillor** - On May 14, 2013, the Board issued an order immediately suspending Attorney Keillor based on his suspension for 179 days in Michigan for violating the state's rules of professional conduct involving the safekeeping of property and for misconduct involving dishonesty, fraud, deceit, or misrepresentation.

**Shange H. Petrini** - On May 14, 2013, the Board issued a final order disbaring Attorney Petrini based on his disbarment in Washington State for misconduct involving lack of diligence, lack of communication, and failure to return unearned fees.

**Joseph Awah Fru** - On May 8, 2013, the Board issued an order immediately suspending Attorney Fru based on his indefinite suspension in Minnesota for multiple violations of the state's rules of professional conduct, including conduct lacking competence, diligence, and communication.

● **Most recently reinstated practitioners:**

**Jose Expedito Mantal Garcia** - On May 31, 2013, the Board issued an order reinstating Attorney Garcia who since 2009 had been under a final order of indefinite suspension. The indefinite suspension was based on Attorney Garcia's 1-year suspension in New York for a conviction in the U.S. District Court for the Eastern District of Virginia for conspiracy to commit immigration fraud.

**Peter A. Allen** – On May 15, 2013, the Board issued an order reinstating Attorney Allen after he completed his suspension of 1 year and 1 day based on his suspension in Massachusetts for 1 year and 1 day for multiple violations of the commonwealth's rules of professional conduct, including violations involving competence and diligence and violations involving dishonesty, fraud, deceit, or misrepresentation.

EOIR employees may report attorney misconduct at [EOIR.Attorney.Discipline@usdoj.gov](mailto:EOIR.Attorney.Discipline@usdoj.gov). If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at [Jennifer.Barnes@usdoj.gov](mailto:Jennifer.Barnes@usdoj.gov).

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The OGC Fraud Program Crier is a monthly newsletter produced by the Office of the General Counsel, Executive Office for Immigration Review. The purpose of the publication is to inform its readers of investigations, prosecutions, and other current events relating to immigration fraud and abuse across the United States and to provide information that will aid staff in detecting or preventing fraud and abuse in immigration proceedings. It is intended only as an informational resource for the use of employees of the Executive Office for Immigration Review.



OGC Fraud Program Crier

A publication of the Executive Office for Immigration Review, Office of the General Counsel, July 2013.

Contact Information

Fraud Program Intranet Link: <https://portal.doj.gov/sites/EOIR/Components/OGC/Pages/Fraud-and-Abuse-Prevention.aspx>.

Fraud Program In Box: EOIR.Fraud.Program@usdoj.gov.

Kathy John, Fraud and Abuse Prevention Counsel: Kathy.John@usdoj.gov or (703) 605-1282.

Paul Rodrigues, Associate General Counsel: Paul.A.Rodrigues@usdoj.gov or (703) 305-0879.

Michelle Marshall, Program Specialist: Michelle.Marshall@usdoj.gov or (703) 605-1722.

Interesting Reading

Immigration debate has attorneys on alert for fraud by Psyche Pascual, California Bar Journal (July 2013). <http://www.calbarjournal.com/July2013/TopHeadlines/TH3.aspx>

News Briefs

Former USCIS Official Ordered to Prison (San Francisco, CA)

Abdulaziz Abdulahi Khalil, a former District Adjudication Officer for U.S. Citizenship and Immigration Services (USCIS), pleaded guilty in U.S. District Court for the Northern District of California to accepting kickbacks in exchange for fraudulently passing persons taking the U.S. citizenship exam. He specifically pleaded guilty to the following charges: conspiracy to defraud the United States (1 count), attempted unlawful procurement of citizenship (8 counts), false certification of citizenship applications (1 count), and attempted witness tampering (1 count). He was sentenced to 38 months in prison followed by three years of supervised release and will begin serving his sentence next month. To read more, visit http://www.justice.gov/usao/can/news/2013/2013_06_05_khalil.sentenced.press.html.

Southern California Psychologist Sentenced for Immigration Fraud Scheme (San Diego, CA)

Roberto J. Velasquez, a National City, California, clinical psychologist, pleaded guilty in U.S. District Court for the Southern District of California to submitting fraudulent medical reports to U.S. Citizenship and Immigration Services (USCIS) and the Social Security Administration (SSA) on behalf of alien clients. He was sentenced to 21 months in prison followed by two years' supervised release. Also, he was ordered to pay more than \$1.5 million in restitution to the SSA. Specifically, Dr. Velasquez falsely certified to USCIS that dozens of his patients who were seeking naturalization were disabled and therefore exempt from the English language and civics sections of the U.S. citizenship exam. He made up medical histories for the patients, fabricated test results, suggested symptoms and complaints that did not exist, and lied about the length of time he had been treating the patients. Furthermore, he instructed patients to use poor English during interviews with USCIS and to withhold information about attending college. As a result of Dr. Velasquez's fraudulent activity, USCIS granted disability exemptions to approximately 50 immigrants who did not in fact qualify for the waiver. Dr. Velasquez also submitted fraudulent medical reports to SSA certifying that certain patients were eligible for Supplemental Security Income (SSI) disability benefits. Between 2006 and 2012, the SSA paid out at least \$1.5 million in unwarranted disability benefits based on Dr. Velasquez's misrepresentations. To read more, visit <http://www.justice.gov/usao/cas/press/2013/cas13-0529-VelasquezPR.pdf> and <http://www.ice.gov/news/releases/1305/130529sandiego.htm>.

Immigration Officer Indicted For Citizenship and Green Card Fraud (Santa Ana, CA)

A Federal grand jury in the Central District of California has indicted Mai Nhu Nguyen on three counts of solicitation and receipt of a bribe by a public official. Ms. Nguyen, who is a resident of Irvine, California, has been employed by U.S. Citizenship and Immigration Services (USCIS) for eight years as an immigration services officer with authority to approve or deny immigration benefit applications. According to the indictment, in June 2013 Ms. Nguyen accepted a \$2,200 bribe from an immigrant applying for U.S. citizenship. In 2011 Ms. Nguyen allegedly solicited and took two additional bribes — \$1,000 from an immigrant seeking a green card and 200 egg rolls from an immigrant seeking citizenship. If convicted, Ms. Nguyen faces up to 15 years in prison on each count of the indictment. To read more, visit <http://www.fbi.gov/losangeles/press-releases/2013/u.s.-immigration-official-named-in-federal-indictment-that-alleges-bribes-paid-to-approve-applications-for-citizenship-and-green-cards> and <http://www.justice.gov/usao/cac/Pressroom/2013/087.html>.

Foreign Service Officer Accused of Visa Fraud and Accepting Bribes (Washington, DC)

Federal prosecutors in the District of Columbia filed a criminal complaint against U.S. Foreign Service Officer Michael Todd Sestak and two co-defendants — U.S. citizen Hong Vo and Vietnamese citizen Truc Tranh Huynh — charging them with conspiracy to defraud the United States and conspiracy to commit bribery and visa fraud. According to prosecutors, beginning around March 2012, Mr. Sestak, while serving as the Non-Immigrant Visa Chief at the U.S. Consulate in Ho Chi Minh City, Vietnam, entered into a scheme with Ms. Vo, Ms. Huynh, and others to approve visas in exchange for a fee. Mr. Sestak's co-conspirators reportedly solicited customers by advertising a money-back guarantee for visas to the United States, including for persons who previously had been denied entry into the country, and by promoting the idea that non-immigrant visa recipients could overstay their visas and disappear in the United States. The co-conspirators also allegedly assisted Vietnamese nationals with their visa application forms and prepared the applicants for consular interviews. Upon submitting the forms,

applicants reportedly received an appointment at the Consulate, were interviewed by Mr. Sestak, and had their visas approved. Prosecutors maintain that applicants or their family members paid from \$20,000 to \$70,000 per visa. They further maintain that Mr. Sestak made several million dollars from the scheme. To read more, visit <http://www.justice.gov/usao/dc/news/2013/jun/13-194.html> and <http://www.timesunion.com/local/article/Former-Albany-cop-held-without-bond-in-visa-scheme-4576932.php>.

Maryland Attorney, Clients Indicted for Bribing Undercover Agent (Baltimore, MD)

A Maryland attorney, Kiran Dewan, and four of his clients were indicted in the District of Maryland for conspiracy to bribe an immigration official and bribery. According to the indictment, Mr. Dewan, whose practice is located in Windsor Mill, Maryland, paid \$117,100 in bribes to an undercover Immigration and Customs Enforcement (ICE) special agent on behalf of four clients who were seeking U.S. lawful permanent resident status, employment authorization documents, and green cards. The clients included: Amjad Israr, a Pakistani national who operated convenience stores in Connecticut; Mohammad Khan, a Pakistani national who owned a restaurant in Brooklyn Park, Maryland; Khazar Nadar, a Pakistani national who worked at several Maryland gas stations; and, Narayan Thapa, a citizen of Nepal who worked at a Maryland restaurant. Mr. Dewan also allegedly consulted with the undercover agent in preparing false U.S. Citizenship and Immigration Services (USCIS) benefit application forms for the clients. To read more, visit http://www.justice.gov/usao/md/Public-Affairs/press_releases/Press13/AttorneyandFourClientsIndictedforConspiracyToBribeanImmigrationOfficial.html.

Texas Attorney General Shuts Down *Notario* Operations (McAllen, TX)

As the result of lawsuits filed by the Texas Attorney General, a state court shut down four unauthorized practitioners, also known as *notarios*, operating in the Rio Grande Valley of Texas. The court also permanently barred the defendants from providing or operating a business that provides immigration or legal document preparation services. The defendants include: Veronica Garcia and Cecilia Solis, doing business as Garcia & Solis Services; Marilia Luz, doing business as Immigration Help; and, Ana Isabel Lumbreras, doing business as Montemayor Services. According to complaints filed in each case, the defendants violated the Texas Deceptive Trade Practices Act and Notary Public Act by (1) falsely representing to clients and potential clients that they were attorneys or accredited representatives or that they otherwise possessed the requisite skill and knowledge to handle immigration cases, and (2) preparing immigration documents, giving legal advice, and otherwise practicing law without a license. The court also ordered Ms. Garcia and Ms. Solis each to pay \$5,000 in attorney's fees, Ms. Luz to pay \$10,000 in civil penalties and attorney's fees, and Ms. Lumbreras to pay \$15,000 in civil penalties and attorney's fees.

In addition, the Texas Attorney General filed suit against Jairo Romanovich, doing business as Romanovich Charitable Services, Inc. The suit alleges that Mr. Romanovich engaged in the unauthorized and fraudulent practice of immigration law. In response, a Texas court issued a temporary restraining order prohibiting Mr. Romanovich from providing or operating a business that provides immigration or legal document preparation services. To read more, visit <https://www.oag.state.tx.us/oagNews/release.php?id=4413>.

Attorney Discipline

- **Most recently disciplined practitioners:**

Ronald C. Denis - On July 12, 2013, the Board issued a final order suspending Attorney Denis for 60 days based on his 60-day suspension in Florida for engaging in misconduct involving his responsibilities regarding non-lawyer assistants, accepting client referrals from a non-approved lawyer referral service, and engaging in misconduct that is prejudicial to the administration of justice.

Jed M.D. Philwin - On July 11, 2013, the Board issued an order immediately suspending Attorney Philwin based on his automatic disbarment in New York after he was convicted in the U.S. District Court for the Southern District of New York for conspiracy to commit immigration fraud.

John Lin - On July 9, 2013, the Board issued an order immediately suspending Attorney Lin based on his conviction in the U.S. District Court for the Southern District of New York for immigration fraud.

Joseph Awah Fru - On June 14, 2013, the Board issued a final order indefinitely suspending Attorney Fru based on his indefinite suspension in Minnesota for multiple violations of the state's rules of professional conduct, including conduct lacking competence, diligence, and communication.

Scott A. Keillor - On June 14, 2013, the Board issued a final order suspending Attorney Keillor for 179 days based on his suspension for 179 days in Michigan for violating the state's rules of professional conduct involving safekeeping of property and misconduct involving dishonesty, fraud, deceit, or misrepresentation.

Leonardo A. Roth - On June 11, 2013, the Board issued a final order disbaring Attorney Roth based on his disbarment in Florida for violating the state's rules of professional conduct.

EOIR employees may report attorney misconduct at EOIR.Attorney.Discipline@usdoj.gov. If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at Jennifer.Barnes@usdoj.gov.

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*The OGC Fraud Program Crier is a monthly newsletter produced by the Office of the General Counsel, Executive Office for Immigration Review. The purpose of the publication is to inform its readers of investigations, prosecutions, and other current events relating to immigration fraud and abuse across the United States and to provide information that will aid staff in detecting or preventing fraud and abuse in immigration proceedings. It is intended only as an informational resource for the use of employees of the Executive Office for Immigration Review.*



# OGC Fraud Program Crier

*A publication of the Executive Office for Immigration Review, Office of the General Counsel, September 2013.*

## Contact Information

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## News Briefs

### Federal and State Prosecutors Pursue Unauthorized Practitioners

- **San Diego, CA** – Bemilda “Linda” Asuncion Ruiz was convicted by a California court of felony grand theft after she posed as an attorney and falsely promised approximately 20 clients that she would secure driver’s licenses and immigration benefits, including work permits, for them or their family members. She was sentenced to five years in prison and ordered to pay \$100,000 in restitution. According to law enforcement sources, Ms. Ruiz is a serial fraudster who was convicted for similar offenses on two previous occasions. From 1999 to 2005, she operated a phony immigration services business and during this period reportedly defrauded dozens of clients. She was convicted on five counts of felony grand theft, sentenced to one year in county jail, and ordered to pay \$50,000 in restitution. While out on bail, she immediately resumed her criminal misconduct. She was convicted a second time in 2006, this time on multiple counts of identity theft, and was sentenced to four years in prison and ordered to pay \$600,000 in restitution. She was released from confinement in August 2009 and embarked upon her most recent immigration services scam approximately five months later. To read more, visit <https://www.ice.gov/news/releases/1307/130731sandiego.htm>.

- **San Jose, CA** - Evelyn Sineneng-Smith, who from 1990 to 2008 operated a San Jose, California, immigration consulting business, was convicted in U.S. District Court for the Northern District of California of encouraging illegal immigration for private financial gain (three counts) and mail fraud

(three counts). While operating her consulting business, Ms. Sineneng-Smith advised foreign national clients who had entered the United States on visitor visas, generally from the Philippines, to apply for labor certification as a path to gaining lawful permanent residence. She did so knowing that the clients did not qualify for permanent resident status. Ms. Sineneng-Smith also encouraged clients to overstay their visitor visas and work illegally in the United States in residential healthcare facilities. She reportedly charged her clients \$5,900 for assistance in filing labor certification applications and from August 2004 through the end of 2007 made an estimated \$3.3 million from her criminal misconduct. She is scheduled for sentencing in November 2013. To read more, visit [http://www.justice.gov/usao/can/news/2013/2013\\_08\\_01\\_sineneng-smith.convicted.press.html](http://www.justice.gov/usao/can/news/2013/2013_08_01_sineneng-smith.convicted.press.html) and <https://www.ice.gov/news/releases/1308/130801sanjose.htm>.

● **Indianapolis, IN\*\*** – Indiana prosecutors charged Jorge Rodrigo Lopez Chinchilla with multiple counts of corrupt business influence, forgery, and theft for allegedly posing as an immigration attorney and taking payments from Latino clients for legal services that he never performed. Mr. Lopez, who identifies himself as the pastor of Iglesia De Cristo Nuevo, a religious organization located in Marion County, Indiana, allegedly accepted \$3,000 to \$5,000 in cash from friends and family members of at least three detained aliens to post bond, but never made the payments. He allegedly took \$5,500 from another victim to intervene in her husband’s removal proceedings and to secure a visa on his behalf, but apparently took no action with respect to the case. The husband was removed from the United States three days later. Lastly, Mr. Lopez reportedly accepted cash from an undercover law enforcement agent to remove an immigration hold on an alien detained at the county jail. The detainee, however, had been transported from the jail eight days earlier. To read more, visit <http://www.indy.gov/News%20Items/08-27-13%20Jorge%20Lopez%20charges%20announced.pdf> and <http://www.wishtv.com/news/local/county-charges-pastor-for-defrauding-latinos>.

*\*\* The Attorney Discipline Program and Fraud Prevention Program, Office of the General Counsel, and the Recognition and Accreditation Program, Board of Immigration Appeals, assisted in this case.*

● **Kansas City, MO** – Three persons associated with Immigration Forms and Publications (IFP), an online immigration services business headquartered in Sedalia, Missouri, pleaded guilty in the Western District of Missouri to using IFP to defraud consumers. According to prosecutors, the defendants – Thomas Strawbridge, Thomas Laurence, and Elizabeth Meredith – falsely represented to consumers that IFP was affiliated with the Federal government, that company sales representatives were immigration agents, that payments made to IFP covered U.S. Citizenship and Immigration Services (USCIS) filing fees, and that IFP could speed up USCIS application processing. The defendants specifically pleaded guilty to mail and wire fraud. Mr. Strawbridge, the founder and owner of IFP, was sentenced to 82 months in prison for his involvement in the fraud. Mr. Laurence was sentenced to 130 months in prison. Ms. Meredith was sentenced to a year and one day in prison. The defendants also were ordered to pay a total of \$613,969 in restitution. To read more, visit <http://www.justice.gov/opa/pr/2013/August/13-civ-963..html>.

● **New York, NY** - Martin Mannert, president of Consulting Services of New York, was indicted in a New York court for perpetrating an immigration services scam against aliens from Poland and a variety of other countries. According to the Manhattan District Attorney’s Office which is prosecuting the case, between January 2010 and April 2013 Mr. Mannert posed as a legal advisor who could assist aliens in

applying for and receiving adjustment of status in the United States. He charged his alien victims an average of \$10,000 to file benefit applications on their behalf and, after receiving the money, provided the aliens with forged Department of Homeland Security (DHS) and Department of Labor (DOL) documents that falsely suggested the benefit applications, including applications for work authorization, had been approved. Mr. Mannert specifically was charged with grand larceny, criminal possession of a forged instrument, forgery, engaging in a scheme to defraud, and prohibited conduct by an immigration assistance provider. To read more, visit <http://manhattanda.org/press-release/dance-announces-indictment-martin-mannert-defrauding-foreign-victims-immigration-sc>.

- **Poughkeepsie, NY** - Miguel A. Rodriguez, a former member of the New York Police Department (NYPD) who conned immigrants out of more than \$13,000, pleaded guilty in state court to grand larceny and engaging in a scheme to defraud. Between October 2010 and August 2012, Mr. Rodriguez convinced immigrants to pay \$300 each to enter a state lottery he falsely claimed could secure the immigrants a New York driver's license. He also falsely promised aliens that, in exchange for \$500 to \$1,000 each, he would arrange for an attorney to review and file their asylum and withholding applications. At the time of his offense, Mr. Rodriguez was serving as a liaison to the Latino community in the Village of Wappingers Falls, New York, and used the position, including his contacts with local religious communities, to carry out the fraud. Under the terms of Mr. Rodriguez's plea agreement, he is expected to receive a one-year prison term and an order of restitution. To read more, visit <http://www.ice.gov/news/releases/1307/130717newyork.htm>.

- **Austin, TX\*\*** - In response to a lawsuit filed by the Attorney General for the State of Texas, a Texas district court issued a permanent injunction ordering that Cristo Vive *a.k.a.* Christian Social Services, Inc., an Austin, Texas, immigration services nonprofit, be dissolved and that the following Cristo Vive officers be permanently barred from engaging in immigration consulting work: Jorge Sanchez Gutierrez, Director; Maria Eugenia Rodarte Sanchez, Treasurer; and, Leslie Bernard "Bernie" Boudreaux Jr., President. The court further ordered the defendants to pay \$300,000 in civil penalties and up to \$250,000 in restitution. According to the Texas Attorney General, the defendants violated the Texas Deceptive Trade Practices Act (DTPA) and the Notary Public Act by representing that they were legally authorized to handle Federal immigration cases. To read more, visit <https://www.oag.state.tx.us/oagnews/release.php?id=4521>.

*\*\* The Fraud Prevention Program, Office of the General Counsel, and the Recognition and Accreditation Program, Board of Immigration Appeals, assisted in this case.*

- See also "Immigration scammers targeted," Associated Press, September 3, 2013. [http://www.trivalleycentral.com/casa\\_grande\\_dispatch/national\\_news/immigration-scammers-targeted/article\\_469e567c-14b3-11e3-bd94-001a4bcf887a.html](http://www.trivalleycentral.com/casa_grande_dispatch/national_news/immigration-scammers-targeted/article_469e567c-14b3-11e3-bd94-001a4bcf887a.html).

### **USCIS Issues New Scam Alert (Washington, DC)**

U.S. Citizenship and Immigration Services (USCIS) issued an alert warning the public of a new fraud scheme targeting immigrants who have filed benefit applications with USCIS. According to the alert, scammers telephone benefit applicants and, using a "caller ID spoofing" technique, cause a misleading or inaccurate telephone number to appear on the recipients caller ID screen. The caller poses as a USCIS official and requests personal information, such as Social Security, passport and A numbers, from

the recipients. They advise the immigrant recipients that there is a problem with their immigration records and ask that payment be made via the telephone to correct the records. To read more, visit <http://blog.uscis.gov/2013/08/scam-alert-caller-id-spoofing.html>.

### **Federal Authorities Target Citizenship Fraud by Accused Human Rights Violators**

● **Boston, MA** - Inocente Orlando Montano, a former Salvadoran military officer and vice minister for public security, pleaded guilty in U.S. District Court for the District of Massachusetts to immigration fraud and perjury. He was sentenced to 21 months in prison followed by one year of supervised release. He also has been ordered removed from the United States. According to law enforcement authorities, Mr. Montano is a human rights violator who came to the United States, at least in part, to avoid prosecution in El Salvador for his alleged participation in the 1989 murder of six Jesuit priests, their housekeeper, and the housekeeper's daughter. In pleading guilty, Mr. Montano admitted that he applied for Temporary Protected Status (TPS) in order to remain in the United States and lied in the TPS applications about his date of entry into the country. To read more, visit <http://www.justice.gov/usao/ma/news/2013/August/MontanoInocentesentencing.html> and <http://www.ice.gov/news/releases/1308/130827boston.htm>.

● **Concord, NH** - Beatrice Munyenyezi, a resident of Manchester, New Hampshire, was convicted in U.S. District Court for the District of New Hampshire of fraudulently obtaining U.S. citizenship by failing to disclose her participation in the 1994 Rwandan genocide. She was sentenced to 10 years in prison, the maximum sentence for unlawfully procuring citizenship; and, her U.S. citizenship was revoked. She also faces removal proceedings upon completion of her sentence. According to evidence presented at trial, Ms. Munyenyezi was involved in the National Republican Movement for Democracy and Development (MRND), the ruling political party before and during the genocide, and was a member of its youth wing, the Interahamwe. As a member of the Interahamwe, she participated in and aided and abetted the persecution and murder of Tutsi tribe members, including by manning a notorious checkpoint where many passers-by were detained and condemned to almost certain death. To read more, visit <http://www.ice.gov/news/releases/1307/130715concord.htm>.

● **Burlington, VT** - Edin Sakoc, a naturalized U.S. citizen who emigrated from Bosnia, was indicted in the District of Vermont on charges of obtaining citizenship by fraud. According to the indictment, Mr. Sakoc provided U.S. immigration authorities with false information regarding his involvement in persecuting Bosnian Serbs during the 1990s conflict in Bosnia-Herzegovina. More specifically, the indictment alleges that Mr. Sakoc failed to disclose that in 1992 he kidnapped and raped a Bosnian Serb woman and aided and abetted the murder of her elderly mother and aunt and the burning of her family home. To read more, visit [http://www.justice.gov/usao/vt/news/2013/20130726\\_sakoc.html](http://www.justice.gov/usao/vt/news/2013/20130726_sakoc.html) and <http://www.ice.gov/news/releases/1307/130726washingtondc.htm>.

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For more fraud-related news, please check out the *Immigration Fraud Reading List* at <https://portal.doj.gov/sites/eoir/Components/OGC/Pages/Immigration-Fraud-Reading-List.aspx>.

## Attorney Discipline

### • Most recently disciplined practitioners:

**Anthony D. Agpaoa** - On September 10, 2013, the Board issued a final order disbaring Attorney Agpaoa based on his disbarment in California, and by the U. S. Court of Appeals for the Ninth Circuit, for engaging in conduct involving failure to perform with competence, failure to refund unearned fees, and misappropriating client funds.

**Libio Calejo** - On September 10, 2013, the Board issued a final order suspending Attorney Calejo for 1 year based on his 1-year suspension in Florida for conduct involving a lack of competence and diligence and conduct involving a lack of candor toward the tribunal.

**John E. Jones** - On September 10, 2013, the Board issued a final order suspending Attorney Jones for 5 years based on his disbarment in California for conduct involving disobeying and violating an order of the court when he failed to participate in a disciplinary proceeding after receiving adequate notice and opportunity.

**Dorothea P. Kraeger** - On September 10, 2013, the Board issued a final order suspending Attorney Kraeger for 4 years based on her 4-year suspension in Arizona, Virginia, and Georgia for conduct lacking competence, diligence, and communication.

**Robert N. Vohra** - On September 10, 2013, the Board issued a final order disbaring Attorney Vohra based on his 3-year suspension in the District of Columbia for engaging in conduct involving immigration fraud.

**Eric R. Hospedales** - On September 3, 2013, the Board issued a final order suspending Attorney Hospedales for 90 days based on his 90-day suspension in Florida for misconduct stemming from his involvement with a company that provided foreclosure-related legal services.

**Eric A. Jones** - On September 3, 2013, the Board issued a final order suspending Attorney Jones for 9 months based on his 9-month suspension in Washington state for violations regarding his client trust account.

**Jason C. McBride** - On September 3, 2013, the Board issued a final order disbaring Attorney McBride based on his resignation from the practice of law and subsequent removal from the Oregon roll of attorneys.

**Milton L. Meyers** - On September 3, 2013, the Board issued a final order suspending Attorney Meyers for 2 years based on his 2-year suspension in New York for conduct involving neglect, failure to return unearned fees, and conduct that adversely reflected on his fitness as a lawyer.

**Scot D. Rosenthal** - On September 3, 2013, the Board issued a final order suspending Attorney Rosenthal for 1 year based on his 1-year suspension in New Jersey for multiple violations of the state's rules of professional conduct, including conduct involving neglect and lack of diligence and conduct involving dishonesty, fraud, deceit, or misrepresentation.

**Manuel A. Gonzalez** - On August 28, 2013, the Board issued a final order indefinitely suspending Attorney Gonzalez based on his 2-year suspension in California for failing to comply with the conditions of a previous probation.

**John Lin** - On August 5, 2013, the Board issued a final order disbaring Attorney Lin based on his conviction in U.S. District Court for the Southern District of New York for immigration fraud.

**Steven P. Mock** - On July 24, 2013, the Board issued an order immediately suspending Attorney Mock based on his conviction in U.S. District Court for the Middle District of Alabama for conspiracy, wire fraud, and bank fraud.

**Jed M.D. Philwin** - On July 17, 2013, the Board issued a final order disbaring Attorney Philwin based on his automatic disbarment in New York after he was convicted in U.S. District Court for the Southern District of New York for conspiracy to commit immigration fraud.

● **Most recently reinstated practitioners:**

**Gloria Salazar Calonge** - On August 19, 2013, the Board issued an order reinstating Attorney Calonge after she completed a 2-year suspension that was based on her 2-year suspensions in New York and Virginia following her conviction in U. S. District Court for the Eastern District of Virginia for misprision of a felony.

**Jonathan S. Schwartz** - On August 19, 2013, the Board issued an order reinstating Attorney Schwartz after he completed his 90-day suspension based on a 90-day suspension in Florida for providing financial assistance to a client, making a false statement to a tribunal, and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

**Bakary Fansu Conteh** - On July 17, 2013, the Board issued an order reinstating Attorney Conteh after he completed his 6-month suspension based on a 6-month suspension in Washington state for knowingly making a false statement of fact or law to a tribunal.

EOIR employees may report attorney misconduct at [EOIR.Attorney.Discipline@usdoj.gov](mailto:EOIR.Attorney.Discipline@usdoj.gov). If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at [Jennifer.Barnes@usdoj.gov](mailto:Jennifer.Barnes@usdoj.gov).

*The OGC Fraud Program Crier is a monthly newsletter produced by the Office of the General Counsel, Executive Office for Immigration Review. The purpose of the publication is to inform its readers of investigations, prosecutions, and other current events relating to immigration fraud and abuse across the United States and to provide information that will aid staff in detecting or preventing fraud and abuse in immigration proceedings. It is intended only as an informational resource for the use of employees of the Executive Office for Immigration Review.*



# OGC Fraud Program Crier

*A publication of the Executive Office for Immigration Review, Office of the General Counsel, December 2013.*

## Contact Information

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## News Briefs

### **Former Ethiopian Human Rights Violator Convicted of Citizenship Fraud (Denver, CO)**

Kefelegn Alemu Worku, an Ethiopian national and naturalized United States citizen, was convicted in U.S. District Court for the District of Colorado of identity theft and procuring citizenship through fraud. Mr. Worku also was stripped of his United States citizenship. According to evidence presented at trial, in the late 1970s Mr. Worku served as a guard at a prison operated by the Marxist military junta that ruled Ethiopia. During this period, commonly referred to as the “Red Terror,” he persecuted, tortured, and killed large numbers of political prisoners. In November 2000, the Ethiopian Federal High Court convicted him in absentia of genocide, finding that he had killed more than 100 persons. The court sentenced him to death. However, Mr. Worku, who was living in Kenya as a refugee at the time of his conviction, subsequently traveled to the United States and procured citizenship here using an assumed identity and by otherwise concealing his past from U.S. immigration authorities. To read more, visit [http://www.denverpost.com/breakingnews/ci\\_24524267/u-s-prosecutors-urge-22-years-brutal-ethiopian#](http://www.denverpost.com/breakingnews/ci_24524267/u-s-prosecutors-urge-22-years-brutal-ethiopian#), [http://www.denverpost.com/environment/ci\\_24347284/how-an-ethiopian-torturer-hid-denver-7-years](http://www.denverpost.com/environment/ci_24347284/how-an-ethiopian-torturer-hid-denver-7-years), and <http://www.justice.gov/usao/co/news/2013/oct/10-11-13.html>.

### **Defendants Plead Guilty to Producing and Selling Fake Documents (Washington, DC)**

Seven foreign nationals pleaded guilty in U.S. District Court for the District of Columbia to operating a fraudulent document ring in the Columbia Heights neighborhood of Washington, DC. From about March 2010 to October 2012, the defendants produced and sold false documents, including

permanent resident cards, employment authorization cards, Social Security cards, and driver's licenses. They charged their customers from \$40 to \$200 per transaction depending on the type and quality of the fraudulent document sold. The following six defendants pleaded guilty to conspiracy and to transferring fraudulent identification documents: Victor Bedillo, Jorge Castaneda *a.k.a.* Francisco Mendoza, Javier Lopez, Juan Lopez-Medina, Carlos Armando Rivas-Rivas, and Rocio Sanchez-Flores. A seventh defendant, Juan Guarneros, pleaded guilty to conspiracy and to producing fraudulent documents. The men received prison sentences ranging from nine months to 27 months. Each of the defendants also consented to removal from the United States. To read more, visit <http://www.justice.gov/usao/dc/news/2013/oct/13-342.html>.

#### **Doctor Arrested for Conspiring to Alter Fingerprints (Boston, MA)**

Danilo Montero Ramirez, a medical doctor licensed in the Dominican Republic, and Teresa Araujo Martinez *a.k.a.* Carmen Reyes, his nurse assistant, were arrested and charged by Federal authorities in the District of Massachusetts for conspiring to harbor illegal aliens by surgically altering the aliens' fingerprints. The pair were also charged with conspiracy to distribute controlled substances, including Oxycodone and Percocet. According to prosecutors, Dr. Ramirez planned to surgically alter the fingerprints of aliens who unlawfully had returned to the United States following deportation and thereby aid the aliens in concealing their identities. He intended to charge \$4,500 per person for the procedure, but was arrested before any surgeries could take place. To read more, visit <http://www.justice.gov/usao/ma/news/2013/November/MartinezandRamirezindictedPR.html> and <http://www.bostonglobe.com/metro/2013/12/03/law-enforcement-concerned-over-growing-cases-criminals-altering-fingerprints-through-surgery/oepuxftATYRkKcSpEZRbPP/story.html>.

#### **Former Palestinian Activist Indicted for Naturalization Fraud (Detroit, MI)**

A former Palestinian activist, Rasmieh Yousef Odeh, was indicted in U.S. District Court for the Eastern District of Michigan for unlawfully procuring United States citizenship. According to Federal prosecutors, Ms. Odeh immigrated to the United States in 1995 and became a citizen in 2004. In applying for citizenship, she allegedly failed to disclose her arrest, conviction, and imprisonment in Israel for participating in the 1969 separate bombings of a supermarket, where two people were killed and others injured, and the British Consulate in Jerusalem. The bombings were carried out on behalf of the Popular Front for the Liberation of Palestine (PFLP), a designated terrorist organization. If convicted, Ms. Odeh faces up to 10 years in prison as well as the loss of her United States citizenship. To read more, visit [http://www.justice.gov/usao/mie/news/2013/2013\\_10\\_23\\_roddeh.html](http://www.justice.gov/usao/mie/news/2013/2013_10_23_roddeh.html), <http://www.fbi.gov/detroit/press-releases/2013/naturalized-u.s.-citizen-charged-with-immigration-fraud-for-failing-to-disclose-terrorism-conviction>, and <http://www.chicagotribune.com/news/local/breaking/chi-feds-woman-hid-terror-conviction-to-get-citizenship-20131022,0,2757316.story>.

#### **Indian Multi-National Company Pays Record Civil Judgment for Visa Fraud (Plano, TX)**

Infosys Limited (Infosys), an Indian company engaged internationally in consulting, technology, and outsourcing, agreed to pay a record \$34 million to the United States Government to settle a civil suit alleging systematic visa fraud and abuse of U.S. immigration processes. The \$34 million settlement is the largest payment ever levied in an immigration case. Infosys, which operates in 17 American cities, including Plano, Texas, where the lawsuit was filed, fraudulently used B-1 visitor visa holders to perform skilled and unskilled labor that lawfully should have been performed by American

citizens or by foreign nationals with H-1B temporary work visas. Infosys also directed the B-1 visa holders to deceive U.S. consular officials about the purpose of their entry into the United States and their destination within the country. According to Federal authorities, Infosys flaunted U.S. immigration law in order to minimize the cost of securing visas for its workers, increase its flexibility with respect to employee movement, increase profits, obtain an unfair advantage over competitors, and avoid tax liabilities. To read more, visit <http://www.ice.gov/news/releases/1310/131030plano.htm> and <http://www.justice.gov/usao/txe/News/2013/edtx-infosys-103013.html>.

#### **Federal and State Prosecutors Pursue Unauthorized Practitioners:**

- **Oakland, CA** – In culmination of a lawsuit filed by the Oakland City Attorney’s Office, a California state court entered a \$15.1 million civil judgment against the immigration consulting business American Legal Services (ALS) for scamming Cuban, Mexican, Middle Eastern, and Sudanese immigrants. The court also issued a permanent injunction barring the company and its principals from engaging in future immigration consulting work. ALS reportedly advertised itself as a legal services business committed to helping people navigate complex immigration issues. However, the company made false promises of citizenship, charged immigrant clients exorbitant fees, and often acted against the interest of its clients, including submitting botched benefit applications on their behalf. None of its employees were attorneys or accredited representatives. To read more, visit <http://www.sfgate.com/bayarea/article/15-million-award-in-Oakland-immigration-scam-4999113.php>; <http://www.oaklandcityattorney.org/News/Press%20releases/ALS%20Verdict.html>.

- **San Antonio, TX\*\*** – In response to a lawsuit filed by the State of Texas, a Texas court issued a temporary restraining order (TRO) barring Rivas-Alva Immigration and Notary Services of San Antonio, Texas, and four persons associated with the company from offering and providing immigration and notary public services. The court also froze company assets and the assets of individual defendants. According to the Texas Attorney General’s Office, Jessica Rivas Alva, with assistance from her husband and business partner, Eric Jon Alva, deceived aliens and members of their family into thinking she was an attorney and that her business, Rivas-Alva Immigration and Notary Services, was a legitimate law office. Mrs. Alva, who is neither an attorney nor an accredited representative, allegedly targeted aliens at Immigration and Customs Enforcement (ICE) detention facilities in Florida, Louisiana, and Texas and persuaded the detainees to hire her as their attorney, usually for an initial fee of \$1,000 or more. However, she routinely failed to appear at hearings or to perform other legal services as promised. Also, Mr. and Mrs. Alva allegedly provided immigration bond services without being properly licensed by the state to do so. They reportedly were assisted in their unauthorized legal services and bond work by Ms. Alva’s sister, Isabel Duron Roman, and by a friend, Connie Marie Ramos Margulies, both of whom were named as defendants in the lawsuit and are covered by the TRO. The Texas Attorney General’s Office maintains that Mr. and Mrs. Alva also paid an attorney, Jeffrey Richard Garcia, to show up in Immigration Court on their clients’ behalf and to have his name listed as the attorney of record on Form E-28 Notices of Entry of Appearance filed with the Immigration Court. However, Mr. Garcia only recently was added as a defendant in the case and is not covered by the current TRO.

