
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Mag No. 19-4056
v. : Hon. Michael A. Hammer
NEERAJ SHARMA : **CRIMINAL COMPLAINT**

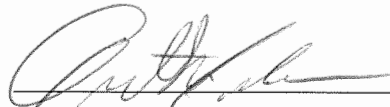
I, Anthony Cordoma, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with the United States Department of Homeland Security, and that this Complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.




Anthony Cordoma, Special Agent
U.S. Department of Homeland Security

Sworn to before me and subscribed in my presence,

February 4, 2019 at Newark, New Jersey
Date City and State

Honorable Michael A. Hammer
United States Magistrate Judge
Name and Title of Judicial Officer



Signature of Judicial Officer

ATTACHMENT A

Count I

(Fraud and Misuse of Visas, Permits, and Other Documents)

From on or about April 11, 2015, through on or about April 27 2017, in the District of New Jersey, and elsewhere, defendant

NEERAJ SHARMA

did knowingly make a false statement with respect to a material fact in a visa application, affidavit, and supporting documents, with intent to induce and secure the issuance of a visa under the authority of the United States, contrary to the laws regulating the issuance of such visas and the rules prescribed pursuant to such laws, and knowingly presented such application, affidavit, and supporting documents which contained such false statement and which failed to contain any reasonable basis in law or fact.

In violation of Title 18, United States Code, Sections 1546(a).

Count II

(Procurement of Citizenship or Naturalization Unlawfully)

On or about April 20, 2017, in the District of New Jersey, and elsewhere,
defendant

NEERAJ SHARMA

did knowingly procure for himself, contrary to law, naturalization (certificate number 309207661, dated December 7, 2017), to-wit: defendant knowingly made a false statement relating to his prior criminal conduct in his application for naturalization.

In violation of Title 18, United States Code, Section 1425(a).

ATTACHMENT B

I, Anthony Cordoma, am a Special Agent with the Department of Homeland Security, Homeland Security Investigations. I have knowledge of the following facts based upon both my investigation and discussions with other law enforcement personnel and others. Because this Affidavit is being submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, I have not included each and every fact known to the government concerning this matter. Where statements of others are set forth herein, these statements are related in substance and in part. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

BACKGROUND

Neeraj Sharma/Magnavision LLC

1. On February 10, 2012, Neeraj Sharma ("Sharma") became a Lawful Permanent Resident of the United States following the approval of his Application for Adjustment of Status. On April 20, 2017, Sharma filed an Application for Naturalization which was subsequently approved. On December 7, 2017, Sharma took the Oath of Allegiance and became a Naturalized United States Citizen.

2. Sharma is the owner and chief executive officer of Magnavision LLC ("Magnavision"). Magnavision is an information technology ("IT") staffing and consulting company with its principal office located at Somerset, New Jersey. Magnavision claims to specialize in providing consultants to clients in need of IT support.

3. To develop a pool of qualified staff, Sharma recruited foreign nationals, often student visa holders or recent college graduates with IT experience, for H-1B Visas, in order to staff IT projects for company clients.

H-1B Visa Permits

4. As described below, H-1B Visas permits aliens to work in the United States subject to certain requirements. The H-1B Visa program allows businesses in the United States to temporarily employ foreign workers with specialized or technical expertise in a particular field such as accounting, engineering, or computer science.

5. Before hiring a foreign worker under the H1-B Visa program, the employer must first obtain approval from DOL by filing a Labor Condition Application (“LCA”).

6. In the LCA, the employer represents that it intends to employ a specified number of foreign workers for specific positions for a particular period of time (“end client job letters”). The employer also is required to make truthful representations regarding the foreign worker’s rate of pay, work location, and whether the position is full-time. The employer must further attest that the representations are true and accurate, and the LCA provides a warning that false representations may lead to criminal prosecution.

7. After the DOL approves the LCA, which approvals are primarily based on the employer’s representations in the LCA, the employer must then obtain permission from the United States Department of Homeland Security, United States Citizenship and Immigration Services (“USCIS”), to hire a specific individual. This approval is obtained by filing a Petition for a Non-Immigrant Worker, Form I-129.

8. In this petition, the employer is required to truthfully provide biographical information regarding the specific foreign worker to be employed. The petition is signed under penalty of perjury, and the employer must certify that the information submitted is true and correct.

9. Once USCIS approves this petition, the foreign worker can apply for a visa at a United States embassy or consulate overseas. If the foreign worker is already lawfully in the United States, then the foreign worker’s immigration status can be adjusted without the worker having to leave the country.

10. Once a visa is issued or an adjustment of status occurs, the foreign worker possesses lawful non-immigrant status and may reside in the United States and work for the employer until the visa expires or his or her government approved employment with the company ends, whichever occurs first.

H-1B VISA SCHEME

11. From in and around April 2015 to in and around April 2017, Sharma submitted eleven (11) H-1B visa petition packages to U.S. CIS.

12. At the time of the filings, Sharma was a citizen of India and a Lawful Permanent Resident in the U.S. and employed as a contracted business analyst by a bank located in Somerset County, New Jersey (the "Bank-1").

13. Through routine audit, CIS Office of Fraud Detection & National Security ("CIS") discovered that eleven (11) of Sharma/Magnavision's visa petition filings contained fraudulent supporting end client job letters, on Bank-1 letterhead.

14. The end client job letters were submitted in support of the I-129 petitions and the Labor Condition Applications, which were signed and submitted by Sharma, and included attestations that the beneficiaries would be assigned to work on an IT project for Magnavision's end client, Bank-1.

15. Specifically, in and around September 2017, CIS identified seven (7) H-1B petition filings of Magnavision supported by Bank-1 end client job letters. Homeland Security Investigations ("HSI") identified four (4) additional I-129 filings by Magnavision containing BANK-1 end client job letters. The end client job letters, which were on Bank-1 letterhead under the names of Bank-1 executives, supplied details about the nature and scope of IT projects that Magnavision had purportedly secured with Bank-1 on behalf of the H-1B applicants.

16. CIS inquired about the veracity of the end client job letters with Bank-1. In response, Bank-1 informed CIS that the eleven (11) end client job letters submitted by Magnavision were not issued by Bank-1 and had forged signatures of Bank-1 executives. Bank-1 also confirmed that Sharma had never secured any type of employment at Bank-1 for any of the individuals for whom he sought H-1B Visas.

NATURALIZATION FRAUD

17. On April 20, 2017, after he signed and submitted the above I-129 petitions, Sharma filed his Application for Naturalization (Form N-400) to U.S. CIS. He signed the application under penalty of perjury.

18. Specifically, in his Application for Naturalization, Form N-400, which is signed under penalty of perjury, Sharma attested "NO" to the following questions:

- a. (Part 12, question 22) Have you ever committed, assisted in committing, or attempted to commit a crime or offense for which you were not arrested?
- b. (Part 12, question 30F.) Have you ever helped anyone to enter, or try to enter the United States illegally?
- c. (Part 12, question 31) Have you ever given any U.S. Government official(s) any information or documentation that was false, fraudulent, or misleading?
- d. (Part 12, question 32) Have you ever lied to any U.S. Government official to gain entry or admission into the United States or to gain immigration benefits while in the United States?

19. Sharma was also interviewed in person, at the U.S. CIS, Newark District Office on December 7, 2017, and he testified in response to the same inquiries, under oath and before an officer of U.S. CIS.

20. The information obtained by CIS and HIS establishes probable cause to believe that Sharma submitted fraudulent documents in an attempt to secure H-1B visas for staff his company, Magnavision LLC, and that he lied to U.S. CIS about this criminal activity under penalty of perjury and while under oath.