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Department of Justice

U.S. Attorney's Office

Eastern District of California

FOR IMMEDIATE RELEASE

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Tracy Resident Convicted of 21 Counts of "H-1B" Visa Fraud and Two Counts of Aggravated Identity Theft

SACRAMENTO, Calif. — A federal jury convicted Abhijit Prasad, 52, of Tracy, of 21 counts of visa fraud and two counts of aggravated identity theft today. The case originated in Sacramento when the grand jury there indicted Prasad in 2016, but the case was ultimately tried in San Francisco following a court order transferring the case there.

U.S. Attorney David Anderson for the Northern District of California and U.S. Attorney McGregor W. Scott for the Eastern District of California made the announcement.

According to the evidence at trial, Prasad filed 19 petitions for H-1B nonimmigrant visas containing false statements, made under penalty of perjury, as to purported work projects to be performed at locations in California, including Cisco Systems. The evidence at trial showed that Cisco had no expectation that the foreign workers who were the beneficiaries of the visa petitions would actually work at Cisco on an existing work project. The evidence at trial further showed that the defendant knowingly submitted forged Cisco documents to United States Citizenship and Immigration Services in support of his claims that the beneficiaries would work at Cisco.

Finally, the evidence at trial showed that Prasad fraudulently used the digital signature of a Cisco employee, who was not authorized to sign Cisco employment documents, to create a document that would leave the impression that two of the H-1B workers had an existing work project at Cisco. Prasad obtained two of the H-1B visas using this fraudulent document that purports to be a fully executed Cisco contract.

"This verdict sends a strong message: the Diplomatic Security Service is committed to making sure those who commit visa fraud face consequences for their criminal actions," said Matthew Perlman, Special Agent in Charge of the DSS San Francisco Field Office. "Diplomatic Security's strong relationship with the U.S. Attorney's Office and with the Document and Benefit Fraud Task Force continues to be essential in the pursuit of justice."

"Homeland Security Investigations remains laser focused to conduct document and benefit fraud investigations, arresting and bringing to justice individuals, like Prasad, who seek to undermine and abuse the laws of the United States," said Tatum King, special agent in charge of Homeland Security Investigations (San Francisco and Northern California). "These types of fraudulent activities pose a severe threat to national security and public safety as it creates vulnerabilities for terrorists and other criminals to exploit. HSI

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and our law enforcement partners will not tolerate such criminal activities and will hold violators accountable to the fullest extent of the law."

The case is the product of an investigation by the U.S. Department of State, Diplomatic Security Service's representative to the Document and Benefit Fraud Task Force (DBFTF), overseen by Homeland Security Investigations. The DBFTF is a multi-agency task force that coordinates investigations into fraudulent immigration documents. U.S. Citizenship and Immigration Service's Office of Fraud Detection and National Security also assisted with the investigation. Assistant U.S. Attorneys Audrey B. Hemesath and Michael A. Rodriguez are prosecuting the case.

Prasad is scheduled to be sentenced on Oct. 16 by U.S. District Judge Charles R. Breyer. Prasad faces a maximum statutory penalty of 10 years in prison and a \$250,000 fine for the visa fraud. He faces a two-year mandatory prison sentence and a \$250,000 fine for the aggravated identity theft counts. The actual sentence, however, will be determined at the discretion of the court after consideration of any applicable statutory factors and the Federal Sentencing Guidelines, which take into account a number of variables.

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