*\*\* The Fraud and Abuse Prevention Program, Office of the General Counsel; Recognition and Accreditation Program, Board of Immigration Appeals; and, Office of Policy, Analysis, and Technology (OPAT) assisted with this case.*

● **Salt Lake City, UT** – According to media reports, Utah resident Jose Gonzalez was sentenced in U.S. District Court for the District of Utah to 41 months in prison for posing as an immigration officer, including wearing an Immigration and Customs Enforcement (ICE) badge, and promising aliens lawful permanent resident cards in exchange for money. Mr. Gonzalez, who carried out the fraud scheme from January to September 2012, charged his victims roughly \$5,000 each for a permanent resident card and netted approximately \$87,000 from his criminal activity. To read more, visit <http://www.therepublic.com/view/story/c88b8c3af17b4f48b8559fd90ce2836d/UT--Immigration-Fraud-Utah> and [http://www.kutv.com/news/top-stories/stories/vid\\_8238.shtml](http://www.kutv.com/news/top-stories/stories/vid_8238.shtml).

***Follow up: Border Protection Officer Sentenced for Receiving Bribes (San Diego, CA)***

A former Customs and Border Protection (CBP) officer, Hector Rodriguez, pleaded guilty in U.S. District Court for the Southern District of California to bribery, bringing aliens into the United States for financial gain, and conspiracy. Mr. Rodriguez allowed co-defendants Gerardo Rodriguez, Vanessa Moya, and Maria Guerrero to transport illegal aliens from Mexico into the United States via the San Ysidro Port of Entry where he worked. He also entered false, fraudulent, and misleading information about his co-defendants, their vehicles, and their alien passengers into Department of Homeland Security (DHS) databases. In return, he was paid an undisclosed amount of cash and provided with the use of an apartment and luxury cars. He was sentenced to 78 months in prison followed by three years' supervised release. He also agreed as part of his plea agreement to forfeit a 2009 Jaguar, 12 luxury watches, other jewelry, televisions, computers, and cash obtained as a result of his criminal activity.

Co-defendant Gerardo Rodriguez was sentenced to 60 months in prison followed by three years' supervised release and ordered to forfeit a 2005 Mercedes, 2006 Harley Davidson, televisions, computers, and \$60,000 in cash. Co-defendant Moya was sentenced to five years' probation and fined \$2,500. Co-defendant Guerrero was sentenced to 30 months in prison followed by three years' supervised release. She was also fined \$40,000. To read more, visit <http://www.justice.gov/usao/cas/press/2013/cas13-0909-CBPRodriguez.pdf>.

***Follow up: U.S. Consulate Official Pleads Guilty to Bribery Conspiracy (Washington, DC)***

Michael T. Sestak, a U.S. Foreign Service Officer, pleaded guilty in the District of Columbia to accepting several million dollars in bribes in exchange for inappropriately approving non-immigrant visas. He specifically pleaded guilty to conspiracy to commit bribery and visa fraud (one count), bribery of a public official (one count), and conspiracy to engage in money laundering (one count). From August 2010 to September 2012 while serving as Non-Immigrant Visa Chief at the U.S. Consulate in Ho Chi Minh City, Vietnam, Mr. Sestak concocted a visa fraud scheme with four other persons. As part of the scheme, the conspirators promised foreign nationals approval of their U.S. visa applications if they paid from \$15,000 to \$70,000 each. Mr. Sestak used his consulate position to issue, or attempt to issue, the promised visas, often disregarding the veracity of information provided by the visa applicants. The scheme generated about \$10 million. Mr. Sestak received more than \$3 million of this amount and, after first laundering the money through China, used the money to purchase real estate in Thailand.

A sentencing date has not yet been set for Mr. Sestak. Co-conspirators Binh Vo and his sister, Hong Vo, both American citizens residing in Vietnam at the time of the offense, pleaded not guilty and are awaiting trial. Co-conspirator Truc Tranh Huynh, who is a citizen of Vietnam, pleaded guilty to visa fraud and awaits sentencing. Binh Vo's wife, Anhdao Dao Nguyen, also a Vietnamese citizen, remains at large. To read more, visit <http://www.justice.gov/usao/dc/news/2013/nov/13-379.html> and [http://www.washingtonpost.com/local/crime/us-foreign-service-officer-pleads-guilty-in-visa-processing-scheme/2013/11/06/50b82d1e-4707-11e3-bf0c-cebf37c6f484\\_story.html](http://www.washingtonpost.com/local/crime/us-foreign-service-officer-pleads-guilty-in-visa-processing-scheme/2013/11/06/50b82d1e-4707-11e3-bf0c-cebf37c6f484_story.html).

***Follow up: Phony Immigration Lawyer Pleads Guilty (New York, NY)\*\****

Michael Schorr of Valley Cottage, New York, pleaded guilty in a New York state court to grand larceny for posing as an attorney and conning clients out of more than \$15,000. For at least four years, Mr. Schorr misrepresented to existing and potential clients that he was an attorney. He appeared in Immigration Court on behalf of unsuspecting clients from Brazil, Israel, and Mexico, and lied to Immigration Judges about his status as an attorney. He filed with the courts false and forged documents, notably Form E-28 Notices of Entry of Appearance, indicating that he was an attorney in good standing in New York. In filing these documents, he used attorney registration numbers belonging to two persons with valid New York law licenses and made up a third registration number. He is scheduled for sentencing in February 2014 and is expected to receive a sentence ranging from 3½ to seven years in prison. To read more, visit <http://www.ag.ny.gov/press-release/ag-schneiderman-announces-felony-conviction-phony-lawyer-who-scammed-new-york> and [http://www.lohud.com/article/20131218/NEWS02/312180044/Rockland-man-admits-posing-lawyer-immigration-scam?nclick\\_check=1](http://www.lohud.com/article/20131218/NEWS02/312180044/Rockland-man-admits-posing-lawyer-immigration-scam?nclick_check=1).

*\*\* The Fraud and Abuse Prevention Program, Office of the General Counsel; Recognition and Accreditation Program, Board of Immigration Appeals; and, administrative staff of the New York Immigration Court assisted with this case.*

For more fraud-related news, please check out the *Immigration Fraud Reading List* at <https://portal.doj.gov/sites/eoir/Components/OGC/Pages/Immigration-Fraud-Reading-List.aspx>.

## Interesting Viewing

***Asylum Abuse: Is it Overwhelming our Borders?*** Hearing Before the U.S. House of Representatives, Committee on the Judiciary (December 12, 2013).  
[http://judiciary.house.gov/hearings/113th/hear\\_12122013.html](http://judiciary.house.gov/hearings/113th/hear_12122013.html)

## Attorney Discipline

### ● Most recently disciplined practitioners:

**Juan Jose Gonzalez** - On December 5, 2013, the Board issued a final order suspending Attorney Gonzalez for 2 years based on his 2-year suspension in California for conduct lacking competence, conduct involving termination of employment, and failure to cooperate with a State Bar investigation.

**Rene William Sanz** - On December 5, 2013, the Board issued a final order suspending Attorney Sanz for 5 years based on his disbarment in California for conduct lacking competence, conduct involving termination of employment, and conduct involving moral turpitude.

**Alexander W. Tucker** - On December 5, 2013, the Board issued a final order suspending Attorney Tucker for 4 months based on his 4-month suspension in California for trust account violations and conduct involving moral turpitude.

**Jose M. Guerrero** - On December 3, 2013, the Board issued an order immediately suspending Attorney Gonzalez based on his 2-year suspension in Texas for conduct lacking competence and diligence and for misconduct involving dishonesty, fraud, deceit, or misrepresentation.

**Steven A. Guilin** - On November 26, 2013, the Board issued a final order suspending Attorney Guilin for 10 months, **effective December 11, 2013**, based on his 10-month suspension in California for conduct lacking competence, conduct involving termination of employment, and conduct involving moral turpitude.

**Leslie L. Payton** - On November 26, 2013, the Board issued an order immediately suspending Attorney Payton based on his transfer to disability inactive status in the U.S. Virgin Islands.

**Yinkang Hu a.k.a. Kelvin Y. Hu** - On November 25, 2013, the Board issued an order immediately suspending Attorney Hu based on his disbarment as a foreign legal consultant in Illinois where he was not licensed to practice law.

**Bennett L. Grossman** - On November 13, 2013, the Board issued an order immediately suspending Attorney Grossman based on his 90-day suspension in Florida for sharing fees with a non-lawyer.

**Sherin Thawer** - On November 5, 2013, the Board issued a final order suspending Attorney Thawer for one year, **effective November 20, 2013**.

On July 26, 2013, and later in an amended decision mailed August 1, 2013, an Adjudicating Official suspended Attorney Thawer from practice before the Immigration Courts, the Board of Immigration Appeals, and the Department of Homeland Security (DHS) for one year. The Adjudicating Official

determined that Attorney Thawer failed to provide competent representation to a client who had retained her to represent him with respect to an application for naturalization. Attorney Thawer also was charged with failing to maintain communication with her client, failing to abide by the decision of her client, failing to act with reasonable diligence in representing her client, knowingly or with reckless disregard making false statements to DHS, and engaging in conduct prejudicial to the administration of justice. When Attorney Thawer failed to appear for a scheduled pre-hearing conference on July 26, 2013, the Adjudicating Official issued a decision citing to the regulatory provision that prohibits attorneys from further participating in their own disciplinary proceeding if they fail to appear after requesting a hearing. Attorney Thawer then appealed the Adjudicating Official's decision to the Board. DHS filed a motion to dismiss for lack of jurisdiction, citing the above mentioned regulation. The Board granted the motion and issued a final order of discipline as noted above.

**William L. Rogers** - On November 1, 2013, the Board issued an order immediately suspending Attorney Rogers based on his suspension in Florida for trust account violations.

**Anselm A. Efe** - On October 29, 2013, the Board issued a final order indefinitely suspending Attorney Efe, effective November 13, 2013, based on his legal representation of aliens before the Immigration Court after his authorization to work in the United States had expired.

**Johnny L. Welch** - On October 29, 2013, the Board issued a final order disbaring Attorney Welch based on his involuntary inactive enrollment status in California.

● **Most recently reinstated practitioners:**

**Boris A. Krivonos** - On December 5, 2013, the Board issued an order reinstating Attorney Krivonos who had been expelled in 2003 based on a 2002 felony conviction for immigration-related fraud.

**Scott A. Keillor** - On December 2, 2013, the Board issued an order reinstating Attorney Keillor after he completed his 179-day suspension based on a 179-day suspension in Michigan for violating the state's rules of professional conduct involving safekeeping of property and for misconduct involving dishonesty, fraud, deceit, or misrepresentation.

**Elizabeth Cohen** - On November 21, 2013, the Board issued a final order reinstating Attorney Cohen who had been expelled based on a 2-year suspension in New York for knowingly or with reckless disregard offering false evidence to the former Immigration and Naturalization Service (INS). Specifically, she submitted a letter and attachments containing backdated documents. The Board found that, despite the serious nature of her past misconduct, Attorney Cohen established "that she recognizes the seriousness of the misconduct, that she has acknowledged responsibility for the wrongdoing, and that she has pledged that it will not happen again."

**Ronald C. Denis** - On November 13, 2013, the Board issued an order reinstating Attorney Denis after he completed his 60-day suspension based on a 60-day suspension in Florida for engaging in misconduct involving his responsibilities regarding non-lawyer assistants, accepting client referrals from a non-approved lawyer referral service, and engaging in misconduct prejudicial to the administration of justice.

EOIR employees may report attorney misconduct at [EOIR.Attorney.Discipline@usdoj.gov](mailto:EOIR.Attorney.Discipline@usdoj.gov). If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at [Jennifer.Barnes@usdoj.gov](mailto:Jennifer.Barnes@usdoj.gov).

# HAPPY HOLIDAYS!

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The OGC Fraud Program Crier is a monthly newsletter produced by the Office of the General Counsel, Executive Office for Immigration Review. The purpose of the publication is to inform its readers of investigations, prosecutions, and other current events relating to immigration fraud and abuse across the United States and to provide information that will aid staff in detecting or preventing fraud and abuse in immigration proceedings. It is intended only as an informational resource for the use of employees of the Executive Office for Immigration Review.



OGC Fraud Program Crier

A publication of the Executive Office for Immigration Review, Office of the General Counsel, January 2014.

Contact Information

Fraud Program Intranet Link: <https://portal.doj.gov/sites/EOIR/Components/OGC/Pages/Fraud-and-Abuse-Prevention.aspx>.

Fraud Program In-Box: EOIR.Fraud.Program@usdoj.gov.

Kathy John, Fraud and Abuse Prevention Counsel: Kathy.John@usdoj.gov or (703) 605-1282.

Michelle Marshall, Program Specialist: Michelle.Marshall@usdoj.gov or (703) 605-1722.

News Briefs

Venezuelan Man Sentenced in Immigration Scam (Miami, FL)

A Venezuelan national, Isaac de Jesus Carrasco, pleaded guilty in Federal court in Florida to leading a ring that sold fake U.S. residence stamps to undocumented aliens. He was sentenced to 45 months in prison followed by one year of supervised release. He also faces removal from the United States upon completion of his sentence. According to news reports, Mr. Carrasco, along with two accomplices, sold the fake residence stamps to at least 110 undocumented aliens over a period of more than 2 ½ years. The aliens placed the stamps in their passports in order to establish proof of U.S. lawful resident status and thereby qualify for Florida driver's licenses. Mr. Carrasco and his cohorts reportedly earned more than \$250,000 as a result of their criminal misconduct. To read more, visit <http://www.miamiherald.com/2013/12/31/3846316/venezuelan-man-sentenced-in-immigration.html>.

Police Officer Charged with Illegally Obtaining U.S. Citizenship (Atlanta, GA)

A College Park, Georgia, police officer, Devon Campbell *a.k.a.* Wilmott Alvin Livingston, was indicted in the Northern District of Georgia on one count each of unlawfully procuring U.S. citizenship, making false statements in a passport application, misusing evidence of citizenship, and using a passport secured by false statements. According to Federal prosecutors, in 2000 Mr. Campbell, a Jamaican national who formerly had served with the Jamaican Constabulary Force, entered the United States on a Jamaican passport bearing the fabricated name of Wilmott Alvin Livingston and a false date of birth. Mr. Campbell allegedly resided, married twice, and obtained lawful permanent resident status in the United States using the Livingston alias and false date of birth. In 2007 Mr.

Campbell allegedly applied for naturalization using the alias and false date of birth and was granted American citizenship. Shortly thereafter, he allegedly applied for a U.S. passport again using the fake name and date of birth and then used the fraudulent passport to travel back and forth to Jamaica. Federal prosecutors further maintain that Mr. Campbell used his unlawfully obtained Certificate of Naturalization to acquire Georgia Peace Officer Standards and Training certification and employment with the College Park, Georgia, Police Department. To read more, visit <http://www.justice.gov/usao/gan/press/2013/12-18-13d.html>.

Attorney Pleads Guilty to Bribing Immigration Official (Baltimore, MD)

Kiran Dewan, an immigration attorney with offices in Windsor Mill, Maryland, pleaded guilty in U.S. District Court for the District of Maryland to bribing an immigration official. Specifically, between March 2011 and May 2013, three of Mr. Dewan's clients – Mohammad Khan, Narayan Thapa, and Amjad Israr – provided him with \$170,000 to bribe an immigration official who purportedly was willing to issue the clients green cards in exchange for cash. The official was in fact an Immigration and Customs Enforcement (ICE) agent acting in an undercover capacity. Mr. Dewan paid the agent \$120,000 for the green cards and retained \$50,000 of the \$170,000 for himself. Furthermore, in May 2011 Mr. Dewan paid the undercover agent a \$5,000 bribe to have an unnamed foreign national, whom Mr. Dewan viewed as a business competitor, removed from the United States. He paid the agent an additional \$5,000 in November 2011 to remove and replace documents found in the foreign national's U.S. Citizenship and Immigration Services (USCIS) file. Mr. Dewan is scheduled for sentencing in March 2014 and faces up to 15 years in prison and a \$250,000 fine. Mr. Khan, a Pakistani citizen residing in Maryland, pleaded guilty to immigration fraud and will be sentenced next month. He faces up to 10 years in prison and a \$250,000 fine. Mr. Israr, a Pakistani citizen residing in Connecticut, pleaded guilty to conspiring to bribe an immigration official and in September 2013 was sentenced to 15 months in prison. To read more, visit: <http://www.uscis.gov/news/news-releases/immigration-attorney-pleads-guilty-bribing-immigration-official>, <http://www.ice.gov/news/releases/1312/131216baltimore.htm>, and <http://www.justice.gov/usao/md/news/2013/ImmigrationAttorneyPleadsGuiltyToBribingAnImmigrationOfficial.html>.

Indian Diplomat Charged with Visa Fraud, Departs U.S. (New York, NY)

A Federal grand jury in the Southern District of New York indicted Devyani Khobragade, a deputy consul general at the Indian Consulate in New York City, for visa fraud and making a false statement to the U.S. Department of State in support of an employee's visa application. According to the indictment, in 2012 Ms. Khobragade filed an A-3 visa application for a personal domestic employee (housekeeper and babysitter) who was to accompany her to her posting in the United States. In the application, Ms. Khobragade falsely reported that she would be paying the employee wages consistent with U.S. labor laws when in fact she planned and subsequently paid the employee at a substantially lower annual rate of \$6,876 regardless of the number of overtime hours worked. The indictment further alleges that Ms. Khobragade manufactured and submitted to U.S. authorities a fake employment contract that reflected the higher salary, but failed to disclose the true contract she later made with the employee. Ms. Khobragade also allegedly confiscated the employee's passport. Upon arrival in the United States, the employee allegedly was required to work more than 100 hours per week on frequent occasions without a single full day off, which resulted in her receiving an hourly wage of \$1.42 or less. When the employee asked to terminate her employment

and return to India, Ms. Khobragade allegedly refused the request and would not return the employee's passport. India reportedly declined to waive Ms. Khobragade's diplomatic immunity, and she departed the United States for India shortly after her indictment. To read more, visit: <http://www.justice.gov/usao/nys/pressreleases/January14/KhobragadeIndictment.php>, <http://www.justice.gov/usao/nys/pressreleases/December13/KhobragadeArrestPR.php>, <http://usnews.nbcnews.com/news/2014/01/10/22245097-indian-diplomat-charged-with-visa-fraud-ordered-to-leave-us?lite>, <http://uk.reuters.com/article/2014/01/10/uk-india-usa-diplomat-idUKBREA081EG20140110>, and http://www.washingtonpost.com/world/national-security/visa-fraud-case-of-devyani-khobragade-roils-us-india-relations-sparks-new-legal-dispute/2014/01/07/ba3490b6-77cc-11e3-8963-b4b654bcc9b2_story.html.

Federal Grand Jury Indicts Two Women for Defrauding Immigrants (San Antonio, TX)

Yolanda Hernandez de Arteaga, a restaurant owner in LaVernia, Texas, and Maria de Lourdes Montano-Vicencio, an undocumented alien residing in Houston, Texas, were indicted in U.S. District Court for the Western District of Texas for allegedly engaging in an immigration document fraud scheme for financial gain. Specifically, they were indicted for wire fraud (five counts) and conspiracy to commit wire fraud (one count). According to the indictment, from October 2010 through December 2012, Ms. Hernandez and Ms. Montano-Vicencio convinced undocumented aliens in the LaVernia area that they had personal contacts with immigration authorities who in exchange for money could secure Social Security cards, resident alien cards, and work permits on the aliens' behalf. The two women allegedly collected over \$100,000 from more than 20 persons as part of the scheme and utilized Western Union and MoneyGram to wire the fraudulently obtained money from LaVernia to Houston, Texas. When the alien victims became angry at not receiving either the promised documents or a refund of their money, the two defendants allegedly threatened to report the aliens to immigration authorities and facilitate their removal from the country. If convicted, the defendants face up to 20 years in prison on each charge. Prosecutors also are seeking a \$150,000 monetary judgment against the women. To read more, visit http://www.justice.gov/usao/txw/news/2013/Arteaga_SA_indictment.html.

Interesting Reading

Executive Summary: National Stakeholder Engagement – Combatting Immigration Scams and the Unauthorized Practice of Immigration Law (Washington, DC).

<http://www.uscis.gov/sites/default/files/USCIS/Outreach/Notes%20from%20Previous%20Engagements/2013/PED-UPIL-ExecSummary-Sept2013.pdf>

Prosecutors say Utah immigration scams are increasing: Officials say scams are rising, promise victims they won't face deportation if they speak up (Salt Lake City, UT).

<http://www.sltrib.com/sltrib/politics/57433992-90/immigration-money-victims-utah.html.csp>

Attorney Discipline

- **Most recently disciplined practitioners:**

Ronald E. Behling - On January 7, 2014, the Board issued a final order suspending Attorney Behling for 5 years based on his disbarment in California for misappropriation of funds.

David Shawn Clark - On January 7, 2014, the Board issued a final order suspending Attorney Clark for 5 years based on his disbarment in North Carolina after he pleaded guilty to two counts of misdemeanor communicating threats and one count of common law obstruction of justice.

Jose M. Guerrero - On January 7, 2014, the Board issued a final order suspending Attorney Guerrero for 2 months based on his 2-month suspension in Texas for engaging in conduct lacking competence and diligence and for misconduct involving dishonesty, fraud, deceit, or misrepresentation.

Timothy Schoenrock - On January 7, 2014, the Board issued a final order indefinitely suspending Attorney Schoenrock based on his transfer to disability inactive status in Washington State.

Bennett L. Grossman - On December 13, 2013, the Board issued a final order suspending Attorney Grossman for 90 days based on his 90-day suspension in Florida for sharing fees with a non-lawyer. **(Note:** The Board rejected Attorney Grossman's request that his EOIR suspension run concurrently with his Florida suspension. The denial was based on Attorney Grossman's failure to notify the EOIR Disciplinary Counsel of his Florida suspension as required by the EOIR Rules of Professional Conduct.)

Freddy Jacobs - On December 18, 2013, the Board issued an order immediately suspending Attorney Jacobs based on his conviction in the U.S. District Court for the Southern District of New York for conspiracy to commit immigration fraud.

- **Most recently reinstated practitioner:**

Eric R. Hospedales - On December 24, 2013, the Board issued an order reinstating Attorney Hospedales after he completed a 90-day suspension based on his 90-day suspension in Florida for misconduct involving a company that provided foreclosure-related legal services.

EOIR employees may report attorney misconduct at EOIR.Attorney.Discipline@usdoj.gov. If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at Jennifer.Barnes@usdoj.gov.

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# OGC Fraud Program Crier

*A publication of the Executive Office for Immigration Review, Office of the General Counsel, February 2014.*

## Contact Information

Fraud Program Intranet Link: <https://portal.doj.gov/sites/EOIR/Components/OGC/Pages/Fraud-and-Abuse-Prevention.aspx>.

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Michelle Marshall, Program Specialist: [Michelle.Marshall@usdoj.gov](mailto:Michelle.Marshall@usdoj.gov) or (703) 605-1722.

## News Briefs

### **Former Guatemalan Special Forces Officer Sentenced for Citizenship Fraud (Riverside, CA)**

Jorge Sosa, a former Guatemalan Special Forces officer, was sentenced in U.S. District Court for the Central District of California to 10 years' imprisonment for making false statements in immigration proceedings (1 count) and unlawfully procuring U.S. citizenship (1 count). The court also stripped Mr. Sosa of the U.S. citizenship he obtained by fraud. In applying for lawful permanent residence in 1997 and for citizenship in 2007, Mr. Sosa failed to disclose that he had been a member of the Guatemalan military. He further failed to disclose that, as a member of the Kaibiles, an elite special military unit, he had participated in the brutal 1982 massacre of at least 162 innocent men, women, and children in the village of Dos Erres, Guatemala, as well as the rape of young girls in the village.

Immigration and Customs Enforcement (ICE) reports that, in addition to Mr. Sosa, it has taken enforcement action against three other Kaibil who allegedly were involved in the Dos Erres massacre. In September 2010, Gilberto Jordan was sentenced in Florida to 10 years in prison for failing to disclose to U.S. immigration authorities both his military service and his involvement in the massacre. Santos Lopez Alonzo was charged by ICE in February 2010 with re-entering the United States after deportation and is currently in removal proceedings. Pedro Pimentel Rios was removed to Guatemala in July 2011, and was subsequently convicted there for his role in the massacre, receiving a sentence of 6,060 years in prison.

To read more, visit the following: <http://www.justice.gov/usao/cac/Pressroom/2014/019.html>;  
<http://www.ice.gov/news/releases/1402/140210washingtondc2.htm>;

<http://www.reuters.com/article/2014/02/11/us-usa-guatemala-massacre-idUSBREA1920H20140211>; and,  
<http://www.latimes.com/local/lanow/la-me-ln-guatemalan-soldier-sentenced-20140210,0,2277684.story#axzz2t27hQwkB>.

### **Multiple Persons Accused of Scamming Immigrants**

● **Miami, FL** - Florida residents Iris Mira Probkevitz and Jose Antonio Polledo Alfonso were indicted in the Southern District of Florida for defrauding undocumented aliens and filing false benefit applications with U.S. Citizenship and Immigration Services (USCIS). Specifically, Ms. Probkevitz and Mr. Alfonso were indicted on 10 counts of mail fraud, wire fraud, conspiracy to commit mail and wire fraud, presenting an immigration application with false information, and concealing a material fact in a “green card” application. According to Federal authorities, the pair negotiated with undocumented aliens to file immigration benefit applications on the aliens’ behalf for an agreed upon price, then escalated their monetary demands once the applications, which often contained false information, were filed. The pair further arranged for USCIS correspondence relating to the applications to be delivered to their homes, not directly to the aliens, and charged the aliens to receive the correspondence. On occasion when an undocumented alien refused to comply with the defendants’ demands for money, the defendants, pretending to be the alien or the alien’s spouse, allegedly wrote to USCIS and withdrew the alien’s benefit application. Federal authorities maintain that during the course of the scheme Ms. Probkevitz and Mr. Alfonso claimed at times to be USCIS or Federal Bureau of Investigation (FBI) employees. Ms. Probkevitz also allegedly claimed to be an attorney. To read more, visit <http://www.justice.gov/usao/fls/PressReleases/140123-02.html>.

● **Miami, FL** - Miami resident Cecilia Alejandra Rodriguez Rivas was charged by criminal complaint in the Southern District of Florida with making and using false documents in U.S. Citizenship and Immigration Services (USCIS) proceedings. According to the complaint, Ms. Rivas, a notary public who owns and operates an immigration services business, Rodriguez Universal Services, falsely reported that she was an attorney and submitted altered income tax returns and forged documents to USCIS. To read more, visit <http://www.justice.gov/usao/fls/PressReleases/140123-02.html>.

● **Boise, ID** – Celia Perez of Jerome, Idaho, pled guilty in U.S. District Court for the District of Idaho to two counts of using the mail to execute an immigration services fraud scheme. From 2006 through 2013, Ms. Perez falsely represented herself as an attorney and solicited fees from alien clients for immigration services that she never provided. As a result of her criminal activity, she netted between \$300,000 and \$400,000. She is scheduled for sentencing in April 2014. To read more, visit <http://www.justice.gov/usao/id/news/2014/feb/perez02122014.html> and [http://magicvalley.com/news/local/crime-and-courts/jerome-woman-strikes-plea-deal-in-federal-immigration-scam/article\\_ca3fad72-8ea8-11e3-b7c7-0019bb2963f4.html?print=true&cid=print](http://magicvalley.com/news/local/crime-and-courts/jerome-woman-strikes-plea-deal-in-federal-immigration-scam/article_ca3fad72-8ea8-11e3-b7c7-0019bb2963f4.html?print=true&cid=print).

● **Elizabeth, NJ** - Maritza Chavez pled guilty in a New Jersey court to posing as an immigration attorney and deceiving immigrant clients into thinking she could obtain U.S. citizenship for them. According to media reports, Ms. Chavez ran an immigration services business, Worldwide Foundation to Rescue the Immigrant, for at least six years out of several locations in Elizabeth, New Jersey, including a church rectory. She reportedly filed citizenship applications for her clients that

were incomplete, improperly filled out, or filed without the correct fee. When the applications were rejected by U.S. Citizenship and Immigrations Services (USCIS) and returned to Ms. Chavez with a refund of fees paid, she pocketed the refund money instead of returning it to her clients. She is scheduled for sentencing in March 2014 and faces up to 10 years in prison. As part of her plea agreement, she will also be required to pay \$104,000 in restitution. To read more, visit [http://blog.nj.com/union\\_impact/print.html?entry=/2014/01/elizabeth\\_woman\\_admits\\_100000\\_immigration\\_scam\\_authorities\\_say.html](http://blog.nj.com/union_impact/print.html?entry=/2014/01/elizabeth_woman_admits_100000_immigration_scam_authorities_say.html).

### **Brothers Who Ran Counterfeit Document Enterprise Sentenced (Chicago, IL)**

Brothers Julio and Manuel Leija-Sanchez, who operated a lucrative counterfeit identification document enterprise in Chicago's Little Village community, were convicted in the Northern District of Illinois of conspiracy and murder in aid of racketeering. They were sentenced to life in prison without parole. Julio and Manuel Leija-Sanchez, along with their brother Pedro Leija-Sanchez, ran the counterfeit document business for about 15 years, selling as many as 100 sets of fraudulent documents per day at a cost of \$200 per set and generating at least \$3 million in annual revenues. The document sets which they sold consisted of a Social Security card and either a "green card" or a state driver's license. In 2007, Julio and Manuel Leija-Sanchez ordered the execution-style murder of two fledgling business competitors, Guillermo Jimenez-Flores and Bruno Freddy Ramirez-Camela. Mr. Jimenez-Flores was gunned down in Mexico City, Mexico, that same year, but Mr. Ramirez-Camela, who was incarcerated in Chicago at the time of the murder scheme, avoided being killed.

The Leija-Sanchez's document ring was dismantled in 2007 as the result of a local, state, and federal law enforcement investigation code-named "Operation Paper Tiger." Twenty-four persons were indicted as a result of the investigation, including the Leija-Sanchez brothers and Gerardo Salazar-Rodriguez, who carried out the execution against Mr. Jimenez-Flores. Mr. Salazar-Rodriguez was convicted of conspiracy and murder in aid of racketeering and also sentenced to life in prison. Pedro Leija-Sanchez pled guilty to racketeering conspiracy for his role in operating the fraudulent document ring and in March 2013 was sentenced to 20 years in prison. To read more, visit <http://www.daytondailynews.com/ap/ap/crime/hit-man-connected-to-mexico-killing-sentenced/ndPnk/> and [http://www.justice.gov/usao/iln/pr/chicago/2014/pr0207\\_01.html](http://www.justice.gov/usao/iln/pr/chicago/2014/pr0207_01.html).

### **Former Police Chief Pleads Guilty to Accepting Immigration-Related Bribes (San Antonio, TX)**

Andres Tomas Gutierrez, a former chief of police for Jarrell, Texas, pled guilty in U.S. District Court for the Western District of Texas to an immigration-related wire fraud and theft of honest services charge. In doing so, he admitted that, from the fall of 2011 to November 2013, he devised a scheme to defraud and deprive the citizens of Jarrell of their right to his honest services, namely, by accepting bribes and concealing information. He accepted cash payments ranging from \$10,000 to \$40,000 from several undocumented aliens and in return requested and obtained for the aliens a special immigration status known as "Significant Public Benefit Parole." This parole status, which allows aliens to reside and work in the United States for one year or more, is intended for persons who aid federal, state, or local law enforcement agencies. In seeking the parole, Chief Gutierrez falsely reported to federal authorities that the undocumented aliens were providing assistance to ongoing criminal investigations being conducted by the Jarrell Police Department. Also, Chief Gutierrez falsely reported to the aliens that the money they paid him would be used for law

enforcement purposes. A sentencing date has not yet been set. To read more, visit [http://www.justice.gov/usao/txw/news/2014/Gutierrez Jarrell plea final.html](http://www.justice.gov/usao/txw/news/2014/Gutierrez%20Jarrell%20plea%20final.html), <http://www.fbi.gov/sanantonio/press-releases/2014/former-jarrell-police-chief-pleads-guilty-to-federal-bribery-charge>, and <http://www.statesman.com/news/news/local/former-jarrell-police-chief-pleads-guilty-to-fraud/ndGqy/>.

**Follow Up: Employment Agency Owner Sentenced to Prison for Visa Fraud (Los Angeles, CA)**

Lilia Tabafunda, the owner of People’s Resources International Services, a Los Angeles employment agency, pled guilty in U.S. District Court for the Central District of California to filing fraudulent H-1B non-immigrant visa applications on behalf of alien clients and was sentenced to two years in prison. She also was ordered to pay more than \$54,000 in restitution. According to law enforcement authorities, Ms. Tabafunda filed dozens of visa applications that falsely claimed her clients were being sought by prominent hospitals and non-profit organizations to work in positions for which U.S. citizens were not available, such as budget analysts, clinical research specialists, and health educators. Ms. Tabafunda’s clients, most of whom were Philippine nationals, reportedly paid her from \$2,500 to \$10,000 apiece to file the applications. Ms. Tabafunda also pled guilty to lying to U.S. Citizenship and Immigration Services (USCIS) with respect to her own application for citizenship and received a concurrent prison sentence of 12 months and one day for this offense. She faces removal proceedings upon completion of her sentence. To read more, visit <http://www.ice.gov/news/releases/1401/140127losangeles.htm>.

For more fraud-related news, please check out the *Immigration Fraud Reading List* at <https://portal.doj.gov/sites/eoir/Components/OGC/Pages/Immigration-Fraud-Reading-List.aspx>.

## Interesting Viewing

*Asylum Fraud – Abusing America’s Compassion?* Hearing before the U.S. House of Representatives, Committee on the Judiciary (February 11, 2014).

<http://judiciary.house.gov/index.cfm/hearings?ID=14D94F92-E26B-46A7-8FAA-F3F204588D17>

## Attorney Discipline

- **Most recently disciplined practitioners:**

**Douglas H. Cooner** - On February 4, 2014, the Board issued an order immediately suspending Attorney Cooner based on his disbarment in Alabama for multiple violations of the state rules of professional conduct, including representing a client when that representation is materially limited by the attorney’s own self-interest, engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, and engaging in conduct that adversely reflects on the attorney’s fitness to

practice law. Attorney Cooner mismanaged, misappropriated, and wasted over \$38,000 of trust assets of a family member, sold the family member's home without his knowledge or consent, and filed a lawsuit on behalf of the family member without his authorization.

**Freddy Jacobs** - On February 4, 2014, the Board issued a final order disbaring Attorney Jacobs based on his conviction in the U.S. District Court for the Southern District of New York for conspiracy to commit immigration fraud.

**Rosaura Del Carmen Rodriguez** - On February 4, 2014, the Board issued a final order disbaring Attorney Rodriguez based on her disbarment in Washington state for multiple violations of the state rules of professional conduct, including conduct lacking diligence, conduct involving lack of communication with a client, and conduct involving dishonesty, fraud, deceit, or misrepresentation, including filing a document with the Board of Immigration Appeals that contained a forged signature.

**Yinkang Hu a.k.a. Kelvin Y. Hu** - On January 30, 2014, the Board issued a final order disbaring Attorney Hu based on his disbarment as a foreign legal consultant in Illinois where he was not licensed to practice law.

**Leslie L. Payton** - On January 23, 2014, the Board issued a final order indefinitely suspending Attorney Payton based on his transfer to disability inactive status in the U.S. Virgin Islands. Attorney Payton argued that he should not be indefinitely suspended by the Board since he was never disciplined by the Supreme Court of the U.S. Virgin Islands. However, the Board disagreed, stating that since Attorney Payton cannot meet the regulatory definition of "attorney," he cannot represent individuals before the Board, the Immigration Courts, and the Department of Homeland Security (DHS).

EOIR employees may report attorney misconduct at [EOIR.Attorney.Discipline@usdoj.gov](mailto:EOIR.Attorney.Discipline@usdoj.gov). If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at [Jennifer.Barnes@usdoj.gov](mailto:Jennifer.Barnes@usdoj.gov).

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The OGC Fraud Program Crier is a monthly newsletter produced by the Office of the General Counsel, Executive Office for Immigration Review. The purpose of the publication is to inform its readers of investigations, prosecutions, and other current events relating to immigration fraud and abuse across the United States and to provide information that will aid staff in detecting or preventing fraud and abuse in immigration proceedings. It is intended only as an informational resource for the use of employees of the Executive Office for Immigration Review.



