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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Staff Director*

August 2, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable Jefferson Beauregard Sessions III
Attorney General
United States Department of Justice
Washington, D.C. 20530

The Honorable Elaine Duke
Secretary, Acting
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Attorney General Sessions and Acting Secretary Duke:

Multiple recent news articles document successful criminal prosecutions and investigations for H-1B visa fraud. This suggests that such activity may be increasingly common. In many cases, unscrupulous hiring companies submitted fraudulent documentation of non-existent IT projects in order to obtain H-1B visas for individuals who then worked illegally at unapproved businesses in the United States. Investigations have uncovered multiple fraudulent visa applications and dozens, if not hundreds, of fraudulently obtained visas. For example:

- In July, 2017, Sridevi Aiyaswamy, a San Jose businesswoman, pled guilty to falsifying H-1B applications by telling immigration officials that her clients would be employed at Cisco Systems, Inc. According to prosecutors, she even submitted counterfeit “statements of work” with forged signatures as backup documentation, enabling over 20 alien workers either to remain in or travel to the United States, for unauthorized employment.¹
- In March, 2017 a grand jury indicted Jayavel Murugan, CEO of Dynasoft Synergy, Inc., and a second man, Syed Nawaz, both of the San Francisco Bay area, for conspiracy to commit visa fraud, among other charges. The men allegedly submitted dozens of H-1B petitions claiming that the beneficiaries

¹ Green, Jason, *San Jose businesswoman pleads guilty to H1-B visa fraud* Bay Area News Group (July 20, 2017) available at <http://www.eastbaytimes.com/2017/07/20/san-jose-businesswoman-pleads-guilty-to-h1-b-visa-fraud/>.

would be working at Stanford University, Cisco Systems, Inc., and Brocade Communications Systems, but no such jobs existed. Prosecutors indicated that the defendants arranged alternate employment for the H-1B visa holders (which is not permitted under the law), and profited from such placements.²

- In February 2017 Hiral Patel, the human resources manager of two New Jersey IT companies, pled guilty to conspiracy to commit visa fraud after she and other conspirators fraudulently obtained visas for foreign workers by stating that the H-1B visa holders would work for Patel's companies. The conspirators then "violated the H-1B program rules and paid the foreign workers only when they were placed at a third-party client." Patel and others also extorted money from H-1B visa holders by demanding that they pay a part of their salaries to her companies.³
- In December 2016 Abhijit Prasad, of Tracy, California was indicted for visa fraud and aggravated identity theft related to the filing of 31 fraudulent H-1B petitions after falsifying records for "purported work projects to be performed at various locations in California."⁴

Given evidence of rampant fraud in this context, I am writing to draw your attention to specific patterns of fraud, particularly in the petition process, which relies heavily on documentation submitted by the H-1B petitioner, and am requesting the following information no later than August 17, 2017:

Department of Justice:

1. Please provide the number of investigations or prosecutions involving H-1B visa fraud that your Department has participated in over the last five years, with individuals subject to investigation, and/or prosecution broken down by industry and nationality, if possible.
2. Does the Department plan on increasing prosecutions of fraudulent H-1B visa petitions, consistent with the President's Buy American, Hire American Executive Order? If the answer is yes, please describe the measures you are or will be taking to do so.

² Assoc. Press, *Owner of Silicon Valley Staffing Firm Charged in Visa Fraud* U.S. News & World Rep. (Mar. 24, 2017) available at <https://www.usnews.com/news/best-states/california/articles/2017-03-24/owner-of-silicon-valley-staffing-firm-charged-in-visa-fraud>.

³ AB Wire, *Indian American convicted for H-1B visa fraud* The Amer. Bazaar (Feb. 15, 2017) available at <https://www.americanbazaaronline.com/2017/02/15/indian-american-convicted-for-h-1b-visa-fraud422558/>.

⁴ AB Wire, *Indian American man in California indicted for H-1B visa fraud* The Amer. Bazaar (Dec. 26, 2016) available at <https://www.americanbazaaronline.com/2016/12/26/indian-american-man-california-indicted-h-1b-visa-fraud/>.

Department of Homeland Security

1. Please describe the steps taken by your adjudicators to confirm the validity of documentation submitted in support of H-1B visa petitions.
 - a. Specifically, what steps, if any, do you take to confirm the validity of documents submitted to prove that an H-1B applicant will be working for a specific company? For example, do your adjudicators telephone the purported employer (at whose facility the visa holder will be working) to confirm that the beneficiary has indeed been offered work for that company?
 - b. If any steps, as described in question 1.a., are taken, in what percentage of cases are such measures taken?
3. Please provide the number of H-1B petitions approved over the last five years (FY 2013 - present), broken down by nationality of beneficiary, and petitioner's industry, if possible.

Thank you in advance for your cooperation with this request. If you have questions, please contact Brad Watts or Katherine Nikas of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman,
Senate Committee on the Judiciary

Cc: The Honorable Dianne Feinstein
Ranking Member
Senate Committee on the Judiciary

Cc: The Honorable Rex Tillerson
Secretary
U.S. Department of State