OGC Fraud Program Crier

A publication of the Executive Office for Immigration Review, Office of the General Counsel, March 2014.

Contact Information

Fraud Program Intranet Link: <https://portal.doj.gov/sites/EOIR/Components/OGC/Pages/Fraud-and-Abuse-Prevention.aspx>.

Fraud Program In-Box: EOIR.Fraud.Program@usdoj.gov.

Kathy John, Fraud and Abuse Prevention Counsel: Kathy.John@usdoj.gov or (703) 605-1282.

Michelle Marshall, Program Specialist: Michelle.Marshall@usdoj.gov or (703) 605-1722.

News Briefs

Maryland Man Sentenced for Asylum Fraud (Baltimore, MD)

Gasim Manafov, a native of Azerbaijan and resident of both Ocean City, Maryland, and Charlotte, North Carolina, pleaded guilty in U.S. District Court for the District of Maryland to conspiracy to commit immigration fraud. He was sentenced to 18 months in prison followed by one year of supervised release. Specifically, between 2007 and 2012, Mr. Manafov assisted approximately 70 immigrants in filing fraudulent asylum applications. He provided the asylum applicants, who primarily were from Belarus, Latvia, Moldova, and Russia, with false stories of political and ethnic persecution, as well as fake foreign documents to support their persecution claims. He prepared the applicants for asylum interviews with U.S. Citizenship and Immigration Services (USCIS) and accompanied them to the interviews. In return, he received payments totaling approximately \$210,000 for his efforts. Two of Mr. Manafov's co-conspirators in the scheme previously pled guilty and were sentenced to one month and three months in prison, respectively. To read more, visit <http://www.ice.gov/news/releases/1402/140226baltimore.htm> and <http://www.justice.gov/usao/md/news/2014/OceanCityManSentencedForImmigrationFraud.html>.

Former New Jersey Paralegal Accused of Immigration Fraud Conspiracy (Camden, NJ)

A former paralegal, Maria James, was charged by criminal complaint in the U.S. District Court for the District of New Jersey with conspiring to use the U.S. Mail and Federal Express to file fraudulent lawful permanent resident applications. According to the complaint, Ms. James worked for several attorneys in Brigantine and Cherry Hill, New Jersey, from 2002 to 2011, and during this time she filed fraudulent lawful resident applications on behalf of at least 22 clients. Many of the

applications were based on false claims of physical abuse and were supported by fake documentary evidence, including photographs taken by Ms. James or at her direction. The photographs depicted Ms. James's clients with injuries supposedly inflicted by their spouses. However, Ms. James in fact concocted the injuries using makeup or ketchup. Ms. James also allegedly arranged fraudulent marriages for two of her clients. To read more, visit:

<http://www.justice.gov/usao/nj/Press/files/James,%20Maria%20Complaint%20News%20Release.html>, <http://philadelphia.cbslocal.com/2014/02/26/paralegal-faces-charges-over-immigration-petitions/>, and http://www.upi.com/Top_News/US/2014/02/27/Paralegal-allegedly-told-immigrants-to-file-fraudulent-applications/UPI-59721393533868/.

Chinese National Convicted in Immigration Fraud Scheme (Las Cruces, NM)

Hai Gan, a Chinese national and U.S. lawful permanent resident, was convicted in U.S. District Court for the District of New Mexico on 51 counts of identification document fraud, eight counts of transporting illegal aliens, three counts of money laundering, and two counts of witness tampering. From 2009 to 2011, Mr. Gan transported undocumented aliens into New Mexico and worked with them to fabricate New Mexico residency documents using one of his own within-state properties as the alien's address. He thereafter aided the aliens in using the fake residency documents to obtain New Mexico driver's licenses. He reportedly recruited his clients through Chinese-language newspapers and charged each of them \$3,000 or more for his services. He also illegally attempted to dissuade at least two clients from testifying against him at trial. A sentencing date remains pending. To read more, visit <http://www.ice.gov/news/releases/1402/140212lascruces.htm> and http://www.justice.gov/usao/nm/press-releases/2014/Feb/51%20-%202014-02-11_gan_pr.html.

New York Church Deacon Guilty of Asylum Fraud (New York, NY)

Liyong Lin, a deacon at the Full Gospel Global Mission Church in Flushing, New York, was convicted in the Southern District of New York of conspiracy to commit immigration fraud (1 count) and immigration fraud (2 counts). Ms. Lin, *a.k.a.* "the Deacon," coached asylum applicants on what questions about their religious beliefs would likely be asked during U.S. Citizenship and Immigration Services (USCIS) asylum interviews, and on how to respond. Ms. Lin conducted individual training sessions with some applicants and supplied them with false stories to support their asylum claims. She also served as a translator during a number of asylum interviews and advised clients that, if they provided "wrong" answers during the interview, she would put them on notice by kicking them. Ms. Lin, who is scheduled for sentencing in June 2014, faces up to five years in prison on the conspiracy count and up to 10 years in prison on each count of immigration fraud. To read more, visit <http://www.justice.gov/usao/nys/pressreleases/February14/LiyongLinVerdict.php?print=1> and <http://www.fbi.gov/newyork/press-releases/2014/liyong-lin-found-guilty-of-immigration-fraud-offenses-following-one-week-jury-trial-in-manhattan-federal-court>.

For more fraud-related news, please check out the *Immigration Fraud Reading List* at <https://portal.doj.gov/sites/eoir/Components/OGC/Pages/Immigration-Fraud-Reading-List.aspx>.

Interesting Reading

Asylum Fraud in Chinatown: An Industry of Lies, The New York Times (February 22, 2014).

http://www.nytimes.com/2014/02/23/nyregion/asylum-fraud-in-chinatown-industry-of-lies.html?_r=0

Attorney Discipline

- **Most recently disciplined practitioners:**

Douglas H. Cooner - On March 12, 2014, the Board issued a final order disbaring Attorney Cooner based on his disbarment in Alabama for multiple violations of the state rules of professional conduct, including representing a client when the representation was materially limited by the attorney's own self-interest, engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, and engaging in conduct that adversely reflected on his fitness to practice law. Attorney Cooner mismanaged, misappropriated, and wasted over \$38,000 of trust assets of a family member, sold the family member's home without their knowledge or consent, and filed a lawsuit on behalf of the family member without authorization.

Raymond Hellwig - On March 12, 2014, the Board issued an order immediately suspending Attorney Hellwig based on his disbarment in California for engaging in conduct lacking competence, engaging in conduct involving moral turpitude, and trust account violations.

Winston Taylor - On March 11, 2014, the Board issued an order immediately suspending Attorney Taylor based on multiple violations of the Virgin Islands rules of professional conduct, including conduct lacking competence and diligence and conduct involving dishonesty, fraud, deceit, or misrepresentation.

Karen Caco - On February 25, 2014, the Board issued an order immediately suspending Attorney Caco based on her criminal conviction in the U.S. District Court for the Middle District of Florida for knowingly possessing immigration documents procured by fraud.

James Robert Watt - On February 19, 2014, the Board issued a final order disbaring Attorney Watt based on his disbarment in Washington State for engaging in a business arrangement with a non-lawyer who solicited clients for him, failing to return an unearned fee, and failing to cooperate with a state bar investigation.

John Wang - On February 7, 2014, the Board issued an order immediately suspending Attorney Wang based on his criminal conviction in the U.S. District Court for the Southern District of New York for conspiracy to commit immigration fraud.

● **Most recently reinstated practitioner:**

Jose M. Guerrero - On February 25, 2014, the Board issued an order reinstating Attorney Guerrero after he completed his 2-month suspension based on a 2-month suspension in Texas for engaging in conduct lacking competence and diligence and for conduct involving dishonesty, fraud, deceit, or misrepresentation.

EOIR employees may report attorney misconduct at EOIR.Attorney.Discipline@usdoj.gov. If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at Jennifer.Barnes@usdoj.gov.

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# OGC Fraud Program Crier

*A publication of the Executive Office for Immigration Review, Office of the General Counsel, April 2014.*

## Contact Information

Fraud Program Intranet Link: <https://portal.doj.gov/sites/EOIR/Components/OGC/Pages/Fraud-and-Abuse-Prevention.aspx>.

Fraud Program In-Box: [EOIR.Fraud.Program@usdoj.gov](mailto:EOIR.Fraud.Program@usdoj.gov).

Kathy John, Fraud and Abuse Prevention Counsel: [Kathy.John@usdoj.gov](mailto:Kathy.John@usdoj.gov) or (703) 605-1282.

Michelle Marshall, Program Specialist: [Michelle.Marshall@usdoj.gov](mailto:Michelle.Marshall@usdoj.gov) or (703) 605-1722.

## News Briefs

### California Businessman Admits to High-Tech Visa Scam (San Jose, CA)

A San Francisco Bay area businessman, Balakrishnan Patwardhan, pled guilty in U.S. District Court for the Northern District of California to 19 counts of visa fraud. Between July 2008 and October 2010, Mr. Patwardhan knowingly submitted false immigration forms and supporting documentation to U.S. Citizenship and Immigration Services (USCIS) seeking H-1B high-technology work visas for 19 foreign nationals. Mr. Patwardhan claimed that the 19 visa applicants had job offers with Gilead Sciences a Foster City, California, biotech firm, although he knew the firm had no positions available. Mr. Patwardhan also submitted altered work contracts to USCIS and created false statements of work on behalf of the applicants. He is scheduled for sentencing in August 2014 and faces up to 10 years in prison and a fine of \$250,000. Also, as part of the plea agreement, Mr. Patwardhan will forfeit \$100,000 that he unlawfully derived from the fraud scheme. To read more, visit [http://www.justice.gov/usao/can/news/2014/2014\\_04\\_01\\_patwardhan.guiltyplea.press.html](http://www.justice.gov/usao/can/news/2014/2014_04_01_patwardhan.guiltyplea.press.html) and <http://www.ice.gov/news/releases/1404/140401sanjose.htm>.

### Atlanta Immigration Attorney Accused of Visa Fraud (Atlanta, GA)

Bonnie Monique Youn, an immigration attorney practicing in the Atlanta, Georgia, area, was indicted on visa fraud and witness tampering charges in U.S. District Court for the Northern District of Georgia. According to the indictment, from 2009 to the present, Ms. Youn filed materially false documents in support of an alien client's visa application and, for financial benefit, encouraged the client to reside unlawfully in the United States. Once Ms. Youn discovered she was under criminal investigation, she allegedly encouraged the client to provide false information when questioned by

Federal agents. To read more, visit <http://www.justice.gov/usao/gan/press/2014/04-14-14b.html>, <http://www.washingtontimes.com/news/2014/apr/14/immigration-lawyer-accused-of-visa-fraud/>, and <http://www.ajc.com/news/news/national-govt-politics/white-house-honoree-faces-immigration-related-char/nfbXR>.

### **Indian National Sentenced for Widespread Immigration Fraud (Charlotte, NC)**

Phani Raju Bhima Raju, an Indian national residing in Charlotte, North Carolina, pled guilty in U.S. District Court for the Western District of North Carolina to employment visa fraud and related conspiracy offenses, including money laundering conspiracy, and was sentenced to 48 months in prison followed by one year of supervised release. He also faces removal from the United States upon completion of his sentence. Mr. Raju, while serving as president of iFuturistics, a company headquartered in Pineville, North Carolina, conspired with Sarma G.M. Pingali and Bubala Elangovan, both Charlotte residents, to file fraudulent H-1B temporary visa applications for foreign nationals seeking employment in the United States. The conspirators falsely reported to the Department of Labor and to U.S. Citizenship and Immigration Services that the visa applications were for persons who would work directly for iFuturistics. In fact, iFuturistics did not employ the persons, but entered into lucrative contracts with staffing agencies to funnel the foreign workers through the agencies to businesses around the country. The staffing agencies paid Mr. Raju and iFuturistics an estimated \$13.2 million to provide visa-approved workers. Mr. Raju and his co-conspirators also recruited foreign nationals to apply for fraudulent employment visas and provided the foreign nationals with a “cheat sheet” of questions and answers to assist them during the H-1B interview process. On occasion, Mr. Raju and his co-conspirators failed to find employment for foreign workers who entered the country at their behest, and the workers were essentially left stranded in the U.S. without compensation. Messrs. Pingali and Elangovan also pled guilty to visa fraud and related charges, but have not yet received a sentencing date. To read more, visit <http://www.justice.gov/usao/ncw/pressreleases/2014/Charlotte-2014-03-20-raju.html>.

### **Follow Up: University President Convicted for Visa Fraud Scheme (San Francisco, CA)**

Susan Xiao-Ping Su, who was the founder, president, and chief executive officer of Tri-Valley University in Pleasanton, California, was convicted in U.S. District Court for the Northern District of California of engaging in a two-year scheme to unlawfully obtain F-1 student visas on behalf of foreign national clients. Specifically, she was convicted on 31 counts of conspiracy to commit visa fraud, visa fraud, wire fraud, mail fraud, use of false documents, making false statements to a Government agency, unauthorized access to a Government computer, money laundering, and harboring aliens. In furtherance of the fraud scheme, Ms. Su made multiple false representations to the Department of Homeland Security (DHS), including lying about Tri-Valley University’s graduation requirements, instructors, administrators, intent to comply with federal regulations, and overall legitimacy as an institution of higher education. She also made false statements to DHS regarding the academic qualifications of persons admitted as students to the university and their intent to pursue a course of study. She netted more than \$5.9 million from her criminal wrongdoing and laundered the money by purchasing commercial real estate, a Mercedes Benz automobile, and multiple residences. She is scheduled for sentencing in June 2014. To read more, visit [http://www.justice.gov/usao/can/news/2014/2014\\_03\\_24\\_su.convicted.press.html](http://www.justice.gov/usao/can/news/2014/2014_03_24_su.convicted.press.html) and <http://www.ice.gov/news/releases/1403/140324sanfrancisco.htm>.

**Follow Up: Baltimore Company Barred From Providing Immigration Services (Baltimore, MD) \*\***

As the result of a lawsuit filed by the Federal Trade Commission (FTC), the U.S. District Court for the District of Maryland found that Loma International Business Group, Inc., a Baltimore-based immigration consulting business, and its principals, Manuel and Lola Alban, engaged in unfair and deceptive trade practices in violation of the FTC Act. Specifically, the court found that from 2000 to 2011, Mr. and Mrs. Alban misled perhaps 600 or more Spanish-speaking immigrants, primarily from El Salvador and Honduras, into believing the Albans were authorized to provide immigration services. Moreover, during this period, defendant Manuel Alban engaged in the unauthorized practice of law. The court further found that the defendants performed their legal services duties in an “incompetent” manner and in some cases clients “suffered severely” for their reliance on advice provided by the Albans. The court permanently enjoined the defendants from advertising, promoting, or providing immigration services, and from misrepresenting their qualifications to provide immigration (and tax preparation) services. The court also ordered the defendants to pay more than \$616,000 to a victim restitution fund managed by the FTC. To read more, visit <http://www.ftc.gov/news-events/press-releases/2014/04/ftc-wins-court-judgment-against-immigration-services-scam> and [http://www.ftc.gov/system/files/documents/cases/140411alban206permanent\\_injunction.pdf](http://www.ftc.gov/system/files/documents/cases/140411alban206permanent_injunction.pdf).

*\*\* EOIR’s Fraud and Abuse Prevention Program, Office of the General Counsel, and the Recognition and Accreditation Program, Board of Immigration Appeals, assisted the FTC in this case.*

For more fraud-related news, please check out the *Immigration Fraud Reading List* at <https://portal.doj.gov/sites/eoir/Components/OGC/Pages/Immigration-Fraud-Reading-List.aspx>.

## Other Interesting Matters

● **Immigration and Customs Enforcement (ICE) Launches Nationwide Campaign To Stop Marriage Fraud**

<http://www.ice.gov/news/releases/1404/140402washingtondc.htm>

<http://www.ice.gov/news/releases/1403/140328losangeles.htm>

<http://www.dailynews.com/social-affairs/20140331/immigration-officials-warn-angelinos-of-saying-i-do-to-marriage-fraud>

● **Immigrants Defrauded by ‘Notarios’ (April 19, 2014)**

<http://www.consumereagle.com/2014/04/19/immigrants-defrauded-by-notarios>

● **Hearing of the U.S. House of Representatives Committee on Homeland Security, Subcommittee on Border and Maritime Security: Passport Fraud: An International Vulnerability (April 4, 2014)**

<http://homeland.house.gov/hearing/subcommittee-hearing-passport-fraud-international-vulnerability>

<http://www.c-span.org/video/?318698-1/passport-fraud>

## Attorney Discipline

- **Most recently disciplined practitioners:**

**Timothy D. Myers** - On April 15, 2014, the Board issued a final order suspending Attorney Myers for 90 days based on his 90-day suspension in California for failure to perform legal services, failure to return an unearned fee, and making a false statement to the state bar.

**Benito A. Garza** - On April 14, 2014, the Board issued a final order disbaring Attorney Garza based on his consent to disbarment in the District of Columbia. In 2012, Attorney Garza was convicted in Jim Wells County, Texas, of barratry and agreed as part of his plea agreement to surrender his District of Columbia law license, which he never did. He continued to practice immigration law, including appearing before the Immigration Courts on numerous occasions. He was sentenced to 3 years in prison. \*\*

*\*\* EOIR's Attorney Disciplinary Counsel assisted in the prosecution of this case.*

**Ross D. Hecht** - On April 14, 2014, the Board issued a final order indefinitely suspending Attorney Hecht based on his consent to an indefinite suspension in Maryland for conduct involving lack of diligence, failure to communicate, and failure to cooperate with the state bar investigation.

**Raymond Hellwig** - On April 14, 2014, the Board issued a final order disbaring Attorney Hellwig based on his disbarment in California for engaging in conduct lacking competence, engaging in conduct involving moral turpitude, and trust account violations.

**Howard Hudson** - On April 14, 2014, the Board issued an order immediately suspending Attorney Hudson based on his 6-month suspension in Oregon for multiple violations of the state rules of professional conduct, including failure to provide competent representation, neglect and inadequate communication, and submitting inaccurate evidence and information.

**William R. Troiani** - On April 14, 2014, the Board issued a final order indefinitely suspending Attorney Troiani based on his suspension in California for failure to provide proof of successful passage of the Multistate Professional Responsibility Examination required by a May 2012 order of the Supreme Court of California.

**John Wang** - On April 14, 2014, the Board issued a final order disbaring Attorney Wang based on his criminal conviction in the U.S. District Court for the Southern District of New York for conspiracy to commit immigration fraud.

**Ryan Adair** - On April 9, 2014, the Board issued an order immediately suspending Attorney Adair based on his conviction in the U.S. District Court for the District of Colorado for mail fraud and immigration-related fraud.

**Karen Caco** - On April 9, 2014, the Board issued a final order disbaring Attorney Caco based on her criminal conviction in the U.S. District Court for the Middle District of Florida for knowingly possessing immigration documents procured by fraud.

**Edward W. Haase** - On March 24, 2014, the Board issued a final order suspending Attorney Haase for a period of 60 days, effective April 8, 2014, based on his 60-day suspension in California for conduct involving the avoidance of representation of adverse interests and duties of an attorney.

**Wilfredo Pesante** - On April 9, 2014, the Board issued an order immediately suspending Attorney Pesante based on his consent to disbarment in the District of Columbia and his disbarment in New York.

**Gregory L. Williams** - On April 9, 2014, the Board issued a final order suspending Attorney Williams for 3 years based on his 3-year suspension in Texas for multiple violations of the state's rules of professional conduct, including conduct involving lack of communication, failure to promptly deliver funds to a client, and engaging in the practice of law while suspended.

**David W. Iverson** - On March 26, 2014, the Board issued an order immediately suspending Attorney Iverson based on his 6-month suspension in the U.S. Virgin Islands for failing to disclose previous suspensions by the Supreme Court of Florida and by the Executive Office for Immigration Review.

**Keith B. Losey** - On March 26, 2014, the Board issued a final order disbaring Attorney Losey based on his permanent disbarment in Florida for multiple violations of the state's rules of professional conduct, including criminal misconduct, conduct lacking competence and diligence, and trust account violations.

**Max Ricardo Whitney** - On March 26, 2014, the Board issued a final order suspending Attorney Whitney for 1 year based on his 1-year suspension in Florida for conduct involving fairness to an opposing party and counsel, and conduct involving dishonesty, fraud, deceit, or misrepresentation.

**Brian G. DiPietro** - On March 21, 2014, the Board issued an order immediately suspending Attorney DiPietro based on his 2-year suspension in Michigan, which in turn was based on a 2-year suspension in Arizona for conversion of law firm funds, preparing a false statement to hide the theft, and lying to his business partner when confronted about the theft.

**Eugene Dukjoon Kim** - On March 19, 2014, the Board issued an order immediately suspending Attorney Kim based on his 1-year suspension in California for conduct involving trust account violations.

**Timothy D. Myers** - On March 19, 2014, the Board issued an order immediately suspending Attorney Myers based on his 90-day suspension in California for conduct involving failure to perform legal services, failure to return an unearned fee, and making a false statement to the state bar.

**Barbara S. Soukup** - On March 19, 2014, the Board issued an order immediately suspending Attorney Soukup based on her immediate suspension in California due to her conviction for felony battery on a police officer with injury.

**Michaelangelo Rosario** - On March 11, 2014, the Board issued a final order disbaring Attorney Rosario. EOIR and the Department of Homeland Security (DHS) Disciplinary Counsel filed this original jurisdiction case charging Attorney Rosario with 38 counts of misconduct for filing frivolous and false affirmative asylum applications, which subsequently were referred to the Immigration Courts and often withdrawn. Attorney Rosario's pattern and practice of misconduct over a period of years supported an additional charge of conduct prejudicial to the administration of justice. Attorney Rosario filed a motion to set aside the final order of discipline with the Board, but the motion was denied on April 15, 2014.

● **Most recently reinstated practitioner:**

**Bennett Grossman** - On March 18, 2014, the Board issued an order reinstating Attorney Grossman after he completed his 90-day suspension based on a 90-day suspension in Florida for sharing fees with a non-lawyer.

**Mohamad Toufic Nehmeh** - On March 19, 2014, the Board issued an order rescinding the immediate suspension order issued on March 18, 2013, against Attorney Nehmeh, whose suspension in California was terminated after he passed the Multistate Professional Responsibility Examination as required by a December 2012 order of the Supreme Court of California.

● **Additional matter:**

**Matter of Krivonos** - On March 24, 2014, the Board denied Attorney Boris A. Krivonos's request to remove *Matter of Krivonos*, 24 I&N Dec. 292 (BIA 2007), as a precedent decision. In its decision, the Board concluded that *Matter of Krivonos* "provides proper guidance as to when reinstatement of a suspended practitioner is appropriate. The fact that the respondent has since been reinstated to practice by the Board does not lessen the value of our decision as a precedent."

EOIR employees may report attorney misconduct at [EOIR.Attorney.Discipline@usdoj.gov](mailto:EOIR.Attorney.Discipline@usdoj.gov). If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at [Jennifer.Barnes@usdoj.gov](mailto:Jennifer.Barnes@usdoj.gov).

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The OGC Fraud Program Crier is a monthly newsletter produced by the Office of the General Counsel, Executive Office for Immigration Review. The purpose of the publication is to inform its readers of investigations, prosecutions, and other current events relating to immigration fraud and abuse across the

United States and to provide information that will aid staff in detecting or preventing fraud and abuse in immigration proceedings. It is intended only as an informational resource for the use of employees of the Executive Office for Immigration Review.



OGC Fraud Program Crier

A publication of the Executive Office for Immigration Review, Office of the General Counsel, May 2014.

Contact Information

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Michelle Marshall, Program Specialist: Michelle.Marshall@usdoj.gov or (703) 605-1722.

News Briefs

Suspected War Criminals Indicted for Immigration Fraud

- **Minneapolis, MN** – Zdenko Jakisa of Forest Lake, Minnesota, was indicted in U.S. District Court for the District of Minnesota for fraud in obtaining refugee and lawful permanent resident status in the United States. According to the indictment, Mr. Jakisa served as a member of the armed forces of the Croatian Defense Council during the 1990s Bosnia-Herzegovina conflict, but failed to disclose this fact to immigration authorities when he entered the United States as a refugee in 1998 and when he obtained lawful resident status in 2002. Mr. Jakisa also allegedly failed to report multiple criminal offenses, including the September 1993 murder of an elderly Bosnian Serb woman, for which he was convicted in absentia, and the kidnapping, robbery, and assault of a Bosnian Muslim man. To read more, visit the following: <http://www.justice.gov/opa/pr/2014/May/14-crm-481.html>, <http://www.ice.gov/news/releases/1405/140507stpaul.htm>, and <http://minnesota.cbslocal.com/2014/05/12/mn-man-pleads-not-guilty-in-immigration-fraud-case/>.

- **Philadelphia, PA** - Jucontee Thomas Woewiyu, *a.k.a.* Jucontee Thomas Smith, of Collingdale, Pennsylvania, was indicted in the Eastern District of Pennsylvania for lying on his application for U.S. citizenship by not disclosing his past affiliation with a violent political group, namely, the National Patriotic Front of Liberia (NPFL). Specifically, he was charged with perjury (seven counts), fraudulently attempting to obtain citizenship (two counts), fraud in immigration documents (four counts), and making false statements in relation to naturalization (three counts). The indictment alleges that, beginning in the late 1980s, Mr. Woewiyu helped form and finance the NPFL, a military organization led by Charles Taylor and committed to the violent overthrow of the Liberian regime of

Samuel K. Doe. The indictment further alleges that, subsequent to Doe's torture and execution by a faction group in 1990, the NPFL embarked upon a brutal campaign to seize full control of Liberia, torturing perceived adversaries, massacring civilians, murdering humanitarian aid workers, and raping women and girls and forcing them into sex slavery. Mr. Woewiyu allegedly held various leadership positions within the NPFL during this period, including Minister of Defense. According to Federal authorities, however, he falsely reported that he had never advocated for the violent overthrow of any government and that he had never persecuted any person on account of race, religion, national origin, membership in a particular social group, or political opinion. To read more, visit the following: http://www.justice.gov/usao/pae/News/2014/May/woewiyu_release.htm, <http://m.ice.gov/news/releases/1405/140513philadelphia.htm?f=m>, <http://www.nbcphiladelphia.com/news/local/Liberia-Crimes-Arrest-259228431.html>, and <http://www.voanews.com/content/liberia-charles-taylor-former-defense-minister-arrested-in-us/1914946.html>.

Federal and State Authorities Pursue Questionable Practitioners

- **Los Angeles, CA** – A California immigration practitioner, Michael John Hernandez, was charged by the Los Angeles County District Attorney with unauthorized practice of law (two counts), grand theft of personal property (six counts), and perjury (one count). According to the District Attorney's office, Mr. Hernandez, who was not a member of the California Bar, maintained a law office in the community of Hacienda Heights, California, and specialized in immigration matters. Between 2011 and 2013, he allegedly bilked four clients out of approximately \$16,000 by charging them for legal services that he never provided. He faces up to 10 years in prison if convicted. To read more, visit http://da.lacounty.gov/mr/pdf/05.08.14.Man_Posing_as_Immigration_Attorney_Charged_with_Grand_Theft,_Unlawful_Practice_of_Law.pdf and <http://www.sgvtribune.com/general-news/20140508/hacienda-heights-man-accused-of-theft-practicing-law-without-license>.

- **Boulder, CO** – Immigration attorney Emily Elizabeth Cohen was charged by the Boulder County, Colorado, District Attorney with 59 counts of felony theft and related offenses after she allegedly stole hundreds of thousands of dollars from an estimated 79 immigrant clients. According to media reports, Ms. Cohen charged clients substantial legal fees, sometimes in excess of \$10,000 each, to secure visas and work permits for either them or their family members. However, once she received payment from the clients, she severed all contact and failed to render the promised legal services. Ms. Cohen has been suspended by the Colorado Supreme Court and the Board of Immigration Appeals pending resolution of her criminal case. To read more, visit <http://denver.cbslocal.com/2014/05/09/boulder-attorney-accused-of-scamming-immigrants/> and http://www.denverpost.com/breakingnews/ci_25732993/boulder-immigration-lawyer-now-facing-over-50-charges.

- **Boise, ID** – Celia Perez of Jerome, Idaho, pled guilty and was sentenced in U.S. District Court for the District of Idaho to 70 months in prison followed by three years' supervised release for using the United States mail to carry out a multi-year immigration services scam. She also was ordered to pay approximately \$400,000 in restitution to more than 50 victims. According to Federal authorities, between 2006 and 2013, Ms. Perez falsely represented herself as an immigration attorney and solicited fees from clients for legal services that she never performed, including filing immigration

benefit applications. In addition, she billed clients for “fines and fees” that she falsely claimed were owed the U.S. Government in connection with immigration benefit applications. To read more, visit <http://www.justice.gov/usao/id/news/2014/may/perez05132014.html> and http://magicvalley.com/news/local/crime-and-courts/jerome-woman-sentenced-in-immigration-scam/article_ffcbbf8a-dad4-11e3-90c1-001a4bcf887a.html.

- **Chicago, IL** – As the result of a recent investigation, the Chicago Department of Business Affairs and Consumer Protection (BACP) issued 59 warning notices to legal services providers operating within the city. More significantly, the BACP issued 56 violation notices, or tickets, which carry fines ranging from \$14,000 to \$42,500. According to city officials, 30 out of 31 immigration assistance providers targeted by the investigation were found to have engaged in unlawful business practices. The unlawful practices included over-charging clients, providing clients with incorrect or incomplete contracts, providing legal advice, and falsely advertising as licensed attorneys. To read more, visit <http://www.cityofchicago.org/city/en/depts/bacp/provdrs/enforce/news/2014/may/citycracksdownonfraudulentimmigrationserviceproviders.html> and http://articles.chicagotribune.com/2014-05-08/news/chi-chicago-cracking-down-on-notarios-20140508_1_immigration-service-naturalization-process-providers.

- **St. Paul, MN** – The Attorney General for the State of Minnesota filed suit against American Group US, Inc., the Legacy Firm Corporation, and owner Ornella Hammerschmidt for violating the state’s consumer protection laws, immigration services law, and unauthorized practice of law statute. According to the suit, the companies and Ms. Hammerschmidt charged thousands of dollars in fees for immigration-related legal services they were not legally authorized to provide. They allegedly held Ms. Hammerschmidt out to be an attorney, gave legal advice they did not have the authority or expertise to provide, took money for services that were not provided or that were delayed for lengthy periods of time, and in some cases falsified signatures on immigration filings or prepared paperwork with incorrect information. The companies and Ms. Hammerschmidt allegedly targeted Spanish-speaking immigrants with limited English proficiency and charged as much as \$12,000 per client to perform so-called legal work on applications for citizenship, asylum, and other immigration matters. The lawsuit seeks a permanent injunction barring the defendants from future involvement in immigration consulting work as well as restitution for alleged victims. To read more, visit <http://www.ag.state.mn.us/Consumer/PressRelease/05132014OutfitsThatExploitedImmigrants.asp> and <http://www.startribune.com/local/259094411.html>.

Follow Up: California Immigration Consultants Sentenced for Asylum Fraud (Los Angeles, CA)**

Haoren Ma, the owner of a Los Angeles-area immigration consulting firm, New Arrival Immigration Service, and an employee, Minghan Dong, pled guilty in U.S. District Court for the Central District of California and were sentenced to prison for operating a long-running asylum fraud scheme. Mr. Ma pled guilty to conspiracy, immigration document fraud, and aggravated identity theft. He was sentenced to 4 ½ years in prison. Mr. Dong pled guilty to conspiracy to commit immigration document fraud and was sentenced to one year and one day in prison. According to law enforcement authorities, Messrs. Ma and Dong charged alien clients \$3,500 to \$6,500 each to prepare and file asylum applications which presented phony claims of persecution on account of Christian religious beliefs. In addition, the defendants provided clients with detailed written

material and audio tapes on Christianity to help them prepare for asylum interviews. Law enforcement sources estimate that the pair filed more than 800 fraudulent asylum applications on behalf of Chinese nationals during the period from 2000 to 2011. To read more, visit the following: <http://www.ice.gov/news/releases/1405/140507santaana.htm>, <http://www.uscis.gov/news/news-releases/immigration-consultants-sentenced-filing-bogus-asylum-applications>, and <http://www.latimes.com/local/lanow/la-me-ln-immigration-fraud-20140507-story.html>.

*** EOIR's Fraud and Abuse Prevention Program, Office of the General Counsel, assisted the investigation of this case.*

For more fraud-related news, please check out the *Immigration Fraud Reading List* at <https://portal.doj.gov/sites/eoir/Components/OGC/Pages/Immigration-Fraud-Reading-List.aspx>.

Other Interesting Matters

- **A Smuggler of Immigrants Dies in Prison, but Is Praised in Chinatown (New York, NY)**

<http://www.nytimes.com/2014/04/28/nyregion/cheng-chui-ping-a-smuggler-of-immigrants-dies-in-prison-but-is-praised-in-chinatown.html> and <http://www.npr.org/blogs/codeswitch/2014/04/29/307770316/ringleader-of-human-smuggling-ring-dies-leaving-a-complex-legacy>.

Attorney Discipline

- **Most recently disciplined practitioners:**

Jeffrey L. Krain - On May 15, 2014, the Board issued a final order suspending Attorney Krain for 6 months, effective March 11, 2014, based on his 6-month suspension in New Jersey for failing to supervise a non-lawyer, sharing fees with a non-lawyer, and assisting a non-lawyer in the unauthorized practice of law.

Donnette S. Russell-Love - On May 15, 2014, the Board issued a final order suspending Attorney Russell-Love for 91 days based on her 91-day suspension in Florida for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Jeffrey S. Ryan - On May 15, 2014, the Board issued a final order suspending Attorney Ryan for 9 months based on his 9-month suspension in Colorado for committing a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as a lawyer.

Ryan Adair - On May 13, 2014, the Board issued a final order disbaring Attorney Adair based on his conviction in U.S. District Court for the District of Colorado for mail fraud and immigration-related fraud.

Haig P. Ashikian - On April 30, 2014, the Board issued an order immediately suspending Attorney Ashikian based on his being placed on involuntary inactive enrollment status in California.

Patricia M. Boag - On May 13, 2014, the Board issued an order immediately suspending Attorney Boag based on her 90-day suspension in California for appearing in court on behalf of a client at a time when she was suspended from practicing law.

Diana Bronstein - On May 13, 2014, the Board issued an order immediately suspending Attorney Bronstein based on her 2-year suspension in New York for engaging in conduct prejudicial to the administration of justice, engaging in conduct involving trust account violations, and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Patricia M. Cullen - On May 13, 2014, the Board issued an order immediately suspending Attorney Cullen based on her disbarment in California after a default was entered when she failed to file a response to a notice of disciplinary charges against her.

Dounnisei K. Gbalazeh - On May 13, 2014, the Board issued an order immediately suspending Attorney Gbalazeh based on her ineligibility to practice law in Louisiana due to non-payment of dues, non-compliance with trust account rules, and non-compliance with mandatory continuing legal education requirements.

Howard Hudson - On May 13, 2014, the Board issued a final order suspending Attorney Hudson for 6 months based on his 6-month suspension in Oregon for multiple violations of the state rules of professional conduct, including failing to provide competent representation, engaging in neglect and inadequate communication, and submitting inaccurate evidence and information.

Bradley Lamb - On May 13, 2014, the Board issued an order immediately suspending Attorney Lamb based on his ineligibility to practice law in Minnesota due to non-payment of fees and his suspension in Wisconsin for non-payment of dues, failure to comply with continuing legal education requirements, and failure to file a trust account certification.

Alicia R. Martinez - On May 13, 2014, the Board issued an order immediately suspending Attorney Martinez based on her 1-year suspension in Texas after she failed to respond, or assert any grounds for failure to respond, to disciplinary charges against her.

Lily Mazahery - On May 13, 2014, the Board issued a final order suspending Attorney Mazahery based on her consent to disbarment in the District of Columbia.

Wilfredo Pesante - On May 13, 2014, the Board issued a final order disbaring Attorney Pesante based on his consent to disbarment in the District of Columbia and his disbarment in New York.

Roberto Salazar - On May 13, 2014, the Board issued an order immediately suspending Attorney Salazar based on his 5-year suspension in Arizona for engaging in misconduct involving lack of competence and diligence and engaging in misconduct involving dishonesty, fraud, deceit, or misrepresentation.

Charles V. Stebley - On May 13, 2014, the Board issued a final order disbaring Attorney Stebley based on his disbarment in California.

Douglas P. Wachholz - On May 13, 2014, the Board issued an order immediately suspending Attorney Wachholz based on his consent to disbarment in the District of Columbia.

Roydera D. Hackworth - On April 30, 2014, the Board issued an order immediately suspending Attorney Hackworth based on her 4-year suspension in North Carolina after she committed trust account violations and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Scott M. Gibson - On April 28, 2014, the Board issued an order immediately suspending Attorney Gibson based on his resignation from the practice of law in New York while an investigation and disciplinary proceeding were pending against him.

William M. McKee - On April 28, 2014, the Board issued an order immediately suspending Attorney McKee based on his 6-month suspension in Virginia after he failed to provide proof to the Virginia Bar that he had complied with requirements contained in a previous consent order. The requirements involved giving written notice to his clients regarding his indefinite suspension and making appropriate arrangements for the disposition of matters in his care.

Daniel W. Carrigan - On April 23, 2014, the Board issued an order immediately suspending Attorney Carrigan based on his immediate suspension in Colorado due to his failure to cooperate with a Colorado Attorney Regulation Counsel investigation.

Emily E. Cohen - On April 23, 2014, the Board issued an order immediately suspending Attorney Cohen based on her immediate suspension in Colorado due to reasonable cause to believe that she had converted funds, thereby causing immediate and substantial public or private harm.

Henry H. Howe - On April 23, 2014, the Board issued an order immediately suspending Attorney Howe based on his interim suspension in North Dakota after he was charged with conspiracy to murder an individual serving as a confidential informant for a narcotics task force.

Eugene Dukjoon Kim - On April 23, 2014, the Board issued a final order suspending Attorney Kim for 1 year based on his 1-year suspension in California for conduct involving trust account violations.

Trevor M. Payne - On April 23, 2014, the Board issued an order immediately suspending Attorney Payne based on his 6-month suspension in Colorado for committing a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as a lawyer.

David M. Spieker - On April 23, 2014, the Board issued an order immediately suspending Attorney Spieker based on his 1-year suspension in California for forming a partnership with a non-lawyer, lending his name to be used by non-lawyers, and sharing fees with a non-lawyer.

● **Most recently reinstated practitioner:**

Hugo Rojas - On May 13, 2014, the Board issued an order reinstating Attorney Rojas after he completed his 2-year suspension in Texas for engaging in conduct lacking competence and diligence.

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# OGC Fraud Program Crier

*A publication of the Executive Office for Immigration Review, Office of the General Counsel, June 2014.*

## Contact Information

Fraud Program Intranet Link: <https://portal.doj.gov/sites/EOIR/Components/OGC/Pages/Fraud-and-Abuse-Prevention.aspx>.

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## News Briefs

### **Five New Yorkers Charged in Student Visa Fraud Conspiracy (New York, NY)**

Five persons, including four members of the same family, were indicted in the Southern District of New York for their role in a student visa fraud, wire fraud, and student financial aid fraud conspiracy. The five defendants - Suresh "Sam" Hiranandaney, his sister Anita Chabria, his brother-in-law Lalit Chabria, his son Samir Hiranandaney, and non-family member Seema Shah – all held leadership positions at Micropower Career Institute (MCI), a for-profit school with five campuses in New York and New Jersey, or at the Institute for Health Education (IHE), a for-profit school located in New Jersey. The defendants allegedly represented to federal authorities that MCI and IHE were legitimate institutions of higher education when in fact hundreds of foreign students enrolled at the institutions routinely did not pursue full courses of study required for F-1 student visa holders or maintain regular class attendance. Law enforcement authorities allege that, instead of reporting student non-compliance with F-1 visa requirements, the defendants either remained silent or actively sought to hide the problem, while at the same time continued to collect \$10,000 in annual tuition and fees from the students. Authorities further allege that the defendants, with the exception of Seema Shah, conspired to manipulate and fabricate student files in order to hide mismanagement of federal financial aid money, including Pell Grants, received by MCI. To read more, visit <http://www.justice.gov/usao/nys/pressreleases/May14/VisaFraudArrestsPR.php>, <http://www.ice.gov/news/releases/1405/140530newyork2.htm>, <http://newsindiatimes.com/5-indians-charged-in-student-visa-and-financial-aid-fraud-scheme/>, and

<http://www.newsday.com/long-island/nassau/micropower-career-institute-officials-arrested-federal-authorities-say-1.8253568>.

### **Tunisian Terrorist Suspect Pleads Guilty to Immigration Fraud (New York, NY)**

According to media reports, Ahmed Abassi, a Tunisian national accused of participating in an Al Qaeda-linked plot to derail a New York to Toronto train, pled guilty in U.S. District Court for the Southern District of New York to making a false statement to immigration authorities upon arriving at Kennedy International Airport in March 2013 and making a false representation in his subsequent application for a “green card.” Mr. Abassi reportedly told immigration authorities that he was entering the country in order to work in real estate when, according to federal authorities, he in fact came with the intent of plotting terrorist activity. He is scheduled for sentencing next month. To read more, visit <http://www.nydailynews.com/news/crime/train-terror-suspect-pleads-guilty-visa-fraud-charges-article-1.1816341> and <http://www.nytimes.com/2014/06/04/nyregion/tunisian-man-accused-last-year-of-terrorism-pleads-guilty-to-lesser-counts.html? r=0>.

### **Texas Attorney General Sues Four Unauthorized Practitioners (El Paso, TX)**

The Attorney General for the State of Texas filed suit under the Texas Deceptive Trade Practices Act (DTPA) alleging that five El Paso-area residents and their businesses had defrauded consumers by engaging in the unauthorized practice of immigration law. The defendants include: (1) Maria Duria Chavelas, doing business as International Legal Services-Abogados; (2) Sarah Beth Hernandez and Peter Hernandez *aka* Pedro Christopher Hernandez, doing business as Tiny’s Para-Legal Services; (3) Jeffrey L. Smith, doing business as the Jeff Smith Agency; and, (4) Jorge A. Zamarripa, doing business as Unidad Immigrant Advocacy Center. The Texas Attorney General asked in each case that the court enjoin the defendants from operating immigration services business and providing legal advice. He further asked that the court order restitution as well as civil penalties ranging from \$2,000 to \$20,000 for each DTPA violation, or up to \$250,000 for each violation involving a victim aged 65 years or older. The court took immediate action in one of the cases. Specifically, the court issued a temporary restraining order freezing the assets of Sarah Beth and Peter Hernandez and preventing the destruction or transfer of their business-related documents. The court also barred Mr. and Mrs. Hernandez from providing, misrepresenting their qualifications to provide, or accepting fees for immigration consulting work. To read more, visit <https://www.texasattorneygeneral.gov/oagnews/release.php?id=4742> and <http://www.ktsm.com/news/texas-attorney-general%E2%80%99s-office-takes-legal-action-stop-four-unauthorized-legal-services-operat>.

### **Follow Up: California Resident Sentenced to Prison in Marriage Fraud Scheme (Sacramento, CA)**

Sergey Potepalov, a naturalized U.S. citizen living in the Sacramento, California, area, was sentenced in U.S. District Court for the Eastern District of California to 27 months in prison for directing an elaborate marriage fraud scheme. Mr. Potepalov, in exchange for five-figure sums of money, arranged approximately 39 sham marriages between Eastern European and Russian national clients seeking resident status in the United States and locally recruited U.S. citizens. Once the parties were married, they went to significant lengths to make their unions appear legitimate, including posing for wedding photographs, renting apartments in both spouses’ names, and rehearsing false

answers to provide in interviews with immigration officials. Eight participants in the scheme, including several foreign nationals and their purported citizen spouses, were indicted along with Mr. Potepalov. The eight co-defendants pled guilty to the charges against them and received sentences ranging from 10 months' probation to 18 months in prison. To read more, visit [http://www.justice.gov/usao/cae/news/docs/2014/2014\\_05/05-22-14Potepalov.html](http://www.justice.gov/usao/cae/news/docs/2014/2014_05/05-22-14Potepalov.html) and <http://www.ice.gov/news/releases/1405/140522sacramento.htm>.

**Follow Up: Former Human Rights Violator Sentenced for Citizenship Fraud (Denver, CO)**

Kefelegn Alemu Worku, an Ethiopian national and naturalized American citizen, was sentenced in U.S. District Court for the District of Colorado to 22 years in prison for identity theft and procuring citizenship by fraud. Mr. Worku also was stripped of his United States citizenship. According to evidence presented at trial, in the late 1970s Mr. Worku served as a guard at a prison operated by the Marxist military junta that ruled Ethiopia. During this period, commonly referred to as the "Red Terror," he persecuted, tortured, and killed large numbers of political prisoners. In November 2000, the Ethiopian Federal High Court convicted him in absentia of genocide, finding that he had killed more than 100 persons. The court sentenced him to death. However, Mr. Worku, who was living in Kenya as a refugee at the time of his conviction, subsequently traveled to the United States and procured citizenship here using an assumed identity, that is, "Habteab Berhe Temanu," and otherwise concealed his past from U.S. immigration authorities. To read more, visit <http://www.justice.gov/usao/co/news/2014/may/5-23-14.html>, <http://www.ice.gov/news/releases/1405/140523denver.htm>, and <http://www.washingtontimes.com/news/2014/may/23/prosecutors-seek-long-sentence-for-ethiopian-guard/>.

**Follow Up: Passport Office Manager Ordered to Prison for Fraud (Houston, TX)**

Nyle Churchwell, a U.S. Department of State passport office adjudications manager in Houston, Texas, was convicted in U.S. District Court for the Southern District of Texas on two counts of making false statements in the application and use of a passport. According to evidence presented at trial, he approved an undisclosed number of passport applications that were supported by fraudulent or otherwise substandard documentation. As a result, passports were issued to persons under false identities and to non-citizens of the United States. Mr. Churchwell was sentenced to 42 months in prison followed by three years of supervised release. To read more, visit <http://www.justice.gov/usao/txs/1News/Releases/2014%20May/140529%20-%20Churchwell.html>, [http://www.yourhoustonnews.com/tomball/news/passport-office-worker-ordered-to-prison-for-passport-fraud/article\\_a521838e-e81d-11e3-832e-0019bb2963f4.html](http://www.yourhoustonnews.com/tomball/news/passport-office-worker-ordered-to-prison-for-passport-fraud/article_a521838e-e81d-11e3-832e-0019bb2963f4.html), and <http://www.khou.com/news/crime/Houston-passport-official-gets-prison-for-fraud-261541891.html>.

For more fraud-related news, please check out the *Immigration Fraud Reading List* at <https://portal.doj.gov/sites/eoir/Components/OGC/Pages/Immigration-Fraud-Reading-List.aspx>.

## Other Interesting Matters

**GAO Report: Pervasive Passport Fraud Not Identified, but Cases of Potentially Fraudulent and High-Risk Issuances Are under Review** (Washington, DC)

<http://www.gao.gov/products/GAO-14-222> (Highlights), <http://www.gao.gov/assets/670/662921.pdf> (Report), and <http://www.startribune.com/local/261753421.html>

## Attorney Discipline

- **Most recently disciplined practitioners:**

**Mayra Ivellisse Laureano** - On June 23, 2014, the Board issued an order immediately suspending Attorney Laureano based on her disbarment in California after failing to participate in her own disciplinary proceedings.

**Jae H. So** - On June 18, 2014, the Board issued an order immediately suspending Attorney So based on his disbarment in Washington State for misconduct involving conflicts of interests and trust account violations.

**Susan N. Burgess** - On June 16, 2014, the Board issued a final order indefinitely suspending Attorney Burgess based on her indefinite suspension in New York due to her incapacity to practice law.

**Reinelda Elizabeth Urena de Checo** - On June 16, 2014, the Board issued an order immediately suspending Attorney Urena de Checo based on her disbarment in New York after she resigned while a disciplinary investigation was pending.

**Richard H. Zweig** - On June 16, 2014, the Board issued an order immediately suspending Attorney Zweig based on his disbarment in New York for instituting legal action intended solely to harass and/or maliciously injure another, engaging in conduct prejudicial to the administration of justice, and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

**Patricia M. Boag** - On June 12, 2014, the Board issued a final order suspending Attorney Boag for 90 days based on her 90-day suspension in California for appearing in court on behalf of a client while suspended from the practice of law.

**Patricia M. Cullen** - On June 12, 2014, the Board issued a final order disbaring Attorney Cullen based on her disbarment in California after she failed to respond to a notice of disciplinary charges against her.

**David S. Silber** - On June 12, 2014, the Board issued a final order suspending Attorney Silber for 60 days based on his 60-day suspension in California for failing to comply with probationary conditions from a previous disciplinary case.

**Albert M. Sterwerf** - On June 12, 2014, the Board issued a final order disbaring Attorney Sterwerf based on his disbarment in California after failing to participate in a disciplinary proceeding against him.

**Susan N. Burgess** - On June 10, 2014, the Board issued an order immediately suspending Attorney Burgess based on her indefinite suspension in Texas due to her incapacity to practice law.

**Dounnisei K. Gbalazeh** - On June 10, 2014, the Board issued a final order indefinitely suspending Attorney Gbalazeh based on her ineligibility to practice law in Louisiana due to non-payment of dues, non-compliance with trust account rules, and non-compliance with mandatory continuing legal education requirements.

**Kenneth M. Giles** - On June 4, 2014, the Board issued an order immediately suspending Attorney Giles based on his criminal conviction in the U.S. District Court for the Southern District of New York for making false statements in submitting fraudulent asylum applications on behalf of Chinese aliens.

**Bradley Lamb** - On June 10, 2014, the Board issued a final order indefinitely suspending Attorney Lamb based on his ineligibility to practice law in Minnesota due to non-payment of fees and his suspension in Wisconsin for non-payment of dues, failure to comply with continuing legal education requirements, and failure to file a trust account certification.

**Roberto Salazar** - On June 10, 2014, the Board issued a final order suspending Attorney Salazar for 5 years based on his 5-year suspension in Arizona for misconduct involving lack of competence and lack of diligence and for misconduct involving dishonesty, fraud, deceit, or misrepresentation.

**Douglas P. Wachholz** - On June 10, 2014, the Board issued a final order disbaring Attorney Wachholz based on his consent to disbarment in the District of Columbia.

**Scott M. Gibson** - On June 3, 2014, the Board issued a final order disbaring Attorney Gibson based on his resignation from the practice of law in New York while an investigation and disciplinary proceeding against him were pending and the striking of his name from the roll of attorneys in the State of New York.

**Brian G. DiPietro** - On May 27, 2014, the Board issued a final order suspending Attorney DiPietro for 2 years based on his 2-year suspension in Arizona for conversion of law firm funds, preparing a false statement to hide the theft, and lying to his business partner when confronted about the theft. He also was reciprocally disciplined in Michigan.

**Roydera D. Hackworth** - On May 27, 2014, the Board issued a final order suspending Attorney Hackworth for 4 years based on her 4-year suspension in North Carolina after she committed trust account violations and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

**William M. McKee** - On May 27, 2014, the Board issued a final order suspending Attorney McKee for 6 months based on his 6-month suspension in Virginia after he failed to provide proof to the Virginia Bar that he had complied with requirements contained in a previous consent order. The order required Attorney McKee to give written notice to his clients regarding his indefinite suspension and to make appropriate arrangements for the disposition of matters in his care.

**Trevor M. Payne** - On May 27, 2014, the Board issued a final order suspending Attorney Payne for 60 days based on his 60-day suspension in Colorado for committing a criminal act that reflected adversely on his honesty, trustworthiness, or fitness as a lawyer.

**David M. Spieker** - On May 27, 2014, the Board issued a final order suspending Attorney Spieker for 1 year, effective June 13, 2013, based on his 1-year suspension in California for forming a partnership with a non-lawyer, allowing his name to be used by non-lawyers, and sharing fees with a non-lawyer.

● **Most recently reinstated practitioners:**

**Edward W. Haase** - On June 23, 2014, the Board issued an order reinstating Attorney Haase after he completed a 60-day suspension based on his 60-day suspension in California for conduct involving misrepresentation.

**Petia Dimitrova Knowles** - On June 11, 2014, the Board issued an order granting Attorney Knowles's petition for reinstatement, over the government's objection, after she completed her 90-day suspension based on discipline in Florida for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

**John J. O'Kane III** - On June 16, 2014, the Board issued an order granting Attorney O'Kane's petition for reinstatement after he completed a 1-year suspension based on his 1-year suspension in California for multiple violations of the state's rules of professional conduct, including engaging in conduct involving incompetence, moral turpitude, and the unauthorized practice of law.

EOIR employees may report attorney misconduct at [EOIR.Attorney.Discipline@usdoj.gov](mailto:EOIR.Attorney.Discipline@usdoj.gov). If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at [Jennifer.Barnes@usdoj.gov](mailto:Jennifer.Barnes@usdoj.gov).

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The OGC Fraud Program Crier is a monthly newsletter produced by the Office of the General Counsel, Executive Office for Immigration Review. The purpose of the publication is to inform its readers of

investigations, prosecutions, and other current events relating to immigration fraud and abuse across the United States and to provide information that will aid staff in detecting or preventing fraud and abuse in immigration proceedings. It is intended only as an informational resource for the use of employees of the Executive Office for Immigration Review.



OGC Fraud Program Crier

A publication of the Executive Office for Immigration Review, Office of the General Counsel, July 2014.

Contact Information

Fraud Program Intranet Link: <https://portal.doj.gov/sites/EOIR/Components/OGC/Pages/Fraud-and-Abuse-Prevention.aspx>.

Fraud Program In-Box: EOIR.Fraud.Program@usdoj.gov.

Kathy John, Fraud and Abuse Prevention Counsel: Kathy.John@usdoj.gov or (703) 605-1282.

Ellen Whalen, Associate General Counsel: Ellen.Whalen@usdoj.gov or (703) 756-8094.

Michelle Marshall, Program Specialist: Michelle.Marshall@usdoj.gov or (703) 605-1722.

News Briefs

Los Angeles Immigration Consultants Indicted for “Green Card” Fraud (Los Angeles, CA)

Claudia Arreola, a Los Angeles-area immigration consultant and owner of California Immigration Services (CIS), was indicted along with an associate, Leticia Gutierrez, in U.S. District Court for the Central District of California for filing fraudulent lawful permanent resident, or “green card,” applications on behalf of alien clients. According to the indictment, the alien clients sought lawful resident status based on legitimate marriages to United States citizens and retained the defendants to assist them in the application process. Ms. Arreola and Ms. Gutierrez, apparently unbeknownst to their clients, filed the application forms using fraudulent I-94 cards which indicated that the clients, who came to the U.S. illegally, had lawfully entered the country using visitors’ visas. The defendants allegedly charged clients as much as \$24,000 each to file the applications. When several clients failed to receive “green cards” and asked for their money back, the defendants allegedly threatened to contact immigration authorities and have the clients deported. The defendants also reportedly used the CIS acronym for Ms. Arreola’s consulting business to further defraud their clients. Specifically, the pair allegedly deposited client money orders and cashier’s checks made out to U.S. Citizenship and Immigration Services, or USCIS, into CIS bank accounts which they controlled. While the defendants were indicted on only six counts of immigration fraud, law enforcement authorities suspect that the pair filed dozens of fraudulent benefit applications.

In addition, authorities report that in 2003 the defendants were sued by the State of California for engaging in an illegal scheme to provide immigration services. As part of a settlement agreement

with the State, Ms. Arreola and Ms. Gutierrez agreed not to engage in illegal immigration consulting work in the future. Despite this agreement, the pair allegedly began operating CIS in 2006 and shortly thereafter embarked upon the fraud scheme described above. To read more, visit <http://www.justice.gov/usao/cac/Pressroom/2014/079.html>, <http://www.ice.gov/news/releases/1406/140626losangeles.htm>, and <http://www.latimes.com/local/lanow/la-me-ln-green-card-scam-20140626-story.html>.

Former Police Officer Sentenced to Prison for Immigration Fraud (Atlanta, GA)

A former Georgia police officer, Devon Campbell *a.k.a.* Wilmott Alvin Livingston, pled guilty in U.S. District Court for the Northern District of Georgia to one count of unlawfully procuring citizenship and one count of using a passport secured by false statements. He was sentenced to 10 months in prison and stripped of the United States citizenship he obtained through fraud. He also faces removal from the United States upon completing his prison sentence. According to law enforcement officials, Mr. Campbell, a Jamaican national and former officer with the Jamaican Constabulary Force, entered the United States in 2000 using a Jamaican passport with the fabricated name of Wilmott Alvin Livingston and a false date of birth. He resided, married, and obtained lawful resident status in the United States using the Livingston alias. He also eventually applied for and in 2008 secured U.S. citizenship using the alias. After being naturalized, Mr. Campbell applied for and obtained a U.S. passport again with the fake name and date of birth and used the passport to travel back and forth to his native Jamaica. He also secured employment in 2011 as a police officer in College Park, Georgia. To read more, visit <http://www.ice.gov/news/releases/1407/140709atlanta.htm>, <http://www.justice.gov/usao/gan/press/2014/07-08-14.html>, <http://www.aic.com/news/news/college-park-cop-gets-prison-time-for-immigration-/ngbct/>, and <http://www.news-daily.com/news/2014/jul/10/ex-cop-headed-to-federal-prison/>.

New York Assemblywoman Pleads Guilty to Citizenship Fraud (New York, NY)

A New York State Assemblywoman, Gabriela Rosa, pled guilty in the Southern District of New York to making false statements to immigration authorities (one count) and making false declarations to a Federal bankruptcy court (one count). She also resigned from her elected position. According to Federal prosecutors, Ms. Rosa, a national of the Dominican Republic, gained lawful resident status in the United States in 1996 and citizenship in 2005 as the result of a sham marriage. She paid her first husband, an American citizen, \$8,000 to marry her. Although she entered the marriage solely for the purpose of obtaining immigration benefits, she falsely represented to immigration authorities on numerous occasions that the marriage was bona fide. In addition, Ms. Rosa filed a petition for bankruptcy in 2009 in order to liquidate over \$30,000 in debt accumulated through credit card charges and personal loans. She was required in filing the petition to list all real or personal property in which she had an ownership interest. However, she fraudulently failed to disclose a Manhattan cooperative apartment that she owned as well as several sources of income, including income from her current husband, Victor Estrella. She is scheduled for sentencing in October 2014. According to media reports, she is expected under a plea bargaining agreement to receive a 12 to 18-month prison sentence. She also will be required to return a \$1,000 campaign contribution that she unlawfully received from a representative of a foreign government. To read more, visit <http://www.justice.gov/usao/nys/pressreleases/June14/gabrielarosaplea.php>, <http://www.reuters.com/article/2014/06/27/us-usa-newyork-corruption-idUSKBN0F22IN20140627>,

<http://nypost.com/2014/06/27/washington-heights-lawmaker-pleads-guilty-to-marriage-fraud/>,
and <http://www.nytimes.com/2014/06/28/nyregion/new-york-assemblywoman-gabriela-rosa-corruption-case.html? r=0>.

Leaders of Fraudulent Document Ring Sentenced in Eastern Virginia (Richmond, VA)

Three Mexican nationals - Manuel Hidalgo Flores, Ivan Patino Sanchez, and Felipe Alvarado Gonzalez - pled guilty in U.S. District Court for the Eastern District of Virginia to participating in a violent criminal organization that specialized in manufacturing and distributing counterfeit identification documents, including permanent resident alien cards ("green cards"), Social Security cards, state identification cards, and various international documents. Specifically, Messrs. Flores and Sanchez pled guilty to conspiracy to engage in racketeering, interference with commerce by robbery, and conspiracy to launder money. They were sentenced to 11 ¼ years and eight years in prison, respectively. Mr. Gonzalez pled guilty to conspiracy to engage in racketeering and conspiracy to launder money and was sentenced to five years in prison. The three men also face removal from the United States upon completion of their prison terms.

The defendants are among 42 defendants who to date have been indicted and convicted in connection with the document fraud ring, known in law enforcement circles as the "Fraudulent Document Enterprise (FDE)." The FDE originated at some point prior to 2008 and for years produced and sold high-quality fake documents to foreign nationals throughout much of the Mid-West and Eastern United States. In 2010, a large number of FDE members, including then ringleader Israel Cruz Millan, were arrested by Federal authorities. Subsequent to the arrests, Mr. Flores restarted and assumed overall leadership of the organization, supervising operations in Arkansas, Massachusetts, North Carolina, Rhode Island, Ohio, and Virginia and continuing the organizational practice of eliminating competition in the counterfeit document business through violence and intimidation. Messrs. Sanchez and Gonzalez assisted Mr. Flores in restarting and running the criminal enterprise.

Of the 42 FDE defendants who have been convicted, 33 have been sentenced, including Mr. Millan who in 2012 was sentenced to 25 years in prison for his criminal misconduct. The nine remaining defendants are scheduled for sentencing in the next two months. To read more, visit <http://www.justice.gov/usao/vae/news/2014/07/20140709sancheznr.html>, <http://www.justice.gov/usao/vae/news/2014/07/20140701floresnr.html>, and <http://www.ice.gov/news/releases/1407/140701richmond.htm>.

Follow Up: California Asylum Fraud Conviction Upheld (San Francisco, CA)

The U.S. Court of Appeals for the Ninth Circuit upheld the convictions of immigration attorneys Jagprit Singh Sekhon and Jagdip Singh Sekhon. The two men, who are brothers and former partners in the now-defunct Sacramento law firm of Sekhon & Sekhon, were convicted in 2010 of orchestrating a long-running scheme to file hundreds of fraudulent asylum applications on behalf of clients from India, Romania, Fiji, Moldova, and Nepal. The court also upheld the asylum fraud convictions of law firm interpreters Iosif Caza and Luciana Harmath and law firm associate Manjit Kaur Rai. The court further affirmed Jagprit Sekhon's sentence of nine years' imprisonment. However, the court found that sentences handed down to the remaining four defendants were

improperly calculated and returned their cases to the U.S. District Court for the Eastern District of California for resentencing. To read more, visit <http://www.ktvu.com/ap/ap/california/california-asylum-fraud-convictions-upheld/ngSZw/>.

For more fraud-related news, please check out the *Immigration Fraud Reading List* at <https://portal.doj.gov/sites/eoir/Components/OGC/Pages/Immigration-Fraud-Reading-List.aspx> or online at <http://www.justice.gov/eoir/fraudanddiscipline/listing.htm>.

Other Interesting Matters

Matter of P-S-H-, 26 I&N Dec. 329 (2014), <http://www.justice.gov/eoir/vll/intdec/vol26/3805.pdf>.

Attorney Discipline

• Most recently disciplined practitioners:

David W. Iverson - On July 23, 2014, the Board issued a final order suspending Attorney Iverson for 6 months based on his 6-month suspension in the U.S. Virgin Islands for failing to disclose earlier suspensions by the Florida Supreme Court and the Executive Office for Immigration Review (EOIR).

Mayra Ivellisse Laureano - On July 23, 2014, the Board issued a final order disbaring Attorney Laureano based on her disbarment in California for failing to participate in her own disciplinary proceedings.

Sabrina Price - On July 23, 2014, the Board issued an order immediately suspending Attorney Price based on her indefinite suspension in New Mexico and reprimand in Arizona for numerous ethical violations, including failure to communicate, failure to appear at immigration hearings, failure to properly refund unearned fees, lack of candor toward a tribunal, and engaging in dishonest conduct.

Jae H. So - On July 17, 2014, the Board issued a final order disbaring Attorney So based on his disbarment in Washington State for misconduct involving conflicts of interests and trust account violations.

Reinelda Elizabeth Urena de Checo - On July 15, 2014, the Board issued a final order disbaring Attorney Urena de Checo based on her disbarment in New York after she resigned while a disciplinary investigation was pending.

Diana Bronstein - On July 8, 2014, the Board issued a final order suspending Attorney Bronstein for 2 years, **effective June 1, 2012**, based on her 2-year suspension in New York for engaging in conduct

involving dishonesty, fraud, deceit, or misrepresentation, conduct prejudicial to the administration of justice, and conduct involving trust account violations.

Kenneth M. Giles - On July 8, 2014, the Board issued a final order disbaring Attorney Giles based on his criminal conviction in the U.S. District Court for the Southern District of New York for making false statements in submitting fraudulent asylum applications on behalf of Chinese aliens.

Alicia R. Martinez - On July 8, 2014, the Board issued a final order suspending Attorney Martinez for 1 year based on her 1-year suspension in Texas after she failed to respond, or assert any grounds for failure to respond, to disciplinary charges against her.

Herbert J. Tan - On July 8, 2014, the Board issued an order immediately suspending Attorney Tan based on his temporary suspension in New Jersey.

Richard H. Zweig - On July 8, 2014, the Board issued a final order disbaring Attorney Zweig based on his disbarment in New York for instituting legal action intended solely to harass and/or maliciously injure another, engaging in conduct prejudicial to the administration of justice, and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

● **Most recently reinstated practitioner:**

Timothy D. Myers - On July 15, 2014, the Board issued an order reinstating Attorney Myers after he completed his 90-day suspension based on a 90-day suspension in California for conduct involving failure to perform legal services and return an unearned fee and for making a false statement to the state bar.

EOIR employees may report attorney misconduct at EOIR.Attorney.Discipline@usdoj.gov. If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at Jennifer.Barnes@usdoj.gov.

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# OGC Fraud Program Crier

*A publication of the Executive Office for Immigration Review, Office of the General Counsel, August 2014.*

## Contact Information

Fraud Program Intranet Link: <https://portal.doj.gov/sites/EOIR/Components/OGC/Pages/Fraud-and-Abuse-Prevention.aspx>.

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Ellen Whalen, Associate General Counsel: [Ellen.Whalen@usdoj.gov](mailto:Ellen.Whalen@usdoj.gov) or (703) 756-8094.

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## News Briefs

### **Former USCIS Officer Convicted of Taking Bribes and Witness Tampering (Santa Ana, CA)**

Billy Louis Nelms, a former officer with the U.S. Citizenship and Immigration Services Fraud Detection and National Security (USCIS/FDNS) unit in Santa Ana, California, was convicted in U.S. District Court for the Central District of California of bribery and conspiracy to commit bribery and defraud the U.S. Government. Mr. Nelms and his wife, Sokhon Nelms, also were convicted of conspiracy to witness tamper and witness tampering. According to evidence presented at trial, between 2005 and August 2008, Cambodian immigrants illegally residing in the United States paid Mr. Nelms approximately \$5,000 each to obtain lawful resident status. In exchange, Mr. Nelms provided the immigrants with proof of temporary resident status, apparently by stamping their immigration documents using a special U.S. Government stamp. Mr. Nelms was indicted on bribery and fraud charges in June 2013. Subsequently, he and his wife tampered with two witnesses mentioned in the indictment, including advising one witness not to speak to anyone. To read more, visit <http://www.justice.gov/usao/cac/Pressroom/2014/100.html>.

### **New York Attorneys Indicted in Unrelated Immigration Fraud Cases (New York, NY)**

- Owolabi Salis, an immigration attorney doing business in New York City as Salis Law P.C. and Salis and Associates, was indicted in a New York state court for defrauding at least 30 persons, many of them immigrants from the Caribbean, South America, Central America, and Africa. Specifically, Mr. Salis was charged with multiple counts of grand larceny, attempted grand larceny, engaging in a scheme to defraud, and falsifying business records. According to the indictment, Mr. Salis falsely advised

immigrant clients that they qualified for lawful permanent resident status and other U.S. immigration benefits and charged each client approximately \$4,500 to pursue these benefits on their behalf. He obtained temporary work permits for the clients by filing fraudulent adjustment of status applications, but misrepresented to the clients the manner in which the work permits were obtained and their temporary nature. When work permits were sent to Mr. Solis's office instead of to the clients' homes, Mr. Solis demanded an additional \$4,500 from the clients before turning the permits over to them. To read more, visit <http://manhattanda.org/press-release/da-vance-attorney-indicted-defrauding-immigrants-caribbean-central-and-south-america-a> and <http://jamaica-gleaner.com/gleaner/20140811/int/int7.html>.

- Richard Kassel, a New York immigration attorney, and three others – Rosanna Almonte, an assistant to Mr. Kassel, and former law firm clients Vaclav Haloda and Jana Haloda -- were indicted in U.S. District Court for the Southern District of New York for engaging in a scheme to obtain employment-based visas by fraud. According to Federal authorities, Mr. Kassel, with help from Ms. Almonte, filed more than a hundred fraudulent employment-based visa applications on behalf of immigrant clients over a six-year period from 2008 to 2014. The applications falsely reported that Mr. Kassel's clients were professionals with advanced degrees, and the applications were supported by fake diplomas and transcripts. Mr. and Mrs. Haloda facilitated the fraud by creating the phony diplomas and transcripts on a home computer and printer. The four defendants were charged with visa fraud (5 counts) and conspiracy to commit immigration fraud (1 count). If convicted, they face up to five years imprisonment on each count of visa fraud, up to 10 years imprisonment on the conspiracy charge, and a maximum fine of either \$250,000 or twice the gross amount gained from each offense. To read more, visit <http://www.justice.gov/usao/nys/pressreleases/August14/RichardKasselIndictment.php>.

#### **Florida Woman Sentenced to Prison for Leading Marriage Fraud Scheme (Tampa, FL)**

Tampa resident Cassandra Hamilton pled guilty in U.S. District Court for the Middle District of Florida to engaging in a conspiracy to commit marriage fraud and was sentenced to 15 months in prison for the offense. Federal prosecutors report that Ms. Hamilton arranged more than 10 phony marriages between U.S. citizens and Jamaican nationals who were seeking to obtain lawful resident status or U.S. citizenship. To read more, visit [http://www.justice.gov/usao/flm/press/2014/Jul/20140725\\_Hamilton.html](http://www.justice.gov/usao/flm/press/2014/Jul/20140725_Hamilton.html), <http://www.uscis.gov/news/news-releases/uscis-efforts-tampa-lead-successful-cases-against-marriage-fraud>, and <https://www.ice.gov/news/releases/1407/140725tampa.htm>.

#### **Pennsylvania Resident Accused of Hiding Extremist Ties (Philadelphia, PA)**

Hayatullah Dawari, a citizen of Afghanistan and lawful permanent resident of the United States, was indicted in U.S. District Court for the Eastern District of Pennsylvania on immigration fraud charges. In applying for U.S. citizenship in November 2013, Mr. Dawari allegedly failed to disclose his association with Hezb-e-Islami Gulbuddin (HIG), an anti-western insurgent group that has long-established ties to al-Qaida. If convicted, Mr. Dawari faces up to 20 years in prison, three years of supervised release, and a \$500,000 fine. He also faces removal from the United States. To read more, visit the following: <http://www.fbi.gov/philadelphia/press-releases/2014/philadelphia-resident-charged-with-immigration-fraud>, <https://www.ice.gov/news/releases/1408/140806philadelphia.htm>, [http://www.justice.gov/usao/pae/News/2014/August/dawari\\_release.htm](http://www.justice.gov/usao/pae/News/2014/August/dawari_release.htm), and [http://www.philly.com/philly/news/Feds\\_Applicant\\_for\\_US\\_citizenship\\_failed\\_to\\_disclose\\_ties\\_to\\_terrorist\\_group.html](http://www.philly.com/philly/news/Feds_Applicant_for_US_citizenship_failed_to_disclose_ties_to_terrorist_group.html).

### **Moroccan National Admits to Fabricating Asylum Claim (New Haven, CT)**

El Mehdi Semlali Fathi, a Moroccan national residing in Bridgeport, Connecticut, pled guilty in U.S. District Court for the District of Connecticut to one count of perjury in an immigration matter. In doing so, Mr. Fathi admitted that after overstaying his student visa and being placed in removal proceedings, he prepared and filed under penalty of perjury a fraudulent asylum and withholding application (Form I-589) using information he gleaned from various country condition reports. Federal prosecutors report that Mr. Fathi falsely claimed in the application that if returned to Morocco, he would be persecuted based on membership in a particular social group and imputed political opinion. He also falsely claimed to have been arrested twice in 2007 and persecuted by the Moroccan government. On at least two occasions, in 2011 and again in 2013, Mr. Fathi falsely represented to the Immigration Court that all information in his Form I-589 was true and accurate when he knew that the information was materially false. Moreover, in 2013 while testifying in support of the application, he reportedly lied to the court about participating in student demonstrations and thereafter being arrested and savagely beaten by Moroccan authorities. He is scheduled for sentencing in October 2014. To read more, visit <http://www.justice.gov/usao/ct/Press2014/20140724.html>.

### **Follow Up: Maryland Attorney Sentenced for Bribing Immigration Official (Baltimore, MD)**

Kiran Dewan, an immigration attorney with offices in Windsor Mill, Maryland, was sentenced in the District of Maryland to two years in prison followed by three years of supervised release for bribing an immigration official. He was also ordered to forfeit \$50,000 in ill-gotten gains. Between March 2011 and May 2013, three of Mr. Dewan's clients - Mohammad Khan, Narayan Thapa, and Amjad Israr - provided him with \$170,000 to bribe an immigration official who purportedly was willing to issue the clients green cards in exchange for cash. The official was in fact an Immigration and Customs Enforcement (ICE) agent acting in an undercover capacity. Mr. Dewan paid the agent \$120,000 for the green cards and retained \$50,000 of the \$170,000 for himself. Furthermore, in May 2011 Mr. Dewan paid the undercover agent a \$5,000 bribe to have an unnamed foreign national, whom Mr. Dewan viewed as a business competitor, removed from the United States. He paid the agent an additional \$5,000 in November 2011 to remove and replace documents found in the foreign national's U.S. Citizenship and Immigration Services file. Mr. Khan, a Pakistani citizen residing in Maryland, previously pled guilty to immigration fraud and was sentenced to one year and one day in prison. Mr. Israr, a Pakistani citizen residing in Connecticut, pled guilty to conspiracy to bribe an immigration official and in September 2013 was sentenced to 15 months in prison. Mr. Thapa, a Nepalese citizen residing in Maryland, pled guilty as well and awaits sentencing. To read more, visit <http://www.justice.gov/usao/md/news/2014/ImmigrationAttorneySentencedForBribingAnImmigrationOfficial.html>.

For more fraud-related news, please check out the *Immigration Fraud Reading List* at <https://portal.doj.gov/sites/eoir/Components/OGC/Pages/Immigration-Fraud-Reading-List.aspx> or online at <http://www.justice.gov/eoir/fraudanddiscipline/listing.htm>.

## Other Interesting Matters

***New Fraud Schemes Targeting Families of Unaccompanied Children;*** Federal Bureau of Investigation (San Antonio, TX); July 19, 2014.

<http://www.fbi.gov/sanantonio/press-releases/2014/new-fraud-schemes-targeting-families-of-unaccompanied-children>

***Fake immigrant families pose new Border Patrol challenge;*** KXAN News (Austin, TX); July 15, 2014.

<http://kxan.com/2014/07/15/fake-immigrant-families-pose-new-border-patrol-challenge/>

***Notarios: Immigration Help That Hurts;*** Latino USA (New York, NY); June 27, 2014.

<http://latinousa.org/2014/06/27/notarios/>

## Attorney Discipline

### • Most recently disciplined practitioners:

**Sabrina Price** - On August 22, 2014, the Board issued a final order indefinitely suspending Attorney Price based on an indefinite suspension in New Mexico and reprimand in Arizona for engaging in numerous ethical violations, including failure to communicate, failure to appear at immigration hearings, failure to properly refund unearned fees, lack of candor toward a tribunal, and engaging in dishonest conduct.

**Ingrid Barclay** - On August 19, 2014, the Board issued an order immediately suspending Attorney Barclay based on a 3-year suspension in New York for converting and failing to safeguard funds entrusted to her as a fiduciary.

**Mohammed Noure Alo** - On August 18, 2014, the Board issued an order immediately suspending Attorney Alo based on an interim suspension in Ohio following a felony conviction for aiding and abetting wire fraud.

**Dana K, Nottingham** - On August 18, 2014, the Board issued an order immediately suspending Attorney Nottingham based on a 6-month suspension in Colorado for failure to comply with probationary conditions.

**Stephanie A. Ritland** - On August 18, 2014, the Board issued an order immediately suspending Attorney Ritland based on a 3-year suspension in Colorado for misconduct involving candor toward the tribunal and scope of representation and for conduct involving dishonesty, fraud, deceit, and misrepresentation.

**David L. Ross** - On August 18, 2014, the Board issued an order immediately suspending Attorney Ross based on a 3-year suspension in Florida for knowingly making a false statement of fact or law to a tribunal, engaging in conduct prejudicial to the administration of justice, and engaging in conduct involving dishonesty, fraud, deceit, and misrepresentation.

**Oleh R. Tustaniwsky** - On August 14, 2014, the Board issued an order immediately suspending Attorney Tustaniwsky based on a 1-year suspension by the U.S. Court of Appeals for the Second Circuit for failure to act competently and to represent a client zealously.

**Maria Corazon Avinante** - On August 13, 2014, the Board issued an order immediately suspending Attorney Avinante based on a 120-day suspension in Hawaii for misrepresenting the truth to Bar authorities and for numerous trust account violations.

**Hock Loon Yong** - On August 6, 2014, the Board issued an order immediately suspending Attorney Yong based on his disbarment in California for failing to perform legal services with competence, failing to keep a client reasonably informed, and trust account violations.

**William L. Rogers** - On July 28, 2014, the Board issued a final order suspending Attorney Rogers for 18 months based on an 18-month suspension in Florida for trust account violations.

**Evenette Mondesir** - On July 24, 2014, the Board issued a final order disbaring Attorney Mondesir based on her disbarment in Florida after she failed to comply with an order of the Florida Supreme Court and was found guilty of contempt.

● **Most recently reinstated practitioners:**

**Patricia M. Boag** - On August 20, 2014, the Board issued an order reinstating Attorney Boag after she completed her 90-day suspension based on a 90-day suspension in California for appearing in court while suspended from the practice of law.

**Ann Adele Ruben** - On August 20, 2014, the Board issued an order reinstating Attorney Ruben after she completed her suspension for 1 year and 1 day based on a suspension for 1 year and 1 day in Pennsylvania for violating the Commonwealth's professional conduct rules involving lack of diligence and communication and for conduct involving dishonesty, fraud, deceit, or misrepresentation.

**Robbie M. Levin** - On August 12, 2014, the Board issued an order reinstating Attorney Levin after he completed his 24-month suspension based on a 24-month suspension in Georgia after pleading guilty to conduct involving the distribution of obscene material to a minor.

EOIR employees may report attorney misconduct at [EOIR.Attorney.Discipline@usdoj.gov](mailto:EOIR.Attorney.Discipline@usdoj.gov). If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at [Jennifer.Barnes@usdoj.gov](mailto:Jennifer.Barnes@usdoj.gov).

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Contact Information

Fraud Program Intranet Link: <https://portal.doj.gov/sites/EOIR/Components/OGC/Pages/Fraud-and-Abuse-Prevention.aspx>.

Fraud Program In-Box: EOIR.Fraud.Program@usdoj.gov.

Kathy John, Fraud and Abuse Prevention Counsel: Kathy.John@usdoj.gov or (703) 605-1282.

Ellen Whalen, Associate General Counsel: Ellen.Whalen@usdoj.gov or (703) 756-8094.

Michelle Marshall, Program Specialist: Michelle.Marshall@usdoj.gov or (703) 605-1722.

News Briefs

SoCal Immigration Attorney Charged in Indictment and Civil Lawsuit with Defrauding Foreign Investors Seeking 'Green Cards' (Los Angeles, CA)

In coordinated criminal and civil actions, federal prosecutors obtained an indictment and the Securities and Exchange Commission (SEC) filed a civil complaint against a Los Angeles-based immigration attorney who allegedly ran an investment scheme that defrauded foreign investors seeking permanent residency status in the United States through the EB-5 Immigrant Investor Program.

The indictment and the SEC's lawsuit alleges that Justin Moongyu Lee raised millions of dollars from dozens of investors – mainly in Korea and China – seeking to participate in the EB-5 program. Instead of using the victims' money to invest in an ethanol production facility, Lee allegedly misappropriated the money for his own use. Lee is currently in custody in Korea on charges related to this alleged scheme. To read more, visit:

<http://www.justice.gov/usao/cac/Pressroom/2014/112.html>

McLean Business Managers and Strayer University Official Convicted, Sentenced for Large-Scale Immigration Fraud (Alexandria, VA)

Two managers of McLean, Virginia-based Integrated Academics, Mohamad Tellawi and Lea Dzhin, and a former admissions officer for Strayer University, Maher Khudari, have been convicted in the

U.S. District Court for the Eastern District of Virginia of conspiring to create fraudulent transcripts so that foreign students would appear eligible to retain their student visas in the U.S. The defendants allegedly conspired to create at least 58 official Strayer transcripts in order to help clients of Integrated Academics retain their F-1 visas. Additionally, the defendants allegedly hired people to take online classes, write papers, and take tests for their clients. Tellawi was sentenced to 22 months in prison, followed by 3 years of supervised release. Dzhin and Khudari, who previously pled guilty, were also sentenced. The court further ordered Tellawi and Dzhin to forfeit \$265,000 in proceeds from the fraud, and ordered Khudari to forfeit \$30,747.65. U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI), with assistance from the Internal Revenue Service, Northern Virginia Community College, and Strayer University conducted this investigation.

To read more, visit <http://www.justice.gov/usao/vae/news/2014/08/20140812Bojaghlir.html> and <http://webcache.googleusercontent.com/search?q=cache:http://www.ice.gov/news/releases/1408/140822alexandria2.htm>

Two Indicted with Impersonating Federal Agents in Immigration Scam (Boston, MA)

Francisco Soares and Paul Stein were charged in federal court in Boston with impersonating federal agents in connection with a scheme to defraud persons trying to obtain legal resident status in the United States. According to the indictment, from October 2011 until July 2014, Soares posed as an ICE Special Agent, and Stein posed as a Federal Bureau of Investigations employee. The men told persons who were present in the U.S. illegally that they could fix their immigration problems, including removing evidence of prior immigration arrests, in order to help these persons obtain permanent residence, in exchange for as much as \$10,500. To read more, visit <http://www.justice.gov/usao/ma/news/2014/August/SoaresandSteinindictedPR.html> and <http://webcache.googleusercontent.com/search?q=cache:http://www.ice.gov/news/releases/1408/140814boston.htm>

New Jersey Man Pleads Guilty to Operating Fraudulent Visa and Payroll Scheme to Facilitate Illegal Immigration (Washington, DC)

A New Jersey man pleaded guilty to orchestrating an eight-year scheme to falsify employment certifications to facilitate the illegal entry of Indian immigrants into the United States and to filing a false tax return. Sandipkumar Patel, of Edison, New Jersey, pled guilty in the U.S. District Court for the District of New Jersey to conspiring to defraud the United States and to filing a false federal income tax return. Sentencing is scheduled for Jan. 6, 2015.

According to court documents filed with the plea agreement, from 2001 until 2009, Patel sponsored the visa applications of Indian nationals by falsely claiming to provide employment for them in the United States. Patel falsely certified on the visa applications that he would employ the immigrants in various technical fields at several New Jersey companies, thereby facilitating their illegal entry into the United States. Over the course of the scheme, immigrants paid Patel thousands of dollars for the false certifications to fraudulently secure the visas. To disguise the scheme, Patel issued payroll checks and other payroll forms. Patel required the immigrants to return the money from the checks and also to reimburse him for his payroll tax expenses. Patel used the fraudulent pay stubs and payroll checks to support false applications to extend the visas, and Patel charged the

immigrants fees for the visa extensions. This case was investigated by the IRS-Criminal Investigation (IRS-CI) and the State Department's Diplomatic Security Service. To read more, visit <http://www.justice.gov/opa/pr/2014/September/14-crm-936.html>

For more fraud-related news, please check out the *Immigration Fraud Reading List* at <https://portal.doj.gov/sites/eoir/Components/OGC/Pages/Immigration-Fraud-Reading-List.aspx> or online at <http://www.justice.gov/eoir/fraudanddiscipline/listing.htm>

Other Interesting Matters

Texas Bar Warns of Unauthorized Legal Practitioners During UAC Surge; Yourhoustonnews.com (Fort Bend, TX); August 9, 2014.

http://www.yourhoustonnews.com/fort_bend/news/state-bar-of-texas-warns-against-unauthorized-practice-of-law/article_55891452-8cfb-5dcd-bc2d-085282b6b3a8.html

Leader of Sovereign Citizen Group Convicted of Causing the Impersonation of Diplomats and Producing False IDs; U.S. Attorney for the Eastern District of Virginia (Alexandria, VA); August 13, 2014.

<http://www.justice.gov/usao/vae/news/2014/08/20140813macbridenr.html>

<http://webcache.googleusercontent.com/search?q=cache:http://www.ice.gov/news/releases/1408/140813alexandria.htm>

Attorney Discipline

● Most recently disciplined practitioners:

Robert G. Campbell – On October 15, 2014, the Board issued an order immediately suspending Attorney Campbell based on his 2-year suspension in California for engaging in misconduct lacking competence, committing acts involving moral turpitude, and trust account violations.

Paul Cong Nguyen – On October 15, 2014, the Board issued a final order suspending Attorney Nguyen for 2 years based on his 2-year suspension in California for misconduct associated with loan modification services.

Philip H. Teplen – On October 15, 2014, the Board issued a final order indefinitely suspending Attorney Teplen based on his resignation while a disciplinary investigation was pending in New York.

Ernest A. Solomon – On October 8, 2014, the Board issued a final order suspending Attorney Solomon for 15 months based on his 15-month suspension in Massachusetts for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Richard Clay Mendez – On October 7, 2014, the Board issued an order immediately suspending Attorney Mendez based on an order issued by the Supreme Court of Iowa that he cease and desist from all legal practice indefinitely with no possibility that the order will be lifted for a period of 60 days. Although not licensed to practice law in Iowa, Attorney Mendez was found to have violated a number of the state’s rules of professional conduct, including trust account violations, engaging in the unauthorized practice of law by representing clients in criminal court, and conduct lacking diligence.

Hock Loon Yong – On October 6, 2014, the Board issued a final order disbaring Attorney Yong based on his disbarment in California for failing to perform legal services with competence, failing to keep a client reasonably informed about developments in a matter, and trust account violations.

Eugenia Zacks-Carney – On October 2, 2014, the Board issued an order immediately suspending Attorney Zacks-Carney based on her involuntary inactive enrollment status in California.

Haig P. Ashikian – On September 30, 2014, the Board issued a final order disbaring Attorney Ashikian based on his disbarment in California.

Albert Baldeo – On September 30, 2014, the Board issued an order immediately suspending Attorney Baldeo based on his criminal conviction in the U.S. District Court for the Southern District of New York for one count of conspiracy to obstruct justice and 6 counts of obstruction of justice.

Frank F. Barilla – On September 30, 2014, the Board issued a final order suspending Attorney Barilla for 30 days based on his 30-day suspension in California for engaging in misconduct associated with home mortgage loan modifications.

Kiran Moolchand Dewan – On September 30, 2014 the Board issued a final order disbaring Attorney Dewan based on his disbarment by consent in Maryland for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, engaging in conduct that is prejudicial to the administration of justice, and committing a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer.

Runan Zhang – On September 30, 2014, the Board issued an order immediately suspending Attorney Zhang based on her disbarment in Maryland and suspension in the District of Columbia for numerous violations of the states’ rules of professional conduct, including conduct lacking competence, failure to communicate with clients, and conduct involving dishonesty, fraud, deceit, or misrepresentation.

Confidential Discipline – Since the last update, the EOIR Disciplinary Counsel has issued confidential discipline to 1 practitioner for the following misconduct: filing a frivolous cancellation of removal application.

● **Most recently reinstated practitioners:**

David S. Silber – On October 15, 2014, the Board issued an order reinstating Attorney Silber after he completed his 60-day suspension based on his 60-day suspension in California for failing to comply with probationary conditions from a previous disciplinary case.

David W. Iverson – On October 14, 2014, the Board issued an order reinstating Attorney Iverson after he completed his 6-month suspension based on his 6-month suspension in the U.S. Virgin Islands for failing to disclose his suspensions by the Supreme Court of Florida and the Executive Office for Immigration Review.

EOIR employees may report attorney misconduct at EOIR.Attorney.Discipline@usdoj.gov. If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at Jennifer.Barnes@usdoj.gov.

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*The OGC Fraud Program Crier is a monthly newsletter produced by the Office of the General Counsel, Executive Office for Immigration Review. The purpose of the publication is to inform its readers of investigations, prosecutions, and other current events relating to immigration fraud and abuse across the United States and to provide information that will aid staff in detecting or preventing fraud and abuse in immigration proceedings. It is intended only as an informational resource for the use of employees of the Executive Office for Immigration Review.*



# OGC Fraud Program Crier

*A publication of the Executive Office for Immigration Review, Office of the General Counsel, November 2014.*

## Contact Information

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Fraud Program In-Box: [EOIR.Fraud.Program@usdoj.gov](mailto:EOIR.Fraud.Program@usdoj.gov).

Kathy John, Fraud and Abuse Prevention Counsel: [Kathy.John@usdoj.gov](mailto:Kathy.John@usdoj.gov) or (703) 605-1282.

Ellen Whalen, Associate General Counsel: [Ellen.Whalen@usdoj.gov](mailto:Ellen.Whalen@usdoj.gov) or (703) 756-8094.

## News Briefs

### **CEO and President of East Bay University Sentenced to 198 Months for Fraud Scheme (San Francisco, CA)**

Susan Xiao-Ping Su has been convicted of visa fraud, conspiracy to commit visa fraud, wire fraud, mail fraud, use of a false document, false statements to a government agency, alien harboring, unauthorized access to a government computer, and money laundering arising out of a visa scheme she carried out in her role as Founder, CEO, and President of Tri-Valley University. Su made false representations to the Department of Homeland Security (DHS) through Tri-Valley University's use of the Student and Exchange Visitor Information System; a system DHS uses to monitor F-1 student visas.

Through her false representations, Su unlawfully obtained and issued F-1 visa-related documents without regard to students' academic qualifications or their intent to pursue a course of study required to maintain lawful immigration status. She admitted student aliens in exchange for tuition and other payments. In furthering her scheme, she harbored two Tri-Valley University students to assist her in making false representations. In addition, she made over \$5.6 million through her operations of Tri-Valley University and engaged in seven money laundering transactions using proceeds from Tri-Valley University to purchase commercial real estate, a Mercedes Benz car, and multiple residences in her name.

Following Su's conviction, a U.S. District Judge sentenced Su to 198 months in prison, ordered her to forfeit \$5.6 million, and pay \$904,198.84.

The prosecution of this case was a result of an investigation by the Department of Homeland Security, Homeland Security Investigations and by the Document and Fraud Task Force. To read more, visit [http://www.justice.gov/usao/can/news/2014/2014\\_11\\_03\\_su.sentenced.press.html](http://www.justice.gov/usao/can/news/2014/2014_11_03_su.sentenced.press.html)

**Former Immigration Officer Who Took Bribes from Immigrants Sentenced to 51 Months in Federal Prison (Santa Ana, CA)**

An investigation conducted by the Department of Homeland Security's Office of Inspector General revealed that a former immigration officer and his wife were involved in a bribery scheme involving Cambodian aliens. After a joint trial, a federal court found the couple guilty of conspiracy to commit bribery and defraud the United States, bribery, conspiracy to witness tamper, and witness tampering.

Billy Nelms Sr., the immigration officer in the Fraud Detection and National Security unit, took bribes from Cambodian immigrants in exchange for a promise of permanent legal status. The immigrants paid as much as \$5,000 in cash, and in exchange, Nelms stamped immigration documents that gave immigrants temporary legal status in the United States, but not permanent status as contemplated by the Cambodian aliens. In addition, Nelms's wife (Sokhon Nelms) threatened two witnesses at the behest of her husband. A U.S. District Judge sentenced Mr. Nelms to 51 months prison. Mrs. Nelms was scheduled for sentencing on November 6, 2014. To read more, visit <http://www.justice.gov/usao/cac/Pressroom/2014/137.html>

**Iowa Man from Rwanda Indicted for Naturalization Fraud (Cedar Rapids, Iowa)**

Ken Ngombwa, of Rwanda, was charged in federal court sitting in Iowa with multiple counts related to procuring U.S. citizenship. According to an indictment, following his arrest, Ngombwa and others made a series of false statements from March 1998 and continuing through November 2004, which U.S. immigration authorities used to eventually permit Ngombwa to become a naturalized U.S. citizen. In one of the false statements, Ngombwa claimed that his brother was a former Prime Minister of Rwanda. The federal court released Ngombwa on bond and ordered him to surrender his passport, not travel outside of Iowa, not contact potential witnesses, and undergo a mental health evaluation.

If convicted, Ngombwa faces up to 30 years' imprisonment, a \$1 million fine, \$400 in special assessments, and 12 years of supervised release. This case was investigated by U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI). To read more, visit <https://www.ice.gov/news/releases/iowa-man-rwanda-indicted-naturalization-fraud>

**Two Charged with Selling Membership in Fake Indian Tribe (Brownsville, TX)**

Humberto Reveles and Maria Isabel Lerma were named in an indictment and later charged with selling Indian tribal membership in a non-recognized Indian tribe, claiming that membership would allow illegal aliens to avoid deportation and work in the U.S. legally. The indictment alleges that the two conspired to commit mail fraud and possessed with the intent to transfer five or more identification documents. The two sold Yamassee membership (a non-federally acknowledged Indian tribe) to obtain money. Tribal documents, such as identification cards, were sent to the two via the U.S. Postal Service and Fed Ex, and they distributed the cards to individuals at multiple times.

The cards allegedly carried a U.S. State Department authorization, even though the cards were assigned to a document from the State of Georgia and not related to the Yamassee tribe. Further, Reveles impersonated a recognized diplomat on April 4, 2014, and September 7, 2014.

If convicted of mail fraud, both face up to 20 years in federal prison and a potential fine of \$250,000. Lerma was ordered into custody pending a detention hearing on November 3, 2014, before a U.S. Magistrate court. This case was investigated jointly by the Homeland Security Investigations and Department of State—Diplomatic Security Service, with the assistance from Border Patrol, FBI and, the Brownsville Police Department. To read more, visit <http://www.justice.gov/usao/txs/1News/Releases/2014%20October/141030%20-%20Reveles%20and%20Lerma.html>

### **Citizen of Morocco Sentenced to 2 Years in Prison for Fabricating Refugee Application to Remain U.S.**

Moroccan citizen, El Mehdi Semlali Fathi, has been sentenced by Chief U.S. District Judge Janet C. Hall for fabricating an asylum application to remain in the United States. Fathi was admitted to the U.S. after he obtained a student visa to study at Virginia International University in January 2008. By February 2009, the University terminated his student visa status for failing all of his classes during the Fall of 2008. After termination of his student visa, Fathi failed to leave the U. S. In December 2010, immigration authorities detained Fathi after he was arrested in Virginia. While detained, Fathi researched the Moroccan country reports and filed a false asylum application (I-589), which included false statements that he would be persecuted by the Kingdom of Morocco and that he was arrested twice and persecuted by the Moroccan government, when in fact he knew both occurrences never happened.

In June 2011, an immigration judge in Virginia released Fathi after a bond hearing. After he moved to Connecticut, in September 2011, Fathi represented to a Connecticut immigration court that the information in his I-589 application was accurate when he knew that the information was false. While his immigration proceedings were pending, Fathi traveled to California where he was arrested and subsequently placed in immigration custody. In January 2013, Fathi again falsely represented to a California immigration court that his I-589 application was accurate. In another hearing in August 2013, Fathi again falsely represented his refugee application when he lied about being beaten by Moroccan authorities and that he attended a university in Morocco where he participated in demonstrations that caused him to be arrested. Additionally, in February 2014, Fathi falsely claimed that Moroccan intelligence authorities arrested him as part of a conspiracy with a Moroccan terrorist group. Since his arrest in April 7, 2014, Fathi has been detained. He waived his right to an indictment, pleaded guilty to one count of perjury, and agreed to removal after he serves his prison sentence. To read more, visit <http://www.justice.gov/usao/ct/Press2014/20141029-3.html>

### **Buffalo Woman Sentenced for Marriage Fraud (Buffalo, NY)**

Kenyan citizen, Pauline Gichuri, has been convicted by a federal court of conspiring to commit marriage fraud. Gichuri agreed to pay a United States citizen \$5,000 to enter into a sham marriage so that she could become a naturalized citizen. Gichuri was married in 2004 and naturalized in 2010. However, because she fraudulently obtained citizenship, Assistant U.S. Attorney Rogowski announced that Gichuri may be subjected to de-naturalization and removed from the U.S. Since the joint investigation, led by agents from Immigration and Customs Enforcement (ICE) and Homeland Security, Gichuri has been sentenced in a federal court to one year probation. To read more, visit [http://www.justice.gov/usao/nyw/press/press\\_releases/2014/oct/Pauline\\_Gichuri.html](http://www.justice.gov/usao/nyw/press/press_releases/2014/oct/Pauline_Gichuri.html)

### **Three Ft. Hood Soldiers Plead Guilty to Alien Smuggling**

Eric Alexander Rodriguez, Brandon Troy Robbins, and Christopher David Wix, all pled guilty to alien smuggling charges in federal court on October 30, 2014. On September 11, 2014, immigration agents found two undocumented aliens hiding in the floorboard of Rodriguez's vehicle at the Sarita checkpoint. The investigation revealed that both Robbins and Wix acted in a similar fashion on two separate occasions when immigration authorities also discovered two undocumented aliens in the vehicles they drove at the Sarita checkpoint. For instance, on June 21, 2014, immigration agents uncovered two undocumented aliens hiding under military gear when Wix arrived at Sarita, driving a car registered to Rodriguez. Sentencing has been set for February 25, 2015, before a U.S. District judge. Each may face up to 10 years imprisonment and a \$250,000 fine. To read more, visit <http://www.justice.gov/usao/txs/1News/Releases/2014%20October/141030%20-%20Rodriguez%20et%20al.html>

For more fraud-related news, please check out the *Immigration Fraud Reading List* at <https://portal.doj.gov/sites/eoir/Components/OGC/Pages/Immigration-Fraud-Reading-List.aspx> or online at <http://www.justice.gov/eoir/fraudanddiscipline/listing.htm>

## **Other Interesting Matters**

### **Rochester Woman Charged with Obtaining Passport Through Fraud (Rochester, NY)**

[http://www.justice.gov/usao/nyw/press/press\\_releases/2014/nov/Jennifer\\_Gilbert.html](http://www.justice.gov/usao/nyw/press/press_releases/2014/nov/Jennifer_Gilbert.html)

## **Attorney Discipline**

### **• Most recently disciplined practitioners:**

**Ronald R. Higgins** - On November 20, 2014, the Board issued an order immediately suspending Attorney Higgins based on his resignation while disciplinary proceedings were pending in Texas.

**Henry H. Howe** - On November 13, 2014, the Board issued a final order suspending Attorney Howe for 6 months and 1 day based on a similar suspension in North Dakota for engaging in conduct lacking competence, diligence, and communication.

**Robert G. Campbell** – On November 10, 2014, the Board issued a final order suspending Attorney Campbell for 2 years based on his 2-year suspension in California for engaging in misconduct lacking competence, committing acts involving moral turpitude, and trust account violations.

**Richard Clay Mendez** – On November 10, 2014, the Board issued a final order indefinitely suspending Attorney Mendez based on an order issued by the Supreme Court of Iowa that he cease and desist from all legal practice indefinitely with no possibility that the order will be lifted for a period of 60 days. Although not licensed to practice law in Iowa, Attorney Mendez was found to have violated a number of the state’s rules of professional conduct, including trust account violations, engaging in the unauthorized practice of law by representing clients in criminal court, and conduct lacking diligence.

**Fabian Powell** – On November 10, 2014, the Board issued an order immediately suspending Attorney Powell based on his suspension in Massachusetts for 6 months and 1 day for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

**Leroy N. Strickland** – On November 10, 2014, the Board issued an order immediately suspending Attorney Strickland based on his temporary suspension in Pennsylvania.

**Wells Ted Wakefield** – On November 3, 2014, the Board issued an order immediately suspending Attorney Wakefield based on his 3-year suspension in Texas for numerous violations of the state rules of professional conduct, including failure to return unearned fees and failure to return papers belonging to his clients.

**Robert G. Campbell** – On October 15, 2014, the Board issued an order immediately suspending Attorney Campbell based on his 2-year suspension in California for engaging in misconduct lacking competence, committing acts involving moral turpitude, and trust account violations.

**Paul Cong Nguyen** – On October 15, 2014, the Board issued a final order suspending Attorney Nguyen for 2 years based on his 2-year suspension in California for misconduct associated with loan modification services.

**Philip H. Teplen** – On October 15, 2014, the Board issued a final order indefinitely suspending Attorney Teplen based on his resignation while a disciplinary investigation was pending in New York.

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**Confidential Discipline-** Since the last update, the EOIR Disciplinary Counsel has issued confidential discipline to 1 practitioner for the following misconduct: failing to timely file a Notice of Appeal with the Board and issued confidential discipline to 1 practitioner for the following misconduct: filing a frivolous motion to reopen with the Board.

EOIR employees may report attorney misconduct at [EOIR.Attorney.Discipline@usdoj.gov](mailto:EOIR.Attorney.Discipline@usdoj.gov). If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at [Jennifer.Barnes@usdoj.gov](mailto:Jennifer.Barnes@usdoj.gov).

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The OGC Fraud Program Crier is a monthly newsletter produced by the Office of the General Counsel, Executive Office for Immigration Review. The purpose of the publication is to inform its readers of investigations, prosecutions, and other current events relating to immigration fraud and abuse across the United States and to provide information that will aid staff in detecting or preventing fraud and abuse in immigration proceedings. It is intended only as an informational resource for the use of employees of the Executive Office for Immigration Review.



OGC Fraud Program Crier

A publication of the Executive Office for Immigration Review, Office of the General Counsel, February 2015.

Contact Information

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Fraud Program In-Box: EOIR.Fraud.Program@usdoj.gov.

Kathy John, Fraud and Abuse Prevention Counsel: Kathy.John@usdoj.gov or (703) 605-1282.

Diane Kier, Associate General Counsel: Diane.Kier@usdoj.gov or (703) 305-0799.

News Briefs

Man charged for Allegedly Practicing Immigration Law in Van Nuys without a License (Los Angeles, CA)

Jesus Luna Lozano was charged with six criminal counts including the unauthorized practice of law, violating California's Immigration Consultant Act, and violating a permanent injunction according to the Los Angeles City Attorney's Office. Lozano is not currently in custody, but has been asked to appear voluntarily to be arraigned February 27, 2015. If convicted Lozano could face up to a five years and six months sentence.

Lozano was charged as the result of an undercover operation by the Los Angeles Department of Consumer Affairs. He was allegedly doing business as West Coast Professional Services and East West Law Center. Lozano was videotaped allegedly giving legal advice to two investigators posing as immigrants needing advice to gain legal status. He gave the investigators legal forms to complete, advice on how to complete them, and whether or not they should leave the country. The Los Angeles City Attorney's office found that Lozano's conduct went well beyond that of any document preparer authorized by law.

About a dozen alleged victims have come forward thus far, but others are believed to have been impacted and are being encouraged to come forward. Lozano operated an office at 6320 Van Nuys Boulevard, and was the subject of a 2003 permanent injunction preventing the unauthorized practice of law. In 2005, Lozano was sentenced to 10-days in jail for contempt based on his violations of the injunction. A few years later he was again charged with the unauthorized practice of law and violating the injunction. An arrest warrant was issued after he failed to appear. To read

more, visit <http://www.pasadenastarnews.com/general-news/20150205/man-charged-for-allegedly-practicing-immigration-law-in-van-nuys-without-a-license/> or <http://losangeles.cbslocal.com/2015/02/05/van-nuys-man-charged-with-illegally-practicing-immigration-law/>

Former N.J. man gets six years for running false document ring (Newark, NJ)

Young-Kyu Park was sentenced by the U.S. District Court in Newark, New Jersey to six years in prison, fined \$10,000, and ordered to forfeit \$1.2 million dollars for his role as the leader in a multi-state operation to produce false identification documents, for conspiracy to steal government property and transport stolen property in interstate commerce, and for conspiracy to commit money laundering. Park had been charged along with 21 other persons for his role in the enterprise, which secured driver's licenses and investor and student visas for people living in the country illegally.

Park illegally obtained, competed and sold blank immigration forms used by the U.S. Citizenship and Immigration Services and other federal agencies. The operation and conspiracy involved persons in six states who counterfeited documents such as passports, and created fake utility bills and bank statements to help clients meet residency requirements, primarily South Koreans living illegally in the country. Customers paid \$3,000 - \$4,500 for each transaction and officials estimated as many as 700 transactions had occurred. A contract employee of the U.S. Citizenship and Immigration Services who stole and provided forms used to obtain driver's licenses had been sentenced to four years in prison in September 2014 for his role in the operation. To read more, visit http://www.nj.com/news/index.ssf/2015/01/former_nj_man_gets_6_years_for_role_in_false_document_ring.html

Fraudster who preyed on immigrants convicted and sentenced (New Rochelle, NY)

Sonia Vertucci pleaded guilty to one count of Scheme to Defraud in the Supreme Court of Queens County, New York for taking victims' cash, more than \$100,000, from her predominantly immigrant clients. She promised a wide variety of services that were never delivered. She was sentenced to a term of 1 – 3 years in state prison and ordered to pay restitution to the victims after her release.

The New York Attorney General's Civil Rights Bureau investigation revealed that between 2012 and 2014, Vertucci promised immigrants Social Security cards and help obtaining legal residency status, and promised truck drivers she could clear up tickets and license suspensions to allow them to work, even though she had no business licenses on file. In each case, she demanded money up front and then did nothing. To deceive her clients she rented retail storefronts on busy avenues with plausible names such as "Multi Service Center" and "Tristate Business Center", while advertising "Immigration", "Express DMV Services", "Mail Box Rentals" and "Auto Insurance" as available services.

Customers were told by her and her staff that she had lawyers assisting her. Clients were given official looking receipts for their payments. She obtained leases for the storefronts by passing bad checks, and then vacating the premises with the victims' money just before being evicted. She then rented another storefront and defrauded new victims. The New York Attorney General thanked the

U.S. Department of Homeland Security and the NY State Department of Labor for their cooperation in the case. To read more, visit

http://www.midhudsonnews.com/News/2015/February/08/Vertucci_guilty-08Feb15.htm or <https://www.longislandexchange.com/press-releases/a-g-schneiderman-announces-conviction-and-sentencing-of-serial-fraudster-who-preyed-on-immigrants/>

Lawyer with ties to S.I. sentenced in 'massive' immigration-fraud scheme (Staten Island, NY)

John Lin was living in Staten Island, NY, on April 2013 when Manhattan Federal Prosecutors announced he was the second attorney to plead guilty in a massive immigration fraud scheme. He had previously pled guilty to conspiracy to commit immigration fraud, and to immigration fraud. He was sentenced to four months in jail and one year of supervised release.

Lin worked for an unidentified Manhattan law firm, which proffered more than 500 asylum applications between 2006 and 2012. At least 10 other law firms submitted thousands of bogus asylum applications as part of the scheme. Lin signed dozens of blank asylum applications vouching for false claims of asylum, which the applicants were later instructed to file. The applications typically alleged prosecution for an abortion forced under China's family planning policy; the client's belief in Christianity; or for the client's political or ideological beliefs, such as membership in China's Democratic Party, or for being a follower or sympathizer of the Falun Gang. The U.S. Attorney for the Southern District of New York thanked the FBI, New York Police Department and the U.S. Citizenship and Immigration Service for their assistance in the case. To read more, visit http://www.silive.com/news/index.ssf/2015/01/lawyer_with_ties_to_si_sentenc.html

Somali Citizen Sentenced To 15 Years In Federal Prison For Conspiring To Provide Material Support To Al-Shabaab (San Antonio, TX)

Abdinassir Muhamud Ibrahim, a citizen of Somalia, was sentenced to 15 years in prison by a Federal judge in San Antonio, Texas, for conspiring to provide material support to Al-Shabaab, a designated terrorist organization, and for making false statements in an immigration matter. Ibrahim admitted that from about May 18, 2010 to about January 14, 2014, he knowingly conspired to provide material support and resources to Al-Shabaab by sending emails enlisting support for Al-Shabaab, and making a cash payment to a known member for the benefit of the organization. He knew at the time that Al-Shabaab had been designated as a terrorist organization by the United States.

Ibrahim also pleaded guilty to lying on his application for naturalization, and lying previously about his refugee status. While being a member of the majority Hawiye clan that persecuted the minority Awer clan, he claimed he was an Awer for purposes of his establishing his refugee status. FBI and the DHS Border Patrol investigated the case as part of the San Antonio Joint Terrorism Task Force. To read more, visit <http://www.justice.gov/usao-wdtx/pr/somali-citizen-sentenced-15-years-federal-prison-conspiring-provide-material-support-al> or <http://www.ksat.com/content/pns/ksat/news/2015/02/05/sa-jury-sentences-man-for-support-of-terrorist-group.html>

Vermont Man Convicted of Fraudulently Obtaining United States Citizenship (Burlington, VT)

Edin Sakoc was convicted in the U.S. District Court in Burlington, Vermont and faces up to 10-years imprisonment, a \$250,000 fine and denaturalization for obtaining his naturalized citizenship

through fraud. Savok was found to guilty of lying about his war crimes involvement in order to gain entry to the U.S. and naturalization as a U.S. citizen in violation of 18 U.S.C. § 1425(a).

Sakoc came to the U.S. in 2001 and applied for naturalization in 2007. The documents supporting Sakoc's entry and naturalization indicate that he claimed refugee status and denied participating in genocide. The alleged crimes were committed during the war in Bosnia. Sakoc, while masked and with an accomplice, is accused of kidnapping and raping the accuser's niece, and later returning and murdering two older women relatives in front of the accuser in his home in 1992. Sakoc denied involvement and pleaded not guilty. Lawyers from both sides traveled to Bosnia-Herzegovina in the months before the trial to record depositions of witnesses who would not be able to travel to the U.S. and appear in court. To read more visit

<http://www.fbi.gov/albany/press-releases/2015/vermont-man-convicted-of-fraudulently-obtaining-united-states-citizenship> or <http://www.burlingtonfreepress.com/story/news/local/2015/01/13/trial-begins-war-crimes-suspect/21718197/>

For more fraud-related news, please check out the *Immigration Fraud Reading List* at <https://portal.doj.gov/sites/eoir/Components/OGC/Pages/Immigration-Fraud-Reading-List.aspx> or online at <http://www.justice.gov/eoir/fraudanddiscipline/listing.htm>

Other Interesting Matters

Fort Lauderdale real estate broker sentenced to prison for \$5M fraud, citizen application lies (Fort Lauderdale, FL)

<http://www.local10.com/news/fort-lauderdale-real-estate-broker-sentenced-in-5m-fraud/30821158> or <http://www.justice.gov/usao/fls/PressReleases/150120-01.html>

Vass firm forfeits \$1.1M for immigrant worker scheme (Raleigh, NC)

<http://www.wral.com/vass-firm-forfeits-1-1m-for-smuggling-immigrant-workers/14336586/#6aSP0EValkfaqjdC.99>

Attorney Discipline

● Most recently disciplined practitioners:

Vanthan R. Un - On February 13, 2015, the Board issued an order indefinitely suspending Attorney Un based on his resignation from the practice of law in Massachusetts.

Mengfei Yu - On February 13, 2015, the Board issued a final order disbaring Attorney Yu based on her disbarment in New York after she was convicted in the U.S. District Court for the Southern District of New York for immigration fraud and conspiracy to commit immigration fraud.

Vanessa Bandrich - On February 10, 2015, the Board issued a final order disbaring Attorney Bandrich based on her conviction in the U.S. District Court for the Southern District of New York for conspiracy to commit immigration fraud.

Christopher R. Macaraeg - On February 10, 2015, the Board issued a final order indefinitely suspending Attorney Macaraeg based on his resignation with charges pending before the Ninth Circuit Court of Appeals and his 60-day suspension in California.

Melina Merino - On February 5, 2015, the Board issued a final order suspending Attorney Merino for 18 months based on her 18-month suspension in Massachusetts for conduct lacking competence, diligence, and communication.

Mohammed Noure Alo - On January 26, 2015, the Board issued a final order disbaring Attorney Alo based on his criminal felony conviction in the U.S. District Court for the Southern District of Ohio for aiding and abetting wire fraud.

Marilyn D. Dimas - On January 22, 2015, the Board issued a final order disbaring Attorney Dimas based on her disbarment in Maryland for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Samuel R. Escamilla - On January 22, 2015, the Board issued a final order suspending Attorney Escamilla for 3 months based on his 3-month suspension in Colorado after he stipulated to neglecting client matters, mishandling funds, and engaging in conduct lacking diligence and communication.

Robert A. Mogle – On January 22, 2015, the Board issued an order immediately suspending Attorney Mogle based on his interim suspension in Florida for failure to respond to the Supreme Court of Florida’s Order to Show Cause.

Feng Ling Liu - On January 14, 2015, the Board issued an order immediately suspending Attorney Liu based on her conviction in the U.S. District Court for the Southern District of New York for conspiracy to commit immigration fraud.

Anna Tsirlina - On January 13, 2015, the Board issued a final order disbaring Attorney Tsirlina based on her conviction in the U.S. District Court for the Eastern District of New York for conspiracy to commit immigration fraud and immigration fraud.

Magdalena E. Cuprys - On January 12, 2015, the Board issued an order immediately suspending Attorney Cuprys based on her 45-day suspension in Florida for conduct lacking diligence and communication.

Carlo Jean Joseph - On January 12, 2015, the Board issued a final order disbaring Attorney Jean Joseph based on his disbarment in Florida for engaging in the practice of law while suspended.

Thomas Edward Kent - On January 12, 2015, the Board issued a final order disbaring Attorney Kent based on his disbarment in California for misappropriation of over \$270,000 from a client trust fund account for his own purposes.

Peter Singh aka Pretinder Singh – On December 29, 2014, the Board issued an appellate decision affirming the Adjudicating Official’s decision imposing a 16-month suspension on Attorney Singh, along with a 7-year prohibition on telephonic appearances.

Johnny S. Ascano - On December 23, 2014, the Board issued an order immediately suspending Attorney Ascano based on an order of involuntary inactive enrollment status issued by the California State Bar Court.

Ronald R. Higgins - On December 23, 2014, the Board issued a final order disbaring Attorney Higgins based on his resignation while disciplinary proceedings were pending in Texas.

Fabian Powell – On December 15, 2014, the Board issued a final order suspending Attorney Powell for 6 months and 1 day based on his suspension in Massachusetts for 6 months and 1 day for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Alma C. Defillo - On December 10, 2014, the Board issued a final order imposing a public censure upon Attorney Defillo based on a cease and desist order issued by the Supreme Court of South Carolina after she made false and misleading statements in advertising and made claims that she was a “specialist” when she was not a certified specialist.

Runan Zhang - On December 10, 2014, the Board issued a final order disbaring Attorney Zhang based on her disbarments in Maryland and the District of Columbia for numerous violations of the states’ rules of professional conduct, including conduct lacking competence, failure to communicate with clients, and conduct involving dishonesty, fraud, deceit, or misrepresentation.

Wells Ted Wakefield - On December 1, 2014, the Board issued a final order suspending Attorney Wakefield for 3 years based on his 3-year suspension in Texas for numerous violations of the state rules of professional conduct, including failure to return unearned fees and failure to return papers belonging to his clients.

Confidential Discipline- Since the last update, the EOIR Disciplinary Counsel has issued confidential discipline to 24 practitioners for the following misconduct: concealing material and relevant case information from the immigration judge; failure to confirm the nature of a scheduled hearing when conflicting information was presented; failure to come to court prepared to proceed with a cancellation of removal application; filing a frivolous motion to reopen or notice of appeal (7); providing ineffective assistance of counsel; filing identical, frivolous asylum applications; filing an untimely motion to withdraw; failure to appear for scheduled hearings in a timely manner without good cause (2); filing a frivolous and inaccurate motion to continue; engaging in contumelious conduct before an Immigration Judge; failure to file an appeal brief after indicating that one would be filed or



OGC Fraud Program Crier

A publication of the Executive Office for Immigration Review, Office of the General Counsel, March 2015.

Contact Information

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Diane Kier, Associate General Counsel: Diane.Kier@usdoj.gov or (703) 305-0799.

News Briefs

Three Southern California Women Plead Guilty in Alien Smuggling Ring (San Diego, CA)

Three Glendale, California, women – Varduhi Avagyan, Meri Avetsiyan, and Maria Yanakopulus – pled guilty in U.S. District Court for the Southern District of California to encouraging and inducing illegal immigration and conspiracy to bring illegal aliens into the country for financial gain. The women were part of an international smuggling ring that charged undocumented Armenian immigrants up to \$18,000 each to be transported to the United States by way of Moscow and Cancun, Mexico. The women aided the conspiracy by providing the undocumented immigrants with valid U.S. entry documents issued to other persons. The immigrants, acting as imposters, then used the documents to enter the country. The women are scheduled for sentencing in May 2015. To read more, visit <http://www.washingtontimes.com/news/2015/feb/13/3-women-plead-guilty-to-smuggling-armenian-nation/> and <http://www.justice.gov/usao/cas/press/2015/cas15-0212-Avagyan.html>.

Maryland Man Sentenced for Scamming Immigrants (Silver Spring, MD)

Ramon O. Escarfullet, an unauthorized practitioner doing business in Maryland and the District of Columbia, pled guilty in October 2014 in a Maryland state court to two misdemeanor offenses, that is, operating an immigration fraud scheme and operating an unauthorized practice of law scheme. He was sentenced to six months in jail and ordered to pay \$8,341 in restitution to four victims he defrauded between August 2012 and September 2013. According to state authorities, Mr. Escarfullet, who was neither an attorney nor an accredited representative, unlawfully advertised that he was qualified to provide immigration services. He made false claims with respect to his ability to gain lawful resident status for his clients and charged the clients, most of whom spoke little or no English, an estimated \$4,500 each to complete immigration paperwork on their behalf. He advised clients to lie if asked in immigration court who had completed the paperwork. To read more, visit

<http://www.washingtontimes.com/news/2014/nov/5/prosecutors-man-defrauded-immigrants-in-dc-md/#!> and <http://www.gazette.net/article/20141001/NEWS/141009722/silver-spring-man-pleads-guilty-to-immigration-fraud&template=gazette>.

Texas Immigration Attorney Indicted for Visa Fraud Scheme (Dallas, Texas) **

Sherin Thawer, an immigration attorney doing business in Dallas, Texas, was indicted in the Northern District of Texas for conspiracy to commit fraud in connection with immigration documents (one count), mail fraud (one count), transferring or using the identification of another person (one count), and aggravated identity theft (four counts). According to the indictment, from approximately March 2012 until September 2014, Ms. Thawer filed multiple U visa applications claiming that her clients had been the victims of criminal activity and supported the applications with fraudulent Law Enforcement Certification forms (Form I-918B). Ms. Thawer allegedly forged police officer signatures on the forms and used the names and badge numbers of police officers without their knowledge or consent.

Ms. Thawer previously was the subject of Executive Office for Immigration Review (EOIR) disciplinary action based on the following misconduct: failure to provide competent representation, maintain communication with her client, abide by the client's decisions, and act with reasonable diligence in representing the client; knowingly or with reckless disregard making false statements to the Department of Homeland Security (DHS); and, engaging in conduct prejudicial to the administration of justice. On July 26, 2013, an Immigration Judge, acting as the adjudicating official, suspended Ms. Thawer for one year from practice before the immigration courts, Board of Immigration Appeals (Board), and DHS. The Board affirmed the suspension order on November 5, 2013.

To read more, visit the following:

http://www.justice.gov/usao/txn/PressRelease/2015/FEB2015/FEB20Thawer_arrest.html,
<http://www.ice.gov/sites/default/files/documents/Document/2015/sherinThawer.pdf>,
http://www.justice.gov/eoir/profcond/FinalOrders/ThawerSherin_FinalOrder.pdf, and
<http://crimeblog.dallasnews.com/2015/02/local-immigration-lawyer-indicted-by-feds-for-fraud-involving-visas.html>.

*** The EOIR and DHS Disciplinary Counsels assisted with this case.*

Texas Attorney General Sues Unauthorized Practitioners (San Antonio, TX) **

The Attorney General for the State of Texas filed suit against the following five defendants alleging that they violated the Texas Deceptive Trade Practices Act by operating a fraudulent legal services business: George Allen Driskell, Jr. and his wife, Alejandra Driskell (*a.k.a.* Alejandra Alvarez de Dyer), doing business as Driskell Alejandra Legal Assistance Services; Omar Diaz and Laura Maria Hernandez, employees of Driskell Alejandra Legal Assistance Services; and, attorney Amy Louise Monkman. According to the law suit, Mr. and Mrs. Driskell, who are neither attorneys nor accredited representatives, operated a legal services business in San Antonio, Texas, under the guise of the "Law Office of Amy L. Monkman." The pair offered legal services primarily to detainees at Immigration and Customs Enforcement (ICE) facilities and charged their alien clients flat fees ranging from \$500 to \$10,000 for a variety of services, including "case review," representation in bond proceedings, and withholding of removal and asylum relief. In exchange for remuneration, attorney Monkman allowed the Driskells to conduct business and gain access to ICE facilities using her name. She also

misrepresented in legal documents submitted to the Department of Homeland Security (DHS) that the Driskolls and their employees worked for her firm when in fact the Driskells operated the firm as their own and employed Ms. Monkman.

In response to the law suit, Ms. Monkman agreed to a judgment and permanent injunction which required her to surrender her Texas law license, cooperate with the Texas Attorney General's Office in pending litigation, and refrain from advertising, promoting, or providing any immigration-related services. Ms. Monkman also agreed as part of the judgment to pay \$2,500 in civil penalties and \$2,500 for attorneys' fees and investigative costs. The case against the remaining defendants is ongoing. However, a Texas court has issued temporary injunctions freezing the business-related assets of defendants George Allen Driskell, Jr., Alejandra Driskell, Omar Diaz, and Laura Hernandez. The court also has enjoined the Driskells, Mr. Diaz, and Ms. Hernandez from advertising or providing immigration services and from holding themselves out as attorneys or immigration specialists.

*** The Fraud Prevention Program, Office of the General Counsel; Recognition and Accreditation Program, Board of Immigration Appeals; and, Office of Policy, Analysis, and Technology (OPAT) assisted with this case.*

Follow Up: Immigration Consultants Sentenced for "Green Card" Fraud (Los Angeles, CA)

Claudia Arreola, a Los Angeles-area immigration consultant and owner of California Immigration Services (CIS), and an associate, Leticia Gutierrez, pled guilty in U.S. District Court for the Central District of California to filing fraudulent lawful permanent resident, or "green card," applications on behalf of alien clients. Ms. Arreola was sentenced to one year in prison followed by three years of supervised release. Ms. Gutierrez was sentenced to one year of home detention.

According to court documents, a number of aliens who sought lawful resident status based on legitimate marriages to United States citizens retained the defendants to assist them in the application process. Ms. Arreola and Ms. Gutierrez, apparently unbeknownst to their clients, filed the application forms using fraudulent I-94 cards which indicated that the clients, who came to the U.S. illegally, had lawfully entered the country using visitors' visas. The defendants charged clients as much as \$24,000 each to file the applications. When several clients failed to receive "green cards" and asked for their money back, the defendants threatened to contact immigration authorities and have the clients deported. To read more, visit <http://mynews1a.com/crime/2015/01/05/el-monte-woman-gets-1-year-sentence-green-card-scam/> and <http://www.justice.gov/usao/cac/Pressroom/2014/079.html>.

Follow Up: Former Palestinian Activist Sentenced to Prison for Naturalization Fraud (Detroit, MI)

Rasmieh Yousef Odeh, a former Palestinian activist, was convicted in U.S. District Court for the Eastern District of Michigan of unlawfully procuring U.S. citizenship and was sentenced to 18 months in prison. The sentencing judge also revoked Ms. Odeh's U.S. citizenship and ordered her removed to Jordan. Ms. Odeh immigrated to the United States in 1995 and was naturalized as a citizen in 2004. In applying for citizenship, she failed to disclose her arrest, conviction, and prison term in Israel for participating in the 1969 bombings of a supermarket, where two people were killed and others injured, and of the British Consulate in Jerusalem. The bombings were carried out on behalf of the Popular Front for the Liberation of Palestine (PFLP), a designated terrorist organization. To read more, visit

<http://www.ice.gov/news/releases/former-naturalized-us-citizen-sentenced-ordered-deported-failing-disclose-terrorism> and <http://my.chicagotribune.com/#section/-1/article/p2p-83034762/>.

Follow Up: Thirty Law Firm Employees Guilty of Asylum Fraud (New York, NY) **

Thirty persons, including seven immigration attorneys, pled guilty or were convicted at trial in the Southern District of New York as the result of a major asylum fraud investigation code-named "Operation Fiction Writer." According to Federal authorities, all defendants were employed as attorneys, paralegals, office managers, or translators at law firms operating in the Chinatown neighborhoods of Manhattan and Queens, New York. The law firms manufactured for thousands of Chinese immigrants persecution claims based on coercive population control policy, religion (Christianity), Falun Gong participation, or membership in China's Democratic Party. Typically, non-attorney employees at the law firms, acting at the direction of the attorneys, prepared asylum applications setting forth false asylum claims and coached clients on how to lie during interviews with U.S. Citizenship and Immigration Services (USCIS) asylum officers. Translators employed by the law firms reportedly accompanied the clients to asylum interviews and falsely translated answers that did not conform to the applicants' pre-fabricated stories. Also, when clients were denied asylum by USCIS and placed in removal proceedings, attorneys and other law firm employees instructed clients on providing false testimony to the Immigration Court.

The seven attorneys involved in the case were: (1) Vanessa Bandrich, sentenced to 336 days in prison followed by one year of supervised release, and ordered to forfeit \$4 million in ill-gotten gains; (2) Ken Giles, sentenced to two years in prison followed by three years of supervised release; (3) Freddy Jacobs, fined \$78,000 and sentenced to two years in prison followed by two years of supervised release; (4) Feng Li, sentence unknown; (5) John Lin, sentenced to four months in prison followed by one year of supervised release; (6) Feng Ling Liu, fined \$12,500, sentenced to five years in prison followed by three years of supervised release, and ordered to forfeit \$7.25 million; and, (7) John Wang, fined \$10,000 and sentenced to six months of home confinement and two years' probation.

*** The Fraud Prevention Program, Office of the General Counsel, and the Office of Policy, Analysis, and Technology (OPAT) assisted with this case.*

Other Interesting Matters

California Apartments Raided in Federal Investigation of Chinese 'Birth Tourism' (Los Angeles, CA)

http://www.nytimes.com/2015/03/04/us/california-homes-raided-in-federal-crackdown-on-chinese-birth-tourism.html?_r=0, <http://www.foxnews.com/us/2015/03/03/feds-crack-down-on-chinese-birth-tourism-scam/>, <http://touch.latimes.com/#section/-1/article/p2p-82961102/>, and <http://www.washingtonpost.com/news/post-nation/wp/2015/03/05/the-shadowy-world-of-birth-tourism-at-californias-luxury-maternity-hotels/>

Immigration team chases Bosnian war criminals 20 years after conflict's end (Washington, DC)

http://www.washingtonpost.com/local/immigration-team-chases-bosnian-war-criminals-20-years-after-conflicts-end/2015/03/08/806b834e-c1ef-11e4-9ec2-b418f57a4a99_story.html

Attorney Discipline

- **Most recently disciplined practitioners:**

J. Blayne Jennings – On March 12, 2015, the Board issued a final order suspending attorney Jennings for 91 days based on his 91-day suspension in Florida for engaging in conduct lacking competence, diligence, and communication.

Vanthan R. Un – On March 12, 2015, the Board issued a final order disbaring attorney Un based on his resignation from the practice of law in Massachusetts.

Alejandro “Alex” Hernandez – On February 24, 2015, the Board issued an order immediately suspending attorney Hernandez based on his disbarment in Texas for violating the state rules of professional conduct concerning the safekeeping of property.

Kevin O. Torrey – On February 24, 2015, the Board issued an order immediately suspending attorney Torrey based on his 2-year suspension in Arizona for engaging in (1) conduct lacking diligence and communication, (2) conduct involving dishonesty, fraud, deceit, or misrepresentation, and (3) conduct prejudicial to the administration of justice.

Magdalena E. Cuprys – On February 20, 2015, the Board issued a final order suspending attorney Cuprys for 45 days, effective December 20, 2014, based on her 45-day suspension in Florida for conduct lacking diligence and communication.

Michael M. Carrasco – On February 19, 2015, the Board issued an order indefinitely suspending attorney Carrasco based on his consent to disbarment in New Mexico.

EOIR employees may report attorney misconduct at EOIR.Attorney.Discipline@usdoj.gov. If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at Jennifer.Barnes@usdoj.gov.

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*The OGC Fraud Program Crier is a monthly newsletter produced by the Office of the General Counsel, Executive Office for Immigration Review. The purpose of the publication is to inform its readers of investigations, prosecutions, and other current events relating to immigration fraud and abuse across the United States and to provide information that will aid staff in detecting or preventing fraud and abuse in immigration proceedings. It is intended only as an informational resource for the use of employees of the Executive Office for Immigration Review.*



# OGC Fraud Program Crier

*A publication of the Executive Office for Immigration Review, Office of the General Counsel, April 2015.*

## Contact Information

Fraud Program Intranet Link: <https://portal.doj.gov/sites/EOIR/Components/OGC/Pages/Fraud-and-Abuse-Prevention.aspx>.

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Diane Kier, Associate General Counsel: [Diane.Kier@usdoj.gov](mailto:Diane.Kier@usdoj.gov) or (703) 305-0799.

## News Briefs

### **Former Maine Legislator Pleads Guilty to Immigration Fraud (Portland, ME)**

Adam Mack, a former Maine Republican legislator, pleaded guilty to immigration fraud on March 30, 2015. According to pleadings filed in the U.S. District Court in Portland, Maine, Mack filed documents with the federal government between 2009 and 2011 asserting that a woman from Russia and another from the Ukraine worked for him when in fact they did not, thereby allowing the women to stay in the U.S. illegally. He then was paid by one of the women to arrange a fake marriage for her. Mack faces up to 10 years in prison and a \$250,000 fine on two charges of aiding and abetting visa fraud, and up to 5 years and a \$250,000 fine for aiding and abetting marriage fraud and making false statements to a government agency. Mack had prior convictions unrelated to immigration matters. A sentencing date has not been set. To read more, visit <http://www.pressherald.com/2015/03/31/former-state-legislator-pleads-guilty-to-immigration-fraud/>

### **Immigrant Clients Lost Thousands to Disbarred Birmingham Attorney, Authorities Say (Birmingham, AL)**

Douglas Howard Cooner, a disbarred Birmingham Alabama attorney, was arrested March 24, 2015, after an Alabama grand jury indicted him on one count of first-degree theft by deception, 13 counts of second-degree theft by deception and four counts of the unlawful practice of law. Cooner was also indicted on one charge of criminal coercion after allegedly and “without legal authority, threaten[ing] to damage the property or reputation,” of a representative of the Department of Homeland Security. Cooner is accused of taking \$27,410 in payments from immigrants he promised to represent and then not providing the services that were agreed upon.

In September 2013, Cooner had been disbarred from the practice of law in Alabama for allegedly mishandling his uncle's will. Based on Cooner's disbarment, the U.S. Department of Justice sent Cooner a letter on March 12, 2014, informing him that he was also suspended from practicing before the Board of Immigration Appeals, Immigration Courts, and the Department of Homeland Security. Despite this, Cooner continued to practice law and represent clients.

A Birmingham attorney was appointed as trustee for more than 2,000 files, and five or six of Cooner's computers that investigators confiscated when executing a search warrant. The trustee was also given control of a trust account where Cooner deposited client funds. The trustee stated that he expected to receive hundreds of phone calls in the coming weeks, and that he hopes to be able to return funds to clients who paid for services not rendered. Some of the files will be instrumental as part of the criminal investigation. The trustee can also refer clients to immigration attorneys as they pursue citizenship. Priority will be given to clients who have hearings in immigration court. Immigration judges were made aware that Cooner was disbarred, and are in a position to grant continuances for affected clients with hearings scheduled for the next few weeks. Cooner's next court appearance is for an arraignment scheduled for May 18, 2015.

To read more, visit

[http://www.al.com/news/birmingham/index.ssf/2015/03/disbarred\\_birmingham\\_attorney.html](http://www.al.com/news/birmingham/index.ssf/2015/03/disbarred_birmingham_attorney.html)

<http://weldbham.com/blog/2015/04/01/immigration-fraud-douglas-cooner-birmingham-immigration/>

### **Chesco Case Highlights H-1B Immigration Scams (Philadelphia, PA)**

Sadhakar Majety, a naturalized U.S. citizen from India, pleaded guilty in the U.S. District Court for the Eastern District of Pennsylvania to four counts of visa fraud in connection with fraudulently obtaining H1-B visas. The H-1B Program was introduced in 1990 to help employers hire foreign workers to fill vacancies when there is a shortage of qualified U.S. job candidates. Majety created Upani Consultants and a series of shell corporations and sham contracts to falsely indicate that workers were needed as quality assurance analysts and software engineers for information technology. Majety obtained between 25 and 99 H-1B visas. Workers, primarily from India, were charged \$4,000 and 20% of their future earnings. However, when the workers arrived in the U.S., Upani had no jobs for them, forcing these workers to look for jobs on their own. If they couldn't find work, Majety required them to pay for keeping their visas active. A joint investigation by the Departments of State, Labor and Homeland Security led to the evidence against Majety. Sentencing is scheduled for April 15, 2015, while Majety is free on bail. He faces up to 40 years in prison and a \$1 million fine. To read more, visit

[http://articles.philly.com/2015-03-19/news/60254438\\_1\\_shell-companies-h-1b-visas](http://articles.philly.com/2015-03-19/news/60254438_1_shell-companies-h-1b-visas)

### **Court of Appeals Upholds Conviction and Sentence of a Woman who Concealed her Role in Rwandan Genocide (Boston, MA)**

The U.S. Court of Appeals for First Circuit affirmed the conviction and sentence for Beatrice Munyenyezi, who was convicted in February 2013, of unlawfully obtaining her citizenship by misrepresenting material facts to immigration authorities. She was sentenced in July 2013 to 10 years in prison and stripped of her U.S. citizenship. Munyenyezi was convicted of concealing her role in the 1994 Rwandan genocide, including her involvement in the National Republican

Movement for Democracy and Development (MRND), the political party in power before and during the genocide, and its youth wing, the interahamwe.

A Hutu by birth, Munyenyezi fled Rwanda following the slaughter of 800,000 Tutsis and applied for refugee status in 1995. When asked whether she had any involvement in the killings, she wrote “no”, and was allowed to enter the country, where she later became a U.S. citizen. On appeal Munyenyezi argued that the length of the sentence was based on the allegations that she was a “genocidaire”, and not on the basis she had lied on her application for citizenship. The court concluded the 10-year sentence was well within the guidelines, and called the testimony about her involvement in the genocide a “bone chilling read”. In a separate decision, the court upheld the conviction and 21 month sentence of Munyenyezi’s sister, Prudence Kantangwa, on charges of immigration fraud, perjury and obstruction of proceedings before an immigration court. The conviction was based on lies Kantangwa told regarding her membership in the MRND, her husband’s role as director of Rwanda’s internal security service, and her knowledge of the existence of a genocide roadblock erected in front of the Hotel Ihuriro. To read more, visit

<http://www.justice.gov/usao-ma/pr/court-appeals-upholds-conviction-and-sentence-woman-who-concealed-her-role-rwandan>

#### **Former naturalized US citizen sentenced, ordered deported for failing to disclose terrorism conviction (Detroit, MI)**

The U.S. District Court for the Eastern District of Michigan found Rasmieh Yousef Odeh guilty of unlawfully obtaining her U.S. citizenship. An investigation by Immigration and Customs Enforcement revealed that Odeh, a naturalized U.S. citizen in 2004, failed to disclose in her immigration documents that she had been convicted and imprisoned in Israel for her role in the 1969 bombings of a super market and the British Consulate, killing two and injuring others. She had acted on behalf of the Popular Front for the Liberation of Palestine, a designated terrorist organization. The Israeli military sentenced Odeh to life imprisonment, but released her after 10 years as part of a prisoner exchange. In the instant case, the court sentenced Odeh to 18 months in prison, after which she would be removed and deported to Jordan; the court also revoked her citizenship. Sentencing was stayed pending an appeal on bond. For more information visit:

<http://www.ice.gov/news/releases/former-naturalized-us-citizen-sentenced-ordered-deported-failing-disclose-terrorism>

<http://america.aljazeera.com/articles/2015/3/12/palestinian-american-activist-sentenced-to-prison-for-immigration-fraud.html>

#### **Follow Up: City Attorney Feuer Secures Conviction, Full Restitution Against Unlawful Immigration Consultant (Los Angeles, CA)**

Jesus Luna Lozano entered a no contest plea, March 18, 2015, to three criminal counts including the unauthorized practice of law, violating the Immigration Consultants Act and violating a permanent injunction. The Los Angeles City Attorney brought the action. Lozano had been the subject of a permanent injunction since 2003 for the unlicensed practice of immigration law. Undercover agents visited Lozano’s Van Nuys office where Lozano provided legal advice on immigration issues in violation of the 2003 permanent injunction and California law. Sentencing was delayed for three months to allow the City Attorney to complete the investigation with Lozano’s cooperation, and to

identify the restitution owed to victims yet to be identified. With Lozano's continued cooperation, he will be sentenced to serve 90 – 120 days in jail and be placed on three years' probation. The California Bar will assume control of Lozano's illegal law practice, contact victims, return client files and act on behalf of victims in court. Lozano's conviction was a part of a law enforcement and education campaign by the City Attorney, The Los Angeles Department of Consumer and Business Affairs and legal aid organization to prevent immigration scams. To read more, visit [http://atty.lacity.org/stellent/groups/electedofficials/@atty\\_contributor/documents/contributor\\_web\\_content/lacityp\\_030643.pdf](http://atty.lacity.org/stellent/groups/electedofficials/@atty_contributor/documents/contributor_web_content/lacityp_030643.pdf)

For more fraud-related news, please check out the *Immigration Fraud Reading List* at <https://portal.doj.gov/sites/eoir/Components/OGC/Pages/Immigration-Fraud-Reading-List.aspx> or online at <http://www.justice.gov/eoir/fraudanddiscipline/listing.htm>

## Other Interesting Matters

### **Filipinos Say They Worked For \$3 Per Hour As U.S. Guestworkers (Los Angeles, CA)**

[http://www.huffingtonpost.com/2015/03/19/e-2-visa-workers\\_n\\_6902584.html](http://www.huffingtonpost.com/2015/03/19/e-2-visa-workers_n_6902584.html)

### **Indictment: Money Laundering Scheme Delivered \$13 Million in Wages to Undocumented Workers (Kansas City, KS)**

<http://www.justice.gov/usao-ks/pr/indictment-money-laundering-scheme-delivered-13-million-wages-undocumented-workers>

### **6 Houston-area residents charged in marriage-fraud scheme (Houston, TX)**

<http://www.ice.gov/news/releases/6-houston-area-residents-charged-marriage-fraud-scheme>

## Attorney Discipline

### ● Most recently disciplined practitioners:

**Emily E. Cohen** - On April 14, 2015, the Board issued a final order disbaring Attorney Cohen based on her conviction in Colorado on 13 counts of theft involving immigration clients.

**Justin C. Osemene** - On April 14, 2015, the Board issued a final order suspending Attorney Osemene for 2 years based on his 2-year suspension in Washington state for engaging in conduct lacking communication, conduct involving safeguarding property, and trust accounts violations.

**Steven E. Sams** - On April 14, 2015, the Board issued a final order disbaring Attorney Sams based on his disbarment in Tennessee after a default order was entered when he failed to file a response to the notice of disciplinary charges filed against him.

**Robert C. Zanicky** - On April 14, 2015, the Board issued a final order suspending Attorney Zanicky for 2 years based on his 2-year suspension in Pennsylvania for engaging in a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer after he was convicted of 2 first degree misdemeanor counts of corruption of minors.

**Alma C. Defillo** – On April 2, 2015, the Board issued a final order suspending Attorney Defillo for one year based on her one-year suspension in Florida for engaging in conduct lacking diligence, conduct involving dishonesty, fraud, deceit, or misrepresentation, and trust accounts violations.

**John Y. Tu** – On April 2, 2015, the Board issued a final order suspending Attorney Tu for 6 months based on his 6-month suspension in California for failing to comply with the terms and conditions of a previous order of suspension.

**Michael J. Meenan** – On March 31, 2015, the Board issued an order immediately suspending Attorney Meenan based on his suspension in New York for engaging in conduct lacking competence, and engaging in conduct that adversely reflects on his fitness as an attorney.

**Gino P. Pietro** – On March 25, 2015, the Board issued an order immediately suspending Attorney Pietro based on his immediate suspension in California after being convicted of a felony involving moral turpitude (wire fraud).

**Keith A. Prettyman** – On March 25, 2015, the Board issued an order immediately suspending Attorney Prettyman based on his suspension in Nebraska for misconduct involving competence, diligence, and communication.

**Tanya Y. Brockington** – On March 23, 2015, the Board issued an order immediately suspending Attorney Brockington based on her immediate suspension in Georgia for failing to adequately respond to the state bar's notice of investigation.

**Michael M. Carrasco** - On March 23, 2015, the Board issued an order disbaring Attorney Carrasco based on his consent to disbarment in New Mexico. Please note that Mr. Carrasco is also not an accredited representative with any recognized organization.

EOIR employees may report attorney misconduct at [EOIR.Attorney.Discipline@usdoj.gov](mailto:EOIR.Attorney.Discipline@usdoj.gov). If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at [Jennifer.Barnes@usdoj.gov](mailto:Jennifer.Barnes@usdoj.gov).

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The OGC Fraud Program Crier is a monthly newsletter produced by the Office of the General Counsel, Executive Office for Immigration Review. The purpose of the publication is to inform its readers of investigations, prosecutions, and other current events relating to immigration fraud and abuse across the United States and to provide information that will aid staff in detecting or preventing fraud and abuse in immigration proceedings. It is intended only as an informational resource for the use of employees of the Executive Office for Immigration Review.



OGC Fraud Program Crier

A publication of the Executive Office for Immigration Review, Office of the General Counsel, May 2015.

Contact Information

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Kathy John, Fraud and Abuse Prevention Counsel: Kathy.John@usdoj.gov or (703) 605-1282.

Diane Kier, Associate General Counsel: Diane.Kier@usdoj.gov or (703) 305-0799.

News Briefs

Ten “Birth Tourism” Witnesses Accused of Disobeying Court Order (Santa Ana, CA)

In March 2015, Federal law enforcement authorities executed 37 search warrants in connection with a wide-ranging probe into Southern California “birth tourism” businesses that bring Chinese women to the United States, using temporary visitor visas, solely to give birth to citizen children. A U.S. magistrate judge subsequently designated 29 persons as material witnesses in the case and ordered them to remain in the United States. Ten of these witnesses, all Chinese nationals, reportedly disobeyed the order and fled the country. As a result, criminal charges were filed against them last month in U.S. District Court for the Central District of California.

The defendants, who are women suspected of engaging in “birth tourism” and their spouses, were specifically charged with obstruction of justice and criminal contempt of court. They also were charged with making false statements on visa applications by lying about the purpose and length of their respective visits to the United States. If apprehended and convicted, they face maximum sentences of 25 years in prison for falsifying their visa applications and a maximum of five years in prison for obstruction of justice. To read more, visit <http://www.justice.gov/usao/cac/Pressroom/2015/040.html> and <https://www.ice.gov/news/releases/10-chinese-nationals-charged-violating-court-orders-remain-us-witnesses-maternity>.

See also: “Chinese Maternity Tourists and the Business of Being Born American,” <http://www.bloomberg.com/news/articles/2015-05-13/chinese-maternity-tourists-and-the-business-of-being-born-american>, and “How far Chinese moms will go to have U.S. babies,” <http://money.cnn.com/2015/03/30/news/china-moms-birth-tourism-fraud/index.html>.

Twenty-Seven Florida Residents Indicted in Marriage Fraud Scheme (Miami, FL)

Twenty-seven Florida residents were indicted in U.S. District Court for the Southern District of Florida for conspiracy to commit marriage fraud and related immigration offenses. The indictment named three defendants - Inaldo Chavez and Caridad Baez of Hialeah, Florida, and Masiel Puron of Marathon, Florida – as the ringleaders of the conspiracy who, during the period from May 2011 to February 2014, arranged fake marriages for a dozen or more foreign national clients who wished to immigrate to the United States. For an undisclosed sum, these ringleaders allegedly recruited U.S. citizen and lawful permanent resident marriage partners for their clients, notarized fraudulent marriage licenses, completed falsified immigration paperwork, and prepared the couples for visa interviews before U.S. Citizenship and Immigration Services (USCIS). Twelve foreign nationals from such diverse places as Argentina, Colombia, Israel, Moldova, Ukraine, and Venezuela, also were named in the indictment along with their purported U.S. citizen and lawful resident spouses. To read more, visit <http://www.justice.gov/usao-sdfl/pr/twenty-seven-south-florida-residents-charged-marriage-and-immigration-fraud-scheme>.

New Jersey Immigration Consultant Sentenced to Prison for Immigration Fraud (Camden, NJ)

Maxwell Poku, a naturalized American citizen from Ghana, was sentenced in U.S. District Court for the District of New Jersey to two years in prison for immigration fraud, wire fraud, and money laundering. In addition, the court ordered Mr. Poku to forfeit \$10,500 in cash and computer equipment seized from him on the day of his arrest. Mr. Poku formerly was the president and chief executive officer of Max\$Max Finance and Travel LLC, a firm which provided immigration and other services to the African community in the Elizabeth and Orange, New Jersey, area. As part of his business activities, Mr. Poku recruited U.S. citizen spouses for foreign nationals seeking to immigrate to the country and provided the couples with falsified letters of employment, utility bills, credit card statements, tax forms, and Ghanaian government documents to make their marriages appear legitimate. To read more, visit <https://www.ice.gov/news/releases/former-ceo-immigration-consultation-company-sentenced-2-years-fraud-money-laundering>.

*** The Fraud Prevention Program, Office of the General Counsel, and the Recognition and Accreditation Program, Board of Immigration Appeals, assisted with this case.*

New York ESL Teacher Indicted for Scamming Students (New York, NY)

Jenetta Ferguson was indicted in a New York court for grand larceny and engaging in a scheme to defraud after she falsely promised student visa holders that she would secure lawful resident cards, or “green cards,” for them. According to the indictment and related court filings, Ms. Ferguson taught English as a second language (ESL) at a Manhattan school. Between March and September 2014, she informed a number of students that she could provide them with “green cards” in exchange for fees ranging from \$8,500 to \$10,500 per person. She collected, and pocketed, more than \$30,000 from at least six students. She also encouraged many of her victims, who came from Bangladesh, Italy, the Philippines, and Uzbekistan, to refrain from renewing their student visas, thereby leaving them without adequate documentation to remain lawfully in the United States. To read more, visit <http://manhattanda.org/press-release/da-vance-announces-indictment-esl-teacher-stealing-thousands-student-visa-holders> and <http://nypost.com/2015/04/07/esl-teacher-swindles-30k-from-students-with-false-green-card-promises/>.

Kosovar Terror Suspect Removed from U.S. (Philadelphia, PA)

Brahim Lajiq, a suspected terrorist who came to the attention of Federal law enforcement authorities in 2010 after threatening to attack the U.S. Capitol and other public buildings, including the Arlington Immigration Court, was removed from the United States earlier this month and deported to his native Kosovo. Mr. Lajiq was arrested in 2010 after making threats to “slaughter people” if not issued a “green card,” stating that he and his brother were engaged in jihad, and, as noted above, discussing violent attacks on public buildings in the Washington, DC area. He initially was charged with visa fraud, falsely claiming on an adjustment of status application that he had been granted asylum, and lying to law enforcement officials about his mother’s status in the United States, but pled guilty in U.S. District Court for the District of Maryland to a single count of visa fraud. He was sentenced to five years in prison, which he served at the Federal Correctional Institution at Allenwood, Pennsylvania. To read more, visit <http://www.ice.gov/news/releases/terrorist-suspect-visa-scammer-deported-kosovo>.

Former Lebanese Militia Member Guilty of Naturalization Fraud (San Antonio, TX)

A Lebanese national, Wissam “Sam” Allouche, was convicted in U.S. District Court for the Western District of Texas of making a false statement to a Federal agent, and of attempting to obtain naturalization and citizenship by fraud. He was sentenced to five years in prison. In January 2009 while applying for U.S. citizenship based on his marriage to a U.S. Army soldier, Mr. Allouche failed to disclose that in the 1980s he was a member of the Lebanese Amal militia and as such had apparent command authority over Hezbollah fighters. He also falsely claimed that he was still living with his wife when the couple was in fact in divorce proceedings. Furthermore, while seeking a contract linguist position with the U.S. Department of Defense, which required a “Top Secret” security clearance, Mr. Allouche failed to disclose that he once had been held as an Israeli prisoner of war. To read more, visit <http://www.justice.gov/usao-wdtx/pr/lebanese-born-man-sentenced-federal-prison-charges-making-false-statement-federal-agent>.

Follow up: Two Texas Women Sentenced for Defrauding Immigrants (San Antonio, TX)

Yolanda Hernandez de Arteaga, a restaurant owner in LaVernia, Texas, and Maria de Lourdes Montano-Vicencio, an undocumented alien residing in Houston, Texas, pled guilty in U.S. District Court for the Western District of Texas and were sentenced to prison for perpetrating an immigration document scheme that defrauded more than 60 undocumented aliens. More specifically, Ms. Hernandez de Arteaga pled guilty to wire fraud (5 counts) and conspiracy to commit wire fraud (1 count). She was sentenced to 30 months in prison followed by three years of supervised release. Ms. Montano-Vicencio pled guilty to wire fraud (4 counts) and was sentenced to 46 months in prison. The two women were also ordered to pay \$144,063 in restitution.

From October 2010 through December 2012, Ms. Hernandez de Arteaga and Ms. Montano-Vicencio convinced aliens in the LaVernia area that they had personal contacts with U.S. immigration authorities who in exchange for money would secure Social Security cards, resident alien cards, and work permits for the aliens. The defendants collected close to \$150,000 from their victims and utilized Western Union and MoneyGram to wire the fraudulently obtained money from LaVernia to Houston, Texas. When victims became angry at not receiving promised documents or a refund of their money, the defendants threatened to report them to immigration authorities and have them removed from the

country. To read more, visit <http://www.justice.gov/usao-wdtx/pr/former-la-vernia-restaurant-operator-and-accomplice-sentenced-federal-prison>.

Other Interesting Matters

3rd Circ. Says Asylum Decision Not Linked To Attorney's Fraud (Philadelphia, PA)

<http://www.law360.com/articles/653222/3rd-circ-says-asylum-decision-not-linked-to-atty-s-fraud>

Immigration scam leads to 10 marriages for New York woman, prosecutors say (New York, NY)

<http://www.cnn.com/2015/04/10/us/new-york-woman-marriage/>

<http://www.nytimes.com/2015/04/11/nyregion/woman-admitted-to-marrying-one-of-10-men-for-money-prosecutors-say.html? r=0>

<http://www.nbcnewyork.com/news/local/Woman-Marry-10-Times-No-Divorce-Liana-Barrientos-Arrest-Court-New-York-City-Husband-Wife-299337801.html>

Attorney Discipline

● Most recently disciplined practitioners:

Guillermo Suarez M. - On May 14, 2015, the Board issued an order immediately suspending Attorney Suarez M. based on his failure to pass the California Multistate Professional Responsibility Examination within the time prescribed in a previous disciplinary order.

Justin Moongyu Lee - On May 14, 2015, the Board issued an order immediately suspending Attorney Lee based on his suspension in California for non-payment of membership fees, penalties, or costs.

Brad Alexander - On May 7, 2015, the Board issued an order immediately suspending Attorney Alexander based on his 1-year suspension in Florida for engaging in conduct lacking competence, diligence, and communication.

Yehlen D. Brooks aka Mary Yehlen Brooks - On May 8, 2015, the Board issued an order immediately suspending Attorney Brooks based on her disbarment in Kansas after she submitted her resignation and was ordered stricken from the roll of attorneys.

Peter S. Gordon – On May 8, 2015, the Board issued an order immediately suspending Attorney Gordon based on his public reprimand and 2-month suspension by the U.S. Court of Appeals for the Second Circuit for making a false statement of fact or law to the tribunal.

David Gruen – On May 7, 2015, the Board issued an order immediately suspending Attorney Gruen based on his 1-year suspension in New Jersey for (1) violations involving the safekeeping of property, (2) conduct involving dishonesty, fraud, deceit, or misrepresentation, and (3) conduct prejudicial to the administration of justice.

Issam A. Abbas - On May 4, 2015, the Board issued a final order suspending Attorney Abbas for 3 years based on his 3-year suspension in Michigan for (1) failure to promptly pay or deliver funds or other property that a client was entitled to receive, (2) conduct involving dishonesty, fraud, deceit, or misrepresentation where such conduct reflected adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer, and (3) conduct that is contrary to justice, ethics, honesty, or good morals.

Joseph Kizito - On May 4, 2015, the Board issued a final order disbaring Attorney Kizito based on his disbarment in Georgia for conduct lacking communication and competence and violations involving the safekeeping of property.

Gayton J. Thomas, Jr. – On May 4, 2015, the Board issued a final order disbaring Attorney Thomas based on his disbarment in Maryland for conduct lacking competence, diligence, and communication.

Keith A. Prettyman – On April 22, 2015, the Board issued a final order suspending Attorney Prettyman for 2 years based on his 2-year suspension in Nebraska for conduct lacking competence, diligence, and communication.

Michael J. Meenan – On April 17, 2015, the Board issued a final order suspending Attorney Meenan for 6 months based on his 6-month suspension in New York for conduct lacking competence and conduct that adversely reflected on his fitness as an attorney.

Kissandra L. Tysman- On April 15, 2015, the Board issued an order immediately suspending Attorney Tysman based on her transfer to disability inactive status in Arizona.

EOIR employees may report attorney misconduct at EOIR.Attorney.Discipline@usdoj.gov. If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at Jennifer.Barnes@usdoj.gov.

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*The OGC Fraud Program Crier is a monthly newsletter produced by the Office of the General Counsel, Executive Office for Immigration Review. The purpose of the publication is to inform its readers of investigations, prosecutions, and other current events relating to immigration fraud and abuse across the United States and to provide information that will aid staff in detecting or preventing fraud and abuse in immigration proceedings. It is intended only as an informational resource for the use of employees of the Executive Office for Immigration Review.*



# ***OGC Fraud Program Crier***

*A publication of the Executive Office for Immigration Review, Office of the General Counsel, June 2015.*

## **Contact Information**

Fraud Program In-Box: [EOIR.Fraud.Program@usdoj.gov](mailto:EOIR.Fraud.Program@usdoj.gov).

Kathy John, Fraud and Abuse Prevention Counsel: [Kathy.John@usdoj.gov](mailto:Kathy.John@usdoj.gov) or (703) 605-1282.

Diane Kier, Associate General Counsel: [Diane.Kier@usdoj.gov](mailto:Diane.Kier@usdoj.gov) or (703) 305-0799.

## **News Briefs**

### **Former University CEO Pleads Guilty to Submitting False Documents (San Jose, CA)**

Jerry Wang, a former Chief Executive Officer of Herguan University, pleaded guilty in the U.S. District Court for the Northern District of California to one count of submitting false documents to the Department of Homeland Security (DHS). Wang admitted to participating in a scheme to commit visa fraud, whereby he fraudulently issued Certificates of Eligibility for Nonimmigrant (F-1) Student Status (Form I-20) to more than 100 foreign nationals, as well as to aiding and abetting the unauthorized access of a DHS computer database. Wang was originally indicted in July of 2012 on fifteen charges arising from the visa fraud scheme. According to the superseding indictment from October of 2014, Wang and others had, since July of 2007, caused the university to submit fraudulent documents to the DHS's Student and Exchange Visitor Program, in support of a petition to admit foreign students. As part of his plea, Wang agreed to a sentence of imprisonment ranging from three months to two years, and also agreed to forfeit \$700,000 in fraud proceeds and property used to facilitate his crimes. Wang's sentencing hearing is scheduled for September 14, 2015. To read more, visit <http://www.justice.gov/usao-ndca/pr/former-ceo-local-university-pleads-guilty-submitting-false-documents-department> and <http://www.ice.gov/news/releases/ex-ceo-bay-area-university-pleads-guilty-role-student-visa-fraud-scheme>.

### **Spanish Language Interpreter Indicted for Wire Fraud (Houma, LA)**

Trina Bourg, a former Spanish language interpreter contract employee for the Terrebonne Parish District Attorney's Office, was charged in a five-count indictment for soliciting illegal payments from undocumented clients and their family members. According to the pleadings filed in the U.S. District Court for the Eastern District of Louisiana, unknown to the clients' attorney, Bourg represented to the clients that she would use the money to bribe U.S. Immigration Officials to remove the immigration

detainers or federal immigration charges from the clients' cases. In one case, Bourg allegedly threatened and intimidated family members of one of the clients into paying her more than \$5,000. In another case, she allegedly offered to marry one of her clients to improve his immigration status in exchange for a payment of \$12,000 to \$20,000. Bourg's trial date is set for July 27, 2015. To read more, visit <http://www.justice.gov/usao-edla/pr/houma-interpretor-indicted-wire-fraud>.

**Attorney General Laxalt Announces Guilty Plea of Las Vegas Woman for Immigration Assistance Scam (Las Vegas, NV)**

Norma Olga Benavidez pleaded guilty in the Eighth Judicial District Court to a felony charge of theft arising from multiple instances of an immigration fraud scam she committed from March 2012 to March 2014. She was ordered to pay more than \$50,000 in restitution to her victims as part of her plea agreement. Ms. Benavidez falsely claimed to be an employee of the federal government working for a fictional "Chief of Immigration," and claimed she would assist immigrants with filling out paperwork for obtaining lawful status in the United States. In total, Ms. Benavidez defrauded 11 immigrants out of more than \$50,000 and did not perform the services for which she was paid. To read more, visit

[http://ag.nv.gov/News/PR/2015/Attorney General Laxalt Announces Guilty Plea of Las Vegas Woman for Immigration Assistance Scam/](http://ag.nv.gov/News/PR/2015/Attorney_General_Laxalt_Announces_Guilty_Plea_of_Las_Vegas_Woman_for_Immigration_Assistance_Scam/)

*\*\* The Fraud Prevention Program, Office of the General Counsel, assisted with this case.*

**Lawyer Scams Brooklyn Residents Out of Thousands Claiming He was Getting Immigration Documents: Prosecutors (Brooklyn, NY)**

Howard Seidler, who falsely held himself out as an immigration attorney, was the first person charged in New York under the newest law protecting immigrants from fraudulent assistance services. Seidler, who was not a licensed attorney or representative, was charged following an undercover investigation into his practice. An undercover agent posed as a potential client and met with Seidler in April and paid him \$3,085 to obtain a green card and Social Security card. When the agent received the documents, they were found to have been forged and no record was found of any forms filed with immigration authorities. If convicted, Seidler could serve up to 15 years in prison for the forgery charge, and up to four years in prison for the charge of immigrant assistance service fraud. To read more, visit <http://www.nydailynews.com/new-york/nyc-crime/lawyer-busted-brooklyn-immigration-scam-prosecutors-article-1.2244508>

**Fifteen Chinese Nationals Charged in Fraud Scheme (Pittsburgh, PA)**

Fifteen Chinese nationals were indicted by a federal grand jury in Pittsburgh, Pennsylvania on charges of conspiracy, counterfeiting foreign passports, mail fraud and wire fraud. According to the indictment, returned on May 21, 2015, between 2011 and 2015, the defendants engaged in a conspiracy and scheme to defraud Educational Testing Services (ETS) and the College Board by having imposters take college and graduate school standardized entrance examinations, such as the Scholastic Aptitude Test and the Graduate Record Examination. In order to carry out this scheme, the conspirators had counterfeit passports made and sent to the United States, to defraud ETS administrators into believing that they were other people. The majority of the fraudulent exams were taken in western Pennsylvania. If convicted, they face maximum sentences of 20 years in prison, a fine of \$250,000 or

both for each count of wire and mail fraud, 10 years in prison, a fine of \$250,000 or both for each count of counterfeiting foreign passports, and five years in prison, a fine of \$250,000 or both for conspiracy. To read more, visit <http://www.justice.gov/opa/pr/fifteen-chinese-nationals-charged-fraud-scheme>

#### **Rhode Island Woman Charged with Defrauding Immigrants (Woonsocket, RI)**

Patria Zuniga was charged in the U.S. District Court in Worcester with one count of federal wire fraud. According to the complaint, from 2010 through 2012, Zuniga posed as an immigration official, and targeted undocumented immigrants who sought to obtain legal status. Zuniga claimed she could help the undocumented immigrants obtain lawful permanent residence in the United States in exchange for payments of \$9,000 to \$10,000 per person. She would then demand more money after the initial payments, threatening to have the immigrants deported if they did not comply. Zuniga collected more than \$600,000 over the course of the scheme and attempted to avoid detection by having third-parties receive the payments on her behalf. If convicted, Zuniga could serve up to 20 years in prison, a fine of \$250,000 or both. To read more, visit <http://www.justice.gov/usao-ma/pr/rhode-island-woman-charged-defrauding-worcester-area-immigrants>.

#### **Follow up: Feds: Immigration lawyer continued to practice after fraud arrest (Irving, TX)**

The U.S. attorney's office is requesting Sherin Thawer, a suspended Texas immigration attorney, be placed back into federal custody. In February 2015, Thawer was indicted in the Northern District of Texas for conspiracy to commit fraud in connection with immigration documents, mail fraud, transferring or using the identification of another person, and aggravated identity theft. Thawer was released from federal custody on a personal recognizance bond after her arrest. Prosecutors requested that one of her conditions for release be that she not violate a prior order from the Texas State Bar suspending her from practicing law until May 2016. Ms. Thawer was also previously suspended from practicing immigration law before the immigration courts, Board of Immigration Appeals, and the Department of Homeland Security.

Two days after her release from custody, Thawer sent a text message to a man who hired her to handle his case, telling the man to meet her at her home with various immigration documents and a consulting fee. The man said that Thawer told him that her name could not be on the application packet because "she was temporarily not licensed to represent [him]." The man said he did not feel comfortable working with her, and asked her to return the \$2,500 he had paid her. She refused, saying that she was a lawyer and had "spent quite a bit of time" on his application. In response to her non-compliance with the court's order, prosecutors have filed a motion to revoke Thawer's pretrial release. To read more, visit <http://www.dallasnews.com/news/crime/headlines/20150608-feds-immigration-lawyer-continued-to-practice-after-fraud-arrest.ece>

**\*\* The EOIR and DHS Disciplinary Counsels assisted with this case.**

### **Other Interesting Matters**

**Man Posing as Attorney Lied to Immigrants Seeking Legal Help (Los Angeles, CA)**

<http://www.latimes.com/local/california/la-me-immigration-fraud-20150602-story.html#page=1>

#### **4 Indicted for Marriage Fraud (Guam)**

<http://www.mvariety.com/cnmi/cnmi-news/local/77524-4-indicted-for-marriage-fraud>

#### **New Jersey Man Sentenced to 30 Months for role in Illegal Immigration Scheme (Edison, NJ)**

<http://www.justice.gov/opa/pr/new-jersey-man-sentenced-30-months-role-illegal-immigration-scheme>

### **Attorney Discipline**

#### **• Most recently disciplined practitioners:**

**Marisa Aguilar** – On June 9, 2015, the Board issued an order immediately suspending Attorney Aguilar based on her suspension in Indiana after her previously stayed suspension was revoked for failure to timely respond to requests for information concerning a grievance filed by a client.

**Justin Moongyu Lee** - On June 9, 2015, the Board issued a final order indefinitely suspending Attorney Lee based on his suspension in California for nonpayment of membership fees, penalties, or costs.

**Guillermo Suarez M.** - On May 29, 2015, the Board issued a final order indefinitely suspending Attorney Suarez M. based on his failure to pass the California Multistate Professional Responsibility Examination within the time prescribed in a previous disciplinary order.

**Peter S. Gordon** – On May 28, 2015, the Board issued a final order suspending Attorney Gordon for 2 months based on his public reprimand and 2-month suspension from the U.S. Court of Appeals for the Second Circuit for making a false statement of fact or law to the tribunal.

**Brad Alexander** - On May 27, 2015, the Board issued a final order suspending Attorney Alexander for 1 year based on his 1-year suspension in Florida for engaging in conduct lacking competence, diligence, and communication.

**Yehlen D. Brooks aka Mary Yehlen Brooks** - On May 27, 2015, the Board issued a final order disbaring Attorney Brooks based on her disbarment in Kansas after she submitted her resignation and was ordered stricken from the roll of attorneys.

**Jasmin Miller** – On April 23, 2015, an Adjudicating Official (“AO”) issued an order, which became final on May 26, 2015, suspending Attorney Miller for 18 months based on her violation of Rules 102(j) (frivolous filing), Rule 102(l) (repeated failures to appear for scheduled hearings without good cause), Rule 102 (n) (conduct prejudicial to the administration of justice), Rule 102 (o) (competence), and Rule 102(q) (diligence). The AO found that Attorney Miller “repeatedly failed to appear for court hearings without documented good cause and she thus failed diligently and competently to represent her clients.” Her repeated failures to appear were also “prejudicial to the administration of justice and

such actions undermined the integrity of the entire adjudicative process.” She also made a frivolous filing with the Miami Immigration Court. The AO determined that Attorney Miller was a “danger to the public who uses or may attempt to use her services” and that she appeared “to have learned little from past admonitions and has not seemed to take these Disciplinary Proceedings seriously.”

EOIR employees may report attorney misconduct at [EOIR.Attorney.Discipline@usdoj.gov](mailto:EOIR.Attorney.Discipline@usdoj.gov). If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at [Jennifer.Barnes@usdoj.gov](mailto:Jennifer.Barnes@usdoj.gov).

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The OGC Fraud Program Crier is a monthly newsletter produced by the Office of the General Counsel, Executive Office for Immigration Review. The purpose of the publication is to inform its readers of investigations, prosecutions, and other current events relating to immigration fraud and abuse across the United States and to provide information that will aid staff in detecting or preventing fraud and abuse in immigration proceedings. It is intended only as an informational resource for the use of employees of the Executive Office for Immigration Review.



OGC Fraud Program Crier

A publication of the Executive Office for Immigration Review, Office of the General Counsel, July 2015.

Contact Information

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Diane Kier, Associate General Counsel: Diane.Kier@usdoj.gov or (703) 305-0799.

News Briefs

Concord Woman Sentenced to Six Months in Prison for Role in Submitting Fraudulent Asylum Applications (Concord, CA)

Concord resident, Buyantod Thomas, was sentenced in the U.S. District Court for the Northern District of California to six months in prison for filing fraudulent asylum applications. Thomas pled guilty in March 2015 to knowingly aiding and abetting the submission of fraudulent asylum applications. Thomas admitted she made up stories and used false documents to help Mongolian nationals apply for asylum. Thomas was found to have assisted in filing at least 25 fraudulent asylum applications. Thomas will begin serving her prison sentence on September 4, 2015. To read more, visit <http://www.justice.gov/usao-ndca/pr/concord-resident-sentenced-six-months-custody-role-submitting-fraudulent-asylum>, <http://sanfrancisco.cbslocal.com/2015/07/14/concord-woman-gets-prison-time-for-fabricating-dozens-of-asylum-applications/>, and <http://www.chron.com/news/article/Concord-woman-gets-prison-time-for-false-asylum-6383477.php>

2 sentenced in separate marriage fraud cases in Chicago (Chicago, IL)

Two Chicago-area defendants were sentenced in separate cases in federal court for arranging sham marriages between foreign nationals and U.S. citizens. Teresita Zarrabian, a naturalized U.S. citizen from the Philippines, was sentenced to thirty-six months in prison after pleading guilty to conspiring to commit marriage fraud.

In her plea agreement, Zarrabian admitted she arranged at least 33 fraudulent marriages over a series of seven years, mostly involving Filipino nationals who paid between \$8,000 and \$17,000 to marry a U.S. citizen, with the recruited U.S. citizens paid about \$5,000 each. A co-conspirator in the case was sentenced last November to one year in prison in connection with the scheme.

In a separate case, Olumuyiwa “Mike” Adeniyi, a naturalized citizen from Nigeria, received a three month prison sentence after pleading guilty to aiding and abetting visa fraud for petitions filed in conjunction with a sham marriage. Adeniyi arranged at least four sham marriages between Nigerian nationals and U.S. citizens, who were paid between \$1,000 and \$3,000. To read more, visit <https://www.ice.gov/news/releases/2-sentenced-separate-marriage-fraud-cases-chicago>, and <http://www.dailyherald.com/article/20150701/news/150709918/>

Married Couple from India Arrested in Alien Employment Case (McPherson, KS)

Satishkumar “Sam” Patel and his wife Daxaben S. Patel, an Indian couple unlawfully residing in the United States, were arrested in McPherson, Kansas on a 45-count indictment charging them with unlawful employment of aliens, document fraud, bank fraud, and making false claims of U.S. citizenship. The indictment also charges Nitin B. Patel, a business partner of Satishkumar Patel’s, two companies owned by the defendants, and four other Indian aliens allegedly employed by the Patels. The Patels unlawfully entered the United States in the 1990’s, and without ever obtaining lawful status, began operating a gas station and convenience store in McPherson. The charges arose out of the Patels’ failure to properly disclose to the state Alcoholic Beverage Control Division that they owned a liquor store and were unlawfully admitted in the U.S.

The indictment alleges the couple obtained Social Security numbers by claiming to be aliens authorized to work; bought a home in McPherson; and engaged in business activities, while avoiding checks of their citizenship or immigration status. Additionally, they allegedly obtained Kansas driver’s licenses using their Social Security numbers and swearing they were lawfully in the United States. The indictment further alleges they employed and provided housing to other unlawful aliens, and they obtained a mortgage loan by falsely claiming to be U.S. citizens. Additionally, Satishkumar Patel allegedly filed false quarterly unemployment insurance reports with the Kansas Department of Labor listing only one employee, Daxaben Patel, when at least four other employees worked there as well. The defendants face a maximum of five years in prison for alien harboring, Social Security fraud charges, and wire and mail fraud charges; three years for false claim of citizenship charges; ten years in federal prison for document fraud; and twenty years for bank fraud. To read more, visit <http://www.justice.gov/usao-ks/pr/couple-india-arrested-alien-employment-case> and <http://www.mcphersonsentinel.com/article/20150624/NEWS/150629800/1994/NEWS?rssfeed=true>

Mother and Son Accused of Lying About Escaping Iraq Violence in Asylum Applications (Detroit, MI)

Raeeda Adel Orah Madalo and her son Anro Waled Hanna pleaded not guilty in federal court to charges of visa fraud for falsely claiming on their asylum applications before an immigration judge that they were fleeing violence and persecution in Iraq. Madalo and Hanna entered the U.S. from Mexico in 2014 and sought asylum based on claims that they were Iraqi Christians in fear of ISIS and were forced to leave Hanna’s father behind in Iraq. Under cross examination in the asylum hearing, Hanna admitted that he and his mother were Swedish citizens, had resided in Sweden for the past seven years, and his father was actually in Sweden. Both Madalo and Hanna have Swedish passports. The immigration court dismissed both asylum applications as frivolous, and if convicted, the two face a maximum 10 years in prison and fines of \$250,000.

To read more, visit <http://www.freewnewspos.com/en/europe-news-article/c/4238314/iraq/mother-and-son-accused-of-lying-about-escaping-iraq-violence-in-asylum-applications> or [http://www.mlive.com/news/detroit/index.ssf/2015/06/mother and son accused of lyin.html](http://www.mlive.com/news/detroit/index.ssf/2015/06/mother_and_son_accused_of_lyin.html)

San Antonio Woman Indicted for Wire Fraud and Identity Theft (San Antonio, TX)

A federal grand jury indicted Jessica Rivas Alva with three counts of wire fraud and two counts of aggravated identity theft; she is alleged to have defrauded undocumented immigrants and their families by pretending to work on behalf of an immigration attorney and offering legal assistance in exchange for money. Rivas, who is not a licensed attorney, representative, or legal assistant, faxed forged letters with the bar numbers and names of two former employers, both San Antonio attorneys, in order to gain access to detention facilities. Alva promised detainees legal aid on behalf of the attorneys in return for funds deposited into her personal bank account. According to an unsealed complaint, one detainee's family gave Alva \$1,500 for legal services. At the time of her entry to the facilities, Alva was barred by a Texas state court from entry into any immigration facility without an attorney-employer present. Ms. Alva remains in federal custody in Louisiana. To read more, visit <http://www.justice.gov/usao-wdtx/pr/san-antonio-woman-indicted-wire-fraud-and-identity-theft> or <http://www.law360.com/articles/677567/woman-offered-legal-help-to-scam-immigrants-feds-say>

*** The Fraud Prevention Program, Office of the General Counsel, assisted with this case.*

Other Interesting Matters

June 12, 2015 – Former DEA Agent Arrested At LAX On Fraud And Passport Charges (Riverside, CA)
<http://www.justice.gov/usao-cdca/pr/former-dea-agent-arrested-lax-fraud-and-passport-charges>

Attorney Discipline

● Most recently disciplined practitioners:

Gail Norman Batten - On July 17, 2015, the Board issued an order immediately suspending Attorney Batten, based on his disbarment in Texas for neglecting a legal matter entrusted to him due to his failure to file a cancellation of removal application as instructed by the Court and by not filing any motion to request an extension of time to file the application.

Hector Arnoldo Cavazos, Jr.- On July 17, 2015, the Board issued an order immediately suspending Attorney Cavazos, based on his 18-month suspension in California for employing his father who represented to clients that he was an attorney when he was not, and after his father had been criminally prosecuted for engaging in the unauthorized practice of law.

Pengtian Ma - On July 17, 2015, the Board issued an order immediately suspending Attorney Ma based on his 60-day suspension in Illinois for making false statements of material fact to a court, and engaging in conduct that is prejudicial to the administration of justice.

Jose M. Guerrero – On July 13, 2015, the Board issued a final order suspending Attorney Guerrero for 9 months based on his 9-month suspension in Texas for engaging in conduct lacking competence and diligence, and for failure to communicate.

Wayne R. Hartke - On July 13, 2015, the Board issued a final order suspending Attorney Hartke for 6 months based on his 6-month suspension in Virginia for failure to disclose a fact necessary to correct a misapprehension known by the person to have arisen during a disciplinary investigation.

Herbert A. Igbanugo – On July 13, 2015, the Board issued an order immediately suspending Attorney Igbanugo based on his 90-day suspension in Minnesota for failure to communicate with clients, attempting to collect fees that had already been paid, and failure to diligently represent clients.

Feng Li - On July 13, 2015, the Board issued a final order disbaring Attorney Li based on a conviction in the U.S. District Court for the Southern District of New York for immigration fraud and conspiracy to commit immigration fraud.

Johnny S. Ascano - On June 30, 2015, the Board issued a final order disbaring Attorney Ascano based on his disbarment in California for trust account violations.

David Gruen – On June 30, 2015, the Board issued a final order indefinitely suspending Attorney Gruen based on his 1-year suspension in New Jersey for violations involving safekeeping of property, and for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, and conduct prejudicial to the administration of justice. Attorney Gruen may petition for reinstatement once he has been reinstated to practice law in New Jersey.

Marisa Aguilar – On June 25, 2015, the Board issued a final order indefinitely suspending Attorney Aguilar, based on her suspension in Indiana after her previously stayed suspension was revoked for failure to timely respond to requests for information concerning a grievance filed by a client.

Barbara S. Soukup - On June 25, 2015, the Board issued a final order suspending Attorney Soukup for 2 years based on her 2-year suspension in California due to a felony conviction for battery on a police officer with injury.

EOIR employees may report attorney misconduct at EOIR.Attorney.Discipline@usdoj.gov. If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at Jennifer.Barnes@usdoj.gov.

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# OGC Fraud Program Crier

*A publication of the Executive Office for Immigration Review, Office of the General Counsel, September 2015.*

## Contact Information

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Diane Kier, Associate General Counsel: [Diane.Kier@usdoj.gov](mailto:Diane.Kier@usdoj.gov) or (703) 305-0799.

## News Briefs

### **Immigration consultant and former federal official convicted in bribery scheme to obtain benefits for immigrants (Los Angeles, CA)**

George Wu, a former U.S. Customs and Border Protection (CBP) official was found guilty in the United States District Court for the Central District of California of conspiracy and five counts of bribery of a public official. Wu had left his position as a CBP officer in 2012, to open an immigration consulting service, Great Eastern Immigration Services. Wu, along with other immigration consultants, solicited money from immigrants in exchange for help obtaining benefits from U.S. Citizenship and Immigration Services (USCIS). Wu's operation used some of the immigrants' money as bribes to pay public officials in exchange for granting immigration benefits for their clients. The district court found Wu guilty of five counts of bribery in relation to three cases. The first of the three cases involved Wu being paid \$15,000, by an attorney to secure assistance with a citizenship application. Wu then paid another immigration consultant \$10,000, to also provide help with the client's application. The court found in the second case that Wu paid the same attorney \$15,000 to obtain lawful permanent residence for a client. The final case involved an undercover USCIS official accepting \$3,000 from Wu in exchange for help with securing lawful permanent residence for a client. Wu faces a statutory maximum sentence of five years in prison for the conspiracy count and up to 15 years in prison for each of the five bribery charges. To read more, visit

<http://www.justice.gov/usao-cdca/pr/immigration-consultant-and-former-federal-government-official-convicted-scheme-pay>.

See also: <http://www.ice.gov/news/releases/immigration-consultant-and-former-federal-official-convicted-bribery-scheme-obtain>

### **Former U.S. Consulate Official Sentenced to 64 Months in Prison For Receiving Over \$3 Million in Bribes in Exchange for Visas (Washington, DC)**

Michael T. Sestak was sentenced by the U.S. District Court for the District of Columbia to 64 months in prison, and ordered to forfeit the proceeds of his crimes, for his role in a visa fraud scheme whereby he accepted over \$3 million dollars in bribes to process visas for non-immigrants seeking entry to the United States. Sestak pleaded guilty to one count each of conspiracy to commit bribery and visa fraud and to defraud the United States, bribery of a public official, and conspiracy to engage in monetary transactions in property derived from illegal activity.

From August 2010 to September 2012, Sestak served as the Non-Immigrant Visa Chief in the Consular Section of the U.S. Consulate in Ho Chi Minh City, Vietnam. Sestak, along with several others, worked to recruit customers to the visa scheme. Prior to appearing at the consulate for an interview, Sestak was informed of the identities of foreign nationals who were willing to pay money in exchange for visas. Sestak then approved these visa applications often without reviewing the information in them. Many of the individuals who received visas had been previously denied visas. The overall scheme generated over \$9 million dollars. To read more, visit <http://www.justice.gov/usao-dc/pr/former-us-consulate-official-sentenced-64-months-prison-receiving-over-3-million-bribes>

**Phony Attorney Charged With Operating Fraudulent Law Practice (Philadelphia, PA) \*\***

Leaford George Cameron was indicted in the U.S. District Court for the Eastern District of Pennsylvania for mail fraud, wire fraud, and false statements. Cameron, who was not a licensed attorney, operated a fraudulent law practice from 2003 through 2015. During this time, Cameron represented over 70 clients who were misled by Cameron to believe he was a licensed attorney. Cameron represented these clients in court and submitted forms and various legal motions on their behalf using four separate Pennsylvania Attorney Identification Numbers of licensed Pennsylvania attorneys. Cameron fraudulently represented his clients primarily in immigration issues pending before U.S. Citizenship and Immigration Services and the Executive Office for Immigration Review. If convicted, Cameron faces up to 75 years in prison, a fine of \$1.5 million dollars or both. To read more, visit <http://www.justice.gov/usao-edpa/pr/phony-attorney-charged-operating-fraudulent-law-practice>

*\*\* The Fraud Prevention Program, Office of the General Counsel; Recognition and Accreditation Program, Board of Immigration Appeals; and, Office of Policy, Analysis, and Technology (OPAT) assisted with this case.*

**Orange County Man Pleads Guilty to Providing Material Support to ISIL and Making False Statements in Passport Application (Santa Ana, California)**

Adam Dandach, pleaded guilty in the United States District Court for the Central District of California to attempting to provide material support to the Islamic State of Iraq and the Levant (ISIL) and making a false statement in a passport application. Authorities apprehended Dandach in 2014 at the airport while attempting to fly from California to Istanbul. Dandach told authorities that his ultimate destination was Syria and that he intended to pledge allegiance to ISIL's leader and wished to undergo weapons training. Dandach also admitted that he made a false statement in a passport application, namely that he had lost his previous passport. In fact, Dandach's family had taken away his passport out of concern when he admitted that he planned to travel to Syria. Dandach faces a statutory maximum sentence of 15 years in federal prison for providing material support to a

designated foreign terrorist organization and a statutory maximum sentence of 10 years for making a false statement in a passport application. To read more, visit <http://www.justice.gov/usao-cdca/pr/orange-county-man-pleads-guilty-providing-material-support-isil-and-making-false>

### **Ohio man admits lying on immigration forms regarding murder of Croatian couple (Cleveland, Ohio)**

Slobodan Mucic, a Bosnian Serb, pleaded guilty in the U.S. District Court for the Northern District of Ohio, to lying about his war crimes involvement in order to gain entry to the U.S. Mucic was admitted as a refugee from Romania in 1999 and applied for permanent residency in 2001. During the application process, Department of Homeland Security officials discovered that Mucic was wanted in Croatia for alleged crimes committed during the war in Bosnia. Mucic denied ever having been arrested for breaking any law or participating in any genocide when filling out his entry documents. Court documents revealed that Mucic and another man shot a Croatian couple in their heads because of their ethnicity and because their son was affiliated with an opposing political party. Court filings also showed that Mucic was questioned about the killings in 1992 and admitted to his involvement. As part of his plea, Mucic will spend two years in prison. He will be subject to stipulated removal to Croatia upon completion of his sentence.

To read more, visit <http://www.ice.gov/news/releases/ohio-man-admits-lying-immigration-forms-regarding-murder-croatian-couple>

See also: [http://www.cleveland.com/court-justice/index.ssf/2015/09/barberton\\_man\\_admits\\_to\\_war\\_cr.html](http://www.cleveland.com/court-justice/index.ssf/2015/09/barberton_man_admits_to_war_cr.html)

### **Fake weddings and a honeymoon in Vegas: Father and daughter arrested in Chinese visa fraud schemes (Los Angeles, CA)**

Jason Shiao, who falsely held himself out as an immigration attorney, and his daughter Lynn Leung were arrested on charges of conspiring to commit visa fraud by arranging phony marriages between Chinese citizens seeking legal residency and American spouses. Shiao and Leung's Pasadena-based business advertised in Chinese-language newspapers in California and charged Chinese citizens who came to the United States on tourist visas as much as \$50,000 for the company's services. Shiao and Leung lined up a spouse for their clients and coached the couples on how to deceive immigration authorities when questioned about the marriage. Additionally, they prepared and filed immigration petitions, and created paper trails which included fraudulent marriage certificates, tax returns, bank statements and apartment leases. A third defendant in the case, Shannon Mendoza, served as the recruiter by finding U.S. citizens who were willing to enter into the sham marriages for payments up to \$10,000. Shiao and Leung's business netted up to \$3.5 million dollars. The investigation began in 2012 when authorities received an anonymous tip. If convicted, they each face up to five years in prison. To date, investigators have identified 70 fraudulent immigration applications associated with the defendants. To read more, visit:

<http://www.latimes.com/local/lanow/la-me-ln-phony-marriage-chinese-immigration-fraud-arrests-20150909-story.html> and <http://www.ice.gov/news/releases/imposter-attorney-2-others-charged-marriage-fraud-scheme>.

### **DA: Woman Posing as Immigration Consultant Arrested (Cathedral City, CA)**

Sara Salcido was arrested on suspicion of grand theft related to payments she received while illegally acting as an immigration consultant. According to the Riverside County District Attorney's Office, Salcido posed as an immigration consultant and received more than \$500,000 from "theft by false pretenses." Salcido is not licensed to practice law in California, nor is she a registered immigration consultant. Nine victims have been identified and officials expect more victims will come forward. The investigation came after a protest held in March at the Riverside County courthouse in Palm Springs, where a dozen of people accused Salcido of falsely promising them visas and charging them thousands of dollars. During this time, Salcido claimed she had a 90 percent success rate in the immigration cases she handled. To read more, visit [http://www.desertsun.com/story/news/crime\\_courts/2015/08/28/da-woman-posing-immigration-consultant-arrested/71274032/](http://www.desertsun.com/story/news/crime_courts/2015/08/28/da-woman-posing-immigration-consultant-arrested/71274032/)

### **Other Interesting Matters**

#### **Matter of R-K-K-, 26 I&N Dec. 658 (BIA 2015)**

<http://eoir-vll/intdec/vol26/3848.pdf>

#### **EOIR Publishes Rules Regarding Legal Representation**

<http://www.justice.gov/eoir/notice-eoir-publishes-rules>

#### **More people step forward saying they were victims of man's suspected immigration con (Los Angeles, CA)**

<http://www.oregister.com/articles/chavez-676947-agent-immigration.html>

#### **Civil RICO suit says lawyers took fees from immigration clients who couldn't legally stay in US (Louisville, KY)**

[http://www.abajournal.com/news/article/civil\\_rico\\_suit\\_says\\_lawyer\\_took\\_fees\\_from\\_immigration\\_clients\\_who\\_couldnt/](http://www.abajournal.com/news/article/civil_rico_suit_says_lawyer_took_fees_from_immigration_clients_who_couldnt/)

#### **Husband and wife sentenced for immigration scheme (San Antonio, TX) \*\***

<http://www.news4sanantonio.com/news/features/top-stories/stories/Husband-and-Wife-Sentenced-for-Immigration-Scam-184139.shtml>

**\*\* The Fraud Prevention Program, Office of the General Counsel, assisted with this case.**

### **Attorney Discipline**

- **Most recently disciplined practitioners:**

**Richard A. Kassel** – On September 11, 2015, the Board issued an order immediately suspending Attorney Kassel based on his criminal conviction in the U.S. District Court for the Southern District of New York for conspiracy to commit immigration fraud.

**Hasti Fakhrai-Bayrooti aka Haley Bayrooti** – On September 10, 2015, the Board issued a final order disbaring Attorney Bayrooti based on her criminal conviction in California state court for possessing an illegal substance in jail.

**Juan P. Gonzalez** - On September 10, 2015, the Board issued a final order disbaring Attorney Gonzalez based on his disbarment in Texas for engaging in conduct lacking competence, diligence, and communication.

**Freddy Yalkowsky aka Fred P. Yalkowsky** - On September 10, 2015, the Board issued a final order indefinitely suspending Attorney Yalkowsky based on his delinquent status for failure to register with the New York State Unified Court System.

**Paul E. De Witt** - On September 2, 2015, the Board issued a final order disbaring Attorney De Witt based on his disbarment in Colorado for conduct lacking competence, diligence, and communication.

**Maria C. Salud** – On September 2, 2015, the Board issued a final order suspending Attorney Salud for 60 days based on her 60-day suspension in Michigan for engaging in conduct lacking diligence and communication, and failing to explain a matter to her client to the extent necessary to permit her client to make an informed decision regarding her representation.

**Arcadio J. Reyes** – On August 27, 2015, the Board issued a final order disbaring Attorney Reyes based on his consent to disbarment in the District of Columbia.

**Hector Arnoldo Cavazos, Jr.**- On August 11, 2015, the Board issued a final order suspending Attorney Cavazos for 18 months based on his 18-month suspension in California for employing his father who represented to clients that he was an attorney when he was not, and after his father had been criminally prosecuted for engaging in the unauthorized practice of law.

**Pengtian Ma** – On August 11, 2015, the Board issued a final order suspending Attorney Ma for 60 days based on his 60-day suspension in Illinois for making false statements of material fact to a court and engaging in conduct that is prejudicial to the administration of justice.

**Vincent J. Cammarano** – On August 4, 2015, the Board issued a final order indefinitely suspending Attorney Cammarano based on his indefinite suspension in Massachusetts for conduct lacking competence, diligence, and communication.

**Gail Norman Batten** – On July 29, 2015, the Board issued a final order disbaring Attorney Batten based on his disbarment in Texas for neglecting a legal matter entrusted to him by not filing a cancellation of removal application as instructed by the Court and by not filing any motion to request an extension of time to file the application.

**Herbert A. Igbanugo** – On July 28, 2015, the Board issued a final order suspending Attorney Igbanugo for 90 days based on his 90-day suspension in Minnesota for failure to communicate with clients, attempting to collect fees that had already been paid, and failure to diligently represent clients.

EOIR employees may report attorney misconduct at [EOIR.Attorney.Discipline@usdoj.gov](mailto:EOIR.Attorney.Discipline@usdoj.gov). If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at [Jennifer.Barnes@usdoj.gov](mailto:Jennifer.Barnes@usdoj.gov).

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OGC Fraud Program Crier

A publication of the Executive Office for Immigration Review, Office of the General Counsel, October 2015.

Contact Information



To report suspected immigration fraud, including the unauthorized practice of immigration law, please contact Kathy John or Diane Kier or send your complaint to the Fraud Prevention Program email box.

Kathy John, Fraud Prevention Counsel: Kathy.John@usdoj.gov or (703) 605-1282.

Diane Kier, Associate General Counsel: Diane.Kier@usdoj.gov or (703) 305-0799.

Fraud Program In Box: EOIR.Fraud.Program@usdoj.gov.

Fraud Prevention Program Successes



Please check out recent Fraud Prevention Program case successes. A list of successful criminal cases can be found at <https://eoirnet/sites/eoir/Components/OGC/Pages/Fraud---Criminal-Successes.aspx>. Civil cases are listed at <https://eoirnet/sites/eoir/Components/OGC/Pages/Fraud---Civil-Successes.aspx>.

News Briefs

Federal and State Officials Pursue Unauthorized Immigration Practitioners

▪ **New Orleans, LA**** – Mississippi resident Marina Arnedo Rojas-Zayed pled guilty in U.S. District Court for the Eastern District of Louisiana to one count of making false statements to a U.S. Government agency. According to Federal prosecutors, between July 2012 and August 2013, Ms. Rojas-Zayed falsely represented to the New Orleans Immigration Court that she was an attorney licensed to practice in Alabama and, in a Form E-28 Notice of Entry of Appearance filed with the court, provided a

fake Alabama State Bar number. Ms. Rojas-Zayed reportedly graduated from a law school in Spain and, while obtaining an LL.M. from Louisiana State University, never earned a J.D. from an accredited U.S. law school. She sat for and passed the academic portion of the Alabama bar exam. However, she never passed the Multistate Professional Responsibility Examination (MPRE) or the ethics portion of the state bar exam and was therefore never admitted to practice. Nonetheless, she reportedly filed Form E-28s in approximately 42 cases before at least five different immigration courts, and submitted numerous other documents falsely indicating that she was an authorized practitioner. Ms. Rojas-Zayed is scheduled for sentencing in January 2016. She faces a possible maximum term of five years in prison followed by three years of supervised release and a possible fine of \$250,000. To read more, visit <http://www.justice.gov/usao-edla/pr/mississippi-woman-pleads-guilty-making-false-statements-new-orleans-immigration-court> and http://www.nola.com/crime/index.ssf/2015/09/woman_admits_she_didnt_have_la.html.

*** The EOIR Attorney Discipline Program assisted this investigation.*

▪ **Las Vegas, NV**** – Norma Olga Benavidez was convicted by a Nevada court of felony theft after orchestrating an immigration scam that defrauded multiple aliens out of tens of thousands of dollars. As part of the scam, Ms. Benavidez falsely claimed to be a federal employee who worked closely with a fictitious person identified only as the “Chief of Immigration.” She falsely promised victims that, in exchange for a significant fee, she would assist them in preparing paperwork to gain lawful status in the United States. She was sentenced to 28 to 72 months in prison and was ordered to pay \$53,000 in restitution to 11 victims as well as \$3,500 in investigation costs. To read more, visit http://ag.nv.gov/News/PR/2015/Attorney_General_Laxalt_Announces_Sentencing_of_Las_Vegas_Woman_for_Immigration_Assistance_Scam and <http://www.news3lv.com/content/news/local/story/Vegas-woman-sentenced-immigration-assistance-scam/3bP-IWZKB0Crk-4y5ipTyQ.csp>.

*** The EOIR Fraud Prevention Program assisted this investigation.*

▪ **Newark, NJ** – The New Jersey Division of Consumer Affairs issued Notices of Violation to four *notario publico* businesses operating in Passaic County, New Jersey, and fined each \$10,000 for offering immigration services they were not legally permitted to provide. The businesses are: Universal Tax & Travel Services Corporation of Passaic, NJ; SGI Professional Services Corporation of Clifton, NJ; Detex Corporation, doing business as Navarro Tax Services, of Paterson, NJ; and, Martinez Travel Group of Paterson, NJ. To read more, visit <http://nj.gov/oag/newsreleases15/pr20151001b.html> and <http://patersonimes.com/2015/10/01/two-paterson-notarios-publicos-among-four-fined-40000-for-illegally-offering-immigration-assistance/>.

▪ **San Antonio, TX** – The Attorney General for the State of Texas filed suit against Paul A. Esquivel, a recently disbarred immigration attorney, and two of his law firm employees, office manager Olivia Martinez and attorney Juan Carlos Penaflor, for perpetrating an asylum scam that defrauded aliens, most with limited education and knowledge of the U.S. legal system, out of thousands of dollars. According to the suit, which the Texas Attorney General brought under the Texas Deceptive Trade Practices Act (DTPA) and the Texas Business Organizations Code, the defendants solicited aliens to apply for asylum, including aliens who were ineligible for the relief. The defendants failed to disclose the legal risks associated with applying for asylum and in some cases submitted applications on behalf

of clients without their knowledge or consent. In addition, defendant Esquivel reportedly sold his law practice to Ms. Martinez, who as a non-attorney was prohibited by Texas law from owning a professional entity. Ms. Martinez renamed the firm JCP Law Firm and Associates and, in collusion with Messrs. Esquivel and Penaflor, misled clients into thinking the business was actually owned by attorney Penaflor. To read more, visit <https://www.texasattorneygeneral.gov/news/releases/attorney-general-paxton-takes-legal-action-to-stop-former-immigration-attor> and <http://www.courthousenews.com/2015/09/24/texas-scorches-disbarred-attorney.htm>.

▪ **Seattle, WA** – As the result of a lawsuit filed by the Attorney General for the State of Washington, a state court ordered unauthorized practitioners Edwin Cruz and Maurice Terry to pay \$234,000 in civil penalties and restitution, and permanently barred them from providing immigration-related services. The lawsuit, which was filed in 2011, alleged that Messrs. Cruz and Terry, doing business as EC Horizons and EC New Horizons, improperly provided legal advice to immigrants and misrepresented themselves as legitimate immigration consultants. The matter initially was resolved with a consent decree in which the defendants agreed to cease their unlawful activity and pay \$6,000 in costs. The decree also imposed a \$37,000 civil penalty, most of which was suspended. According to Washington’s Attorney General, the two men continued to engage in the unauthorized practice of law and victimized as many as 400 new clients. As a result, the State moved to enforce the 2011 consent decree. The court agreed and issued a permanent injunction against the parties, reinstated \$35,000 in suspended penalties from 2011, and imposed \$50,000 in new civil penalties. To read more, visit <http://www.atg.wa.gov/news/news-releases/ag-shuts-down-repeat-offenders-offering-unauthorized-immigration-assistance>. See also <http://www.atg.wa.gov/news/news-releases/ag-announces-sweep-crack-down-illegal-immigration-assistance>, <http://www.courierherald.com/news/322333071.html>, and <http://www.washingtontimes.com/news/2015/aug/19/ferguson-cracks-down-on-illegal-immigration-assist/>.

Follow-Up: Attorney Convicted in Birth Tourism Investigation (Santa Ana, CA)

Attorney Ken Zhiyi Liang was convicted in U.S. District Court for the Central District of California of conspiracy to obstruct justice (one count) and obstructing justice (two counts) after accepting thousands of dollars to help a material witness in a federal birth tourism investigation flee the country, despite a court order that the witness remain in the United States.

In March of this year, Federal authorities raided several “maternity hotels” in Southern California, where wealthy expectant mothers from China reportedly paid up to \$50,000 each to stay before and after giving birth. As a result of the raid, 29 Chinese nationals were designated as material witnesses and ordered by a Federal court to remain in the country. According to media reports, a woman identified only as “D.L.” and three other material witnesses hired Mr. Liang to represent them. After two of the witnesses, a husband and wife, managed to fly back to China in violation of the court order and a third was arrested at Los Angeles International Airport attempting to do the same, authorities began to investigate Mr. Liang’s involvement in the matter. “D.L.” cooperated with authorities and recorded conversations in which Mr. Liang agreed to help her flee the country in exchange for \$6,000. Mr. Liang is scheduled for sentencing on December 14, 2015, and faces a likely term of 15 to 21 months in prison. To read more, visit <http://www.nbcnews.com/news/asian-america/attorney-convicted-birth-tourism-investigation-n442886> and <http://www.oregister.com/articles/liang-683636-attorney-birth.html>.

Follow up: Former University CEO Sentenced for Student Visa Fraud (San Jose, CA)

Jerry Wang, the former Chief Executive Officer (CEO) of Herguan University in Sunnyvale, California, was sentenced in U.S. District Court for the Northern District of California to one year in prison for his role in a substantial student visa fraud scheme. Mr. Wang also was ordered to forfeit \$700,000 in proceeds that he derived from the scheme. According to federal authorities, Mr. Wang and others at the university submitted falsified documents to the Department of Homeland Security (DHS) Student and Exchange Visitor Program (SEVP), and thereby assisted more than 100 foreign nationals to fraudulently obtain nonimmigrant student status in the United States. To read more, visit <http://www.ice.gov/news/releases/former-ceo-bay-area-university-sentenced-visa-fraud-scheme> and http://www.contracostatimes.com/breaking-news/ci_28820263/jerry-yang-ceo-herguan-university-sentenced-prison.

Follow up: Dozens Sentenced in Florida Marriage Fraud Conspiracy (Miami, FL)

Twenty-eight participants in a marriage fraud conspiracy based in South Florida were sentenced in U.S. District Court for the Southern District of Florida on a variety of immigration fraud charges. The ringleaders of the conspiracy, Inaldo Chavez and Caridad Baez of Hialeah, Florida, were sentenced to 21 months in prison. Another principal, Masiel Puron of Marathon, Florida, was sentenced to 10 months in prison. In addition, the court revoked Ms. Chavez's and Ms. Baez's U.S. citizenship, which they had obtained by filing fraudulent naturalization applications. According to prosecutors, between May 2011 and February 2014, Ms. Chavez and Ms. Baez, along with a number of co-conspirators, including Ms. Puron, arranged fraudulent marriages between U.S. citizens and lawful permanent residents and foreign nationals for an undisclosed fee. The foreign nationals came from a variety of countries, including Argentina, Colombia, Venezuela, Moldova, and the Ukraine. The three defendants notarized fraudulent marriage licenses, completed immigration paperwork, and prepared couples for their visa interviews with U.S. Citizenship and Immigration Services. To read more, visit <http://www.justice.gov/usao-sdfl/pr/twenty-eight-south-florida-residents-sentenced-marriage-and-immigration-fraud-scheme> and <http://www.uscis.gov/news/uscis-efforts-florida-lead-sentencing-28-marriage-and-immigration-fraud-ring-participants>.

Follow up: Former State Representative Headed to Prison for Immigration Fraud (Portland, ME)

Adam Mack, who served as a state representative in Maine from 1998 to 2000, was sentenced in U.S. District Court for the District of Maine to 13 months in prison after pleading guilty to multiple counts of aiding and abetting visa and marriage fraud, and to making false statements to a U.S. Government agency. According to media and official reports, between October 2009 and January 2012, Mr. Mack filed paperwork with U.S. Citizenship and Immigration Services falsely stating that two women, from Russia and the Ukraine respectively, worked for him. As a result of the fraudulent paperwork, the women obtained visas and were allowed to remain and work in the United States. Mr. Mack also arranged a sham marriage between one of the women, Mariia Shevchenko, and a United States citizen. To read more, visit <http://www.ice.gov/news/releases/former-maine-state-representative-sentenced-13-months-federal-prison-immigration-fraud> and <http://www.centralmaine.com/2015/03/31/former-maine-legislator-pleads-guilty-to-immigration-fraud/>.



For more fraud-related news, please see our Immigration Fraud Reading List at <https://eoinet/sites/eoir/Components/OGC/Pages/Immigration-Fraud-Reading-List.aspx>.

Attorney Discipline

• Most recently disciplined practitioners:

S. Austin Johnson – On October 20, 2015, the Board issued a final order suspending Attorney Johnson for 2 years based on his 2-year suspension in Utah for misconduct involving lack of competence, diligence, and communication.

Eugenia U. Zacks-Carney – On October 20, 2015, the Board issued a final order disbaring Attorney Zacks-Carney based on her disbarment in California.

Ismael Gonzalez – On October 15, 2015, the Board issued a final order suspending Attorney Gonzalez for 1 year based on his 1-year suspension in New York for conduct reflecting adversely on his fitness as a lawyer, for conduct involving dishonesty, fraud, deceit, and misrepresentation, and for intentionally prejudicing or damaging his client during the course of the professional relationship.

Amy Louis Monkman – On October 15, 2015, the Board issued a final order disbaring Attorney Monkman based on her resignation with disciplinary charges pending in Texas.

Kissandra L. Tysman - On October 15, 2015, the Board issued a final order indefinitely suspending Attorney Tysman based on her transfer to disability inactive status in Arizona.

David J. Berger – On October 9, 2015, the Board issued an order immediately suspending Attorney Berger based on his immediate suspension in Florida.

Tanya Y. Brockington – On October 8, 2015, the Board issued a final order disbaring Attorney Brockington based on her disbarment in Georgia after she defaulted in a disciplinary proceeding based on allegations of misconduct involving lack of diligence and communication and on failure to return unearned fees.

S. Austin Johnson – On October 6, 2015, the Board issued an order immediately suspending Attorney Johnson based on his 2-year suspension in Utah for misconduct involving lack of competence, diligence, and communication.

Richard Kassel - On October 8, 2015, the Board issued a final order disbaring Attorney Kassel based on his criminal conviction in the U.S. District Court for the Southern District of New York for conspiracy to commit immigration fraud.

Michael H. Said – On October 9, 2015, the Board issued an order immediately suspending Attorney Said based on his 30-day suspension in Iowa for misconduct involving lack of communication and candor toward the tribunal and for trust account violations.

Nick A. Simon – On October 8, 2015, the Board issued a final order indefinitely suspending Attorney Simon based on his indefinite suspension in Nebraska for misconduct involving lack of competence, diligence, and communication.

Herbert J. Tan - On October 6, 2015, the Board issued a final order suspending Attorney Tan for 1 year based on his 1-year suspension in New Jersey for misconduct involving lack of communication, conflicts of interest, and safekeeping of property.

David K. Wenger – On October 6, 2015, the Board issued an order immediately suspending Attorney Wenger based on his 180-day suspension in Michigan for misconduct involving the safekeeping of property, for conduct involving dishonesty, fraud, deceit, or misrepresentation, and for conduct contrary to justice, ethics, honesty, or good morals.

William A. Fernandez – On September 30, 2015, the Board issued an order immediately suspending Attorney Fernandez based on his 5-month suspension in Connecticut for failing to communicate in a reasonable manner in representing a client.

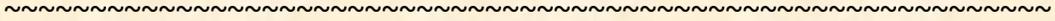
Arturo Suarez-Silverio – On September 30, 2015, the Board issued an order immediately suspending Attorney Suarez-Silverio based on his 1-year suspension by the U.S. Court of Appeals for the Third Circuit.

Jasmin V. Miller – On September 17, 2015, the Board issued a final appellate decision in *Matter of Jasmin Veronica Miller*, effective October 2, 2015. In its decision, the Board upheld the Adjudicating Official’s decision and order imposing an 18-month suspension on Attorney Miller for violations of Rule 102(j) (frivolous filing), Rule 102(l) (repeated failures to appear for scheduled hearings without good cause), Rule 102(n) (conduct prejudicial to the administration of justice), Rule 102(o) (competence), and Rule 102(q) (diligence).

● **Most recently reinstated practitioner:**

Maria C. Salud – On October 9, 2015, the Board reinstated Attorney Salud after she completed a 60-day suspension based on her 60-day suspension in Michigan for engaging in conduct lacking diligence and communication and for failing to explain a matter to her client to the extent necessary to permit the client to make an informed decision.

EOIR employees may report attorney misconduct at EOIR.Attorney.Discipline@usdoj.gov. If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at Jennifer.Barnes@usdoj.gov.



The OGC Fraud Program Crier is a monthly newsletter produced by the Office of the General Counsel, Executive Office for Immigration Review. The purpose of the publication is to inform its readers of investigations, prosecutions, and other current events relating to immigration fraud and abuse across the United States and to provide information that will aid staff in detecting or preventing fraud and abuse in immigration proceedings. It is intended only as an informational resource for the use of employees of the Executive Office for Immigration Review.



OGC Fraud Program Crier

A publication of the Executive Office for Immigration Review, Office of the General Counsel, December 2015.

Contact Information



To report suspected immigration fraud, including the unauthorized practice of immigration law, please contact Diane Kier or Patricia Allen or send your complaint to the Fraud Prevention Program email box.

Diane Kier, Acting Fraud Prevention Counsel: Diane.Kier@usdoj.gov or (703) 305-0799.

Patricia Allen, Associate General Counsel: Patricia.Allen@usdoj.gov or (703) 305-0280.

Fraud Program In-Box: EOIR.Fraud.Program@usdoj.gov.

Fraud Prevention Program Successes



Please check out recent Fraud Prevention Program case successes. A list of successful criminal cases can be found at <https://eoirnet/sites/eoir/Components/OGC/Pages/Fraud---Criminal-Successes.aspx>. Civil cases are listed at <https://eoirnet/sites/eoir/Components/OGC/Pages/Fraud---Civil-Successes.aspx>.

News Briefs

Medford Businesses Allegedly Swindled Immigrants (Medford, Oregon)

Patrick Snyder and Juvenal Rodriquez, two former Medford, Oregon residents, were indicted on federal fraud charges. Snyder owned Immigration Solutions and Elite Investigations that were registered in Oregon as form preparation businesses. They falsely posed as accredited representatives of the U.S. Citizenship and Immigration Services (USCIS), promising victims legal status in the United States for fees ranging from \$5,000 to \$10,000. Rodriquez spoke Spanish and recruited Spanish-

speaking persons, while characterizing Snyder as a lawyer, an immigration agent, and former detective with the Federal Bureau of Investigations with connection to immigration officials.

Snyder and Rodriguez required cash payments and gave victims a mix of documents to sign, some of which were submitted to the USCIS. If clients questioned their validity, the pair would allegedly falsify letters from the USCIS requiring additional documentation. They also threatened victims that they would be deported. Snyder moved to Florida and continued to receive payments for Rodriguez and others. The indictment included nine instances of mail fraud, and seven counts of wire fraud. For more information see <http://www.mailtribune.com/article/20151206/NEWS/151209818>.

Man Sentenced For Fraudulent Employment Visa Scheme (Concord, New Hampshire)

Jae Won Lee, of Rockville, Maryland, was sentenced to three years of probation for an employment-based visa fraud scheme. Lee worked with a Seoul, South Korea emigration company that charged Korean applicants as much as \$35,000 to obtain employment-based visas. Lee recruited various U.S. employers including Wallace Enterprises of Falls Church, Virginia, to file documents falsely representing that they would hire applicants who received employment-based visas. Lee told some employers that they were not required to hire the applicants, and he paid or offered to pay some employers for filing false statements and documents representing they would hire applicants who received employment-based visas. Lee falsely informed applicants that Wallace and other employers would hire them if they received employment-based visas. The scheme caused applicants to file applications for Visa and Alien Registration with the National Visa Center in Portsmouth, New Hampshire. Applicants were approved when in fact no jobs were available. The U.S. Attorney's Office had sought a sentence requiring 15 months of incarceration. For more information see: <http://www.justice.gov/usao-nh/pr/man-sentenced-fraudulent-employment-visa-scheme>

US Lawyer Sentenced to Four Months Imprisonment for Immigration-Fraud Scheme Involving Falun Gong (New York, New York)

John Linn, of Staten Island, New York, was the eighth attorney charged and the second to plead guilty to federal asylum fraud. Linn worked for an unidentified Manhattan law firm, one of at least 10 law firms, which together submitted thousands of false asylum claims. The court sentenced Linn to four months in prison and a year of supervised release. According to court documents, Linn signed dozens of blank applications alleging false claims for asylum applicants who were instructed to submit them. The applications generally alleged persecution on one of three grounds: an abortion forced under China's family planning policy; the applicant's belief in Christianity; or other prohibited beliefs or membership, such as membership in China's Democratic Party, or followers of the Falun Gong, an outlawed cult in China. To learn more see: http://www.facts.org.cn/Recommendations/201512/10/t20151210_3232030.htm

AG Takes on Everett Immigration Scammer Targeting Russian-Speaking Community (Seattle, Washington)

The Washington State, Attorney General, filed a lawsuit against Michael Bendzar, of Everett, Washington, based on the Washington Immigration Services Fraud Protection Act, and the Consumer Protection Act. The suit alleged that Bendzar had illegally published 73 advertisements in Russian-language publications advertising "immigration services" through his company. Bendzar is not an

attorney or an accredited immigration representative. The state is permitted to seek up to \$2,000 in civil penalties for each of the 73 alleged violations. The advertisements refer to Bendzar as a “notarius”, which in Russian speaking countries means an attorney or other person with other advanced training. To learn more see: <http://www.atg.wa.gov/news/news-releases/ag-takes-everett-immigration-scammer-targeting-russian-speaking-community#ssthash.rOTSXBgY.dpuf>.

Chicago Psychiatrist and Counselor Indicted for Citizenship Fraud (Chicago, Illinois)

Dr. Marek Walczyk, a psychiatrist in a Chicago medical practice, and Katarzyna Fergemann, a licensed counselor in the same practice, were arrested on charges they falsely diagnosed individuals as disabled to help them bypass certain tests to obtain U.S. citizenship. According to the indictment, Fergemann prepared a written report declaring that she administered diagnostic testing on an individual seeking U.S. citizenship, and that the testing revealed the individual suffered from a social anxiety disorder, panic disorder, a major depressive disorder and a learning impairment that resulted from the disorders. She issued the report knowing it to be false. Walczyk fraudulently certified Fergemann’s results as true and correct on USCIS’s Form N-648, Medical Certification for Disability Exceptions. The false certifications allowed the individual to request a physical and mental impairment exception to the Civics and English-language tests required for U.S. citizenship. Walczyk and Fergemann are each charged with one count of conspiracy to defraud the United States, and two counts of attempted unlawful procurement of citizenship or naturalization.

For more information see: <http://www.ice.gov/news/releases/chicago-psychiatrist-and-counselor-indicted-citizenship-fraud>.

For more fraud-related news, please see our Immigration Fraud Reading List at <https://eoirnet/sites/eoir/Components/OGC/Pages/Immigration-Fraud-Reading-List.aspx>.

Attorney Discipline

• Most recently disciplined practitioners:

Julie Anne Goldberg - On December 15, 2015, the Board issued an order immediately suspending Attorney Goldberg based on her indefinite suspension in New York for issues involving her state bar registration.

Shawn Kelvin Hu - On December 15, 2015, the Board issued an order immediately suspending Attorney Hu based on his 1-year suspension in Illinois for conduct involving neglect, misrepresentation, and competence.

Rogelio Vargas - On December 15, 2015, the Board issued an order immediately suspending Attorney Vargas based on his disbarment in Texas for issues involving neglect, communication, and failure to return unearned fees.

James Dimitriou – On December 11, 2015, the Board issued a final order suspending Attorney Dimitriou for 2 years based on his 2-year suspension in Michigan for conduct involving lack of competence, lack of communication, and the safekeeping of property.

Uchechi Okechukwu Nwakanma – On December 10, 2015, the Board issued a final order indefinitely suspending Attorney Nwakanma based on his suspension in Kansas for failure to pay certain fees and comply with Continuing Legal Education requirements.

John Kerrington Lewis, Jr. – On December 8, 2015, the Board issued an order immediately suspending Attorney Lewis based on his suspension in Pennsylvania for 1 year and 1 day for violating his probation in a previous disciplinary case.

Richard Clay Mendez - On December 8, 2015, the Board issued a final order disbaring Attorney Mendez, effective December 22, 2015, in an original jurisdiction case brought by the EOIR Disciplinary Counsel. The Board found that Attorney Mendez violated multiple Rules of Professional Conduct in multiple cases, including rules involving competence, communication, false statements, frivolous behavior, and conduct prejudicial to the administration of justice. Attorney Mendez repeatedly filed frivolous asylum applications without the knowledge or consent of his clients in order to obtain work authorization for those clients.

Regina Wanjiru Njogu – On December 1, 2015, the Board issued an order immediately suspending Attorney Njogu based on her indefinite suspension in Maryland for engaging in conduct involving a criminal act that reflects adversely on a lawyer's honesty, trustworthiness or fitness as a lawyer and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Margaret Blot – On November 24, 2015, the Board issued a final order suspending Attorney Blot for 91 days based on her 91-day suspension in Florida for engaging in conduct lacking diligence and communication, and for trust account violations.

Ken Zhiyi Liang – On November 24, 2015, the Board issued a final order disbaring Attorney Liang based on his conviction in the U.S. District Court for the Central District of California for conspiracy to obstruct justice and obstruction of justice.

Arturo Suarez-Silverio – On November 24, 2015, the Board issued a final order suspending Attorney Suarez-Silverio for 1 year, *nunc pro tunc* to March 27, 2015, based on his 1-year suspension by the U.S. Court of Appeals for the Third Circuit.

Sharron S.K. Williams-Gelobter – On November 24, 2015, the Board issued a final order indefinitely suspending Attorney Williams-Gelobter based on her indefinite suspension in California pending proof of receipt by the State Bar of California of a release issued by the appropriate local child support agency.

Michael H. Said – On November 18, 2015, the Board issued a final order suspending Attorney Said for 30 days *nunc pro tunc* to September 4, 2015, based on his 30-day suspension in Iowa for misconduct

involving lack of communication and candor toward the tribunal, and trust account violations and then immediately reinstated him.

Denise M. Zingale – On October 30, 2015, the Board issued a final order suspending Attorney Zingale for one year based on her one-year suspension in California for aiding the unauthorized practice of law, failing to keep clients reasonably informed, and presenting a claim in litigation that is not warranted in association with a case before the United States Bankruptcy Court for the Northern District of California.

● **Most recently reinstated practitioner:**

David Gruen – On November 24, 2015, the Board issued an order reinstating Attorney Gruen after he completed his suspension imposed by the Board based on his 1-year suspension in New Jersey for violations involving safekeeping of property, and for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, and conduct prejudicial to the administration of justice.

EOIR employees may report attorney misconduct at EOIR.Attorney.Discipline@usdoj.gov. If you have questions regarding the Attorney Discipline Program, please contact Jenni Barnes at Jennifer.Barnes@usdoj.gov.



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THE LOOKOUT

May 2017

Fraud and Abuse Prevention Program, Volume 1, Number 1

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Investigator

Phillip Rimmer

WELCOME!

Welcome to the Lookout, a new publication from EOIR's Fraud and Abuse Prevention Program. The Lookout is designed to inform you about issues regarding fraud, immigration scams, and the unauthorized practice of law before EOIR.

When asked, many of you indicated that you wanted a newsletter that was brief and relevant to EOIR. We have listened to your suggestions. Each issue of the Lookout will have (b) (7)(E) (b) (7)(E). "Current Scams" will include descriptions of immigration scams perpetrated against the courts and immigrants. "Recent Prosecutions" will include updates on cases where the Fraud Program has directly worked with law enforcement and prosecutors to hold individuals committing fraud accountable, which in most cases came from your referrals. We are also including updates about Fraud Program activities, other relevant immigration fraud in the news, and resources for you to use.

The Lookout will work with the Fraud Program's new (b) (7)(E) (b) (7)(E). More information about (b) (7)(E) (b) (7)(E) the Current Scams, and the Recent Prosecutions can be obtained by (b) (7)(E) (b) (7)(E). In future issues of The Lookout, only the (b) (7)(E) (b) (7)(E) for easy reference.

This publication is for internal dissemination only. The information contained here and on the (b) (7)(E) may be law enforcement sensitive, and cannot be shared outside of EOIR.

Fraud Program Updates

Paralegal

REFERRALS:

We rely on your referrals of suspicious activity. Please refer any matter in which you suspect document fraud, application fraud, criminal behavior by a party or representative, the unauthorized practice of law by a non-party, or any other matter implicating fraud and abuse in proceedings.

Federal Resources:

[Attorney Discipline List](#)

[Check Attorney Licensing](#)

[Recognition and Accreditation](#)

[USCIS Avoid Scams](#)

[FTC Materials](#)

Other Resources:

[CARECEN FAQ](#)

[PINY](#)

Trainings- We want to get to know you! The Fraud Program has been traveling to conduct in-person training. To date, we have provided training at 22 immigration courts and the BIA. Expect a visit soon if we have not made it to your area.

Internet- In addition to the (b) (7)(E), the Fraud Program is proud to announce that the public face of the Fraud and Abuse Prevention Program on the [INTERNET](#) has been updated and redesigned. Highlights of these changes include.

- A [Fraud Program main page](#), which includes a detailed description of the program, current immigration scam warnings, and resources.
- A new page that explains [how to file a complaint with the Fraud Program](#).
- A new page that outlines [who can represent individuals before EOIR](#), and provides a map with links to all of the entities that license attorneys so that individuals can research whether an attorney is validly licensed.
- An updated [Reading Room](#) with links to the Fraud Program's monthly Fraud Reading List, a compilation of immigration-related fraud in the news that is disseminated to law enforcement and prosecutors.

We welcome you to take a look at the changes as they launch and tell us what you think! Feedback on all the Program's recent efforts is appreciated, as are referrals of any suspected fraud.

Fraud Program Investigator- The Fraud Program welcomed John Sanders as our full time investigator in November 2016. John comes to us with a wealth of investigatory experience within the Department of Defense and the Defense Information Systems Agency. His addition to the Fraud Program team enables us to conduct deeper investigations into fraud concerns and proactively investigate patterns and practices of fraud.

Making a Referral

Please refer any suspicions of fraud, immigration scams, or unauthorized practitioners to the Fraud Program. You can do so by emailing or calling the Fraud Counsel, Brea Burgie, directly.

You may also refer members of the public to our public email box at EOIR.Fraud.Program@usdoj.gov or provide them with our new, dedicated number: (877) 388-3840. This line is staffed by Fraud

Program personnel, who are either bilingual in English/Spanish or have access to the Language Line interpreters.

(b) (7)(E)

(b)(6) & (b)(7)(A)

Current Scams

- [10-year Green Card](#)
- [Boilerplate Affidavits](#)
- [Impersonating Government Employees](#)

- [Unauthorized Practice of Immigration Law](#)

Recent Prosecutions

[LAFEOTA](#) (Rose Sanchez-Canete)

[Rivas-Alva Immigration and Notary Services](#) (Eric and Jessica Alva)

[Lacayo and Associates](#) (Leonard and Ada Lacayo)

[People of State of California v. Cabrera](#) (Oswaldo Cabrera)

[State of Nevada v. Starks](#) (Rena Starks)

[State of Texas v. United Immigration Consulting, LLC](#) (Edwin Zavala)

[People of State of California v. Madera](#) (Alice Madera)

Other Immigration Fraud In the News

[Chicago immigration attorney, Robert DeKelaita, convicted and sentenced for conspiracy to commit asylum fraud](#)

[Brooklyn man charged for posing as U.S. Immigration employee](#)

[Fake U.S. Embassy in Ghana operated for About a Decade](#)

[California Man Pleads Guilty to Student Visa Fraud Scheme; LA Times article](#)

[Rhode Island Man Pleads Guilty to Filing False Asylum Applications on behalf of Immigrants](#)

[California Marriage Fraud Ring Prosecuted](#)