



Department of Justice

**United States Attorney Brian J. Stretch
Northern District of California**

FOR IMMEDIATE RELEASE

March 24, 2017

BAY AREA COMPANY AND RESIDENTS CHARGED WITH VISA FRAUD CONSPIRACY AND RELATED CRIMES

Twenty-Six-Count Indictment Alleges that Staffing Agency Engaged in High-Tech Worker Visa Fraud

OAKLAND – Dynasoft Synergy, Inc. (Dynasoft), Dynasoft’s Chief Executive Officer Jayavel “Jay” Murugan, and Syed Nawaz were charged with use of false documents and conspiracy to commit visa fraud, among other offenses, announced United States Attorney Brian J. Stretch, U.S. Immigration and Customs Enforcement’s (ICE) Homeland Security Investigations (HSI) Special Agent in Charge Ryan Spradlin, and U.S. State Department, Diplomatic Security Service, San Francisco Field Office Special Agent in Charge David Zebley. In addition, Murugan and Dynasoft were charged with visa fraud and mail fraud and Murugan was charged with aggravated identity theft. The defendants were charged in a 26-count indictment filed yesterday alleging crimes in connection with the submission of fraudulent applications for H-1B specialty-occupation work visas.

According to the indictment unsealed earlier today, the defendants allegedly used Dynasoft to orchestrate the improper submission of H-1B visa applications. Murugan, 46, of Fremont, was the co-owner and Chief Executive Officer of Dynasoft, a Fremont-based employment-staffing company. Nawaz, 40, of Santa Clara, is alleged to have worked for Bay Area companies such as Cisco Systems (Cisco), Brocade Communications Systems (Brocade), and Equinix, Inc. The indictment alleges that since August of 2010, the defendants each played a role in a scheme to

submit fraudulent documents to the United States government in connection with H-1B applications in an effort to illegally obtain visas. According to the indictment, among the objectives of the scheme were to create a pool of H-1B beneficiaries who would arrive or remain in the United States pursuant to the fraudulently filed and obtained H-1B visas, and who would thereafter be placed at legitimate employment positions in the United States. Through the scheme, Dynasoft sought to gain an unfair advantage over competing employment-staffing firms and sought to be in a position to reap greater profits.

The H-1B Specialty Occupation Workers Program allows an employer to employ temporarily a foreign worker in the United States on a nonimmigrant basis in a specialty occupation. A specialty occupation requires the theoretical and practical application of a body of specialized knowledge and a bachelor's degree or its equivalent in the specific specialty. According to the indictment, the defendants submitted to the government, or caused to be submitted, H-1B visa application materials stating that the foreign workers named in the applications would be placed at specific companies in the United States. However, according to the indictment, those companies never intended to receive the foreign workers named in the defendants' applications. For example, the indictment alleges that between approximately 2010 and 2016, Dynasoft submitted a number of petitions, signed under penalty of perjury by Murugan, for H-1B workers to be placed at Stanford University, Cisco Systems, and Brocade Communications Systems. Although the petitions and supporting documents stated that the foreign workers would be placed with these employers, the companies did not intend to employ the workers as set forth in the petitions and as reflected in supporting documents submitted by the defendants.

The indictment also describes defendant Nawaz's alleged role in the scheme. Specifically, according to the indictment, Nawaz submitted to the government, and caused to be submitted to the government, fraudulent end-client letters. The letters were submitted simultaneously with employer petitions for H-1B workers and falsely stated that nonimmigrant workers were physically performing work at specific end-client companies. Such letters allegedly were submitted both in support of pending fraudulent petitions and, when proof of a valid visa was required, in support of visas issued based on fraudulent petitions.

All the defendants are charged with two counts of using false documents, in violation of 18 U.S.C. § 1001(a)(3), and one count of conspiracy to commit visa fraud, false statements, and using false documents to defraud the United States, in violation of 18 U.S.C. § 371. In addition, Murugan and Dynasoft are charged with 15 counts of visa fraud, in violation of 18 U.S.C. § 1546(a), and two counts of mail fraud, in violation of 18 U.S.C. § 1341. Murugan is further charged with one count of aggravated identity theft, in violation of 18 U.S.C. § 1028A. The defendants are also charged with aiding and abetting some of the charged substantive offenses, in violation of 18 U.S.C. § 2.

An indictment merely alleges that crimes have been committed, and all defendants are presumed innocent until proven guilty beyond a reasonable doubt. If convicted, the defendants face the following maximum sentences:

DEFENDANT	STATUTE	CHARGE	MAXIMUM PENALTY
All Defendants	18 U.S.C. § 371	Conspiracy to Commit Visa Fraud, False Statements, and to Defraud the United States	<p>Maximum term of imprisonment: 5 years</p> <p>Maximum fine: \$250,000 or twice the gross gain or loss, whichever is greater</p> <p>Maximum term of supervised release: 3 years</p> <p>Restitution</p> <p>Forfeiture</p>
DynaSoft Synergy, Inc., Jayavel "Jay" Murugan	18 U.S.C. § 1546(a)	Visa Fraud	<p>Maximum term of imprisonment: 10 years</p> <p>Maximum fine: \$250,000 or twice the gross gain or loss, whichever is greater</p> <p>Maximum term of supervised release: 3 years</p> <p>Restitution</p> <p>Forfeiture</p>
All Defendants	18 U.S.C. § 1001(a)(3)	Use of False Documents	<p>Maximum term of imprisonment: 5 years</p> <p>Maximum fine: \$250,000 or twice the gross gain or loss, whichever is greater</p>

			Maximum term of supervised release: 3 years
Dynasoft Synergy, Inc., Jayavel "Jay" Murugan	18 U.S.C. § 1341	Mail Fraud	Maximum term of imprisonment: 20 years Maximum fine: \$250,000 or twice the gross gain or loss, whichever is greater Maximum term of supervised release: 3 years Restitution Forfeiture
Jayavel "Jay" Murugan	18 U.S.C. § 1028A	Aggravated Identity Theft	Mandatory minimum term of imprisonment: 2 years Maximum fine: \$250,000 or twice the gross gain or loss, whichever is greater Maximum term of supervised release: 3 years Restitution

Court appearances for the defendants have not yet been scheduled except for Nawaz who is scheduled to appear on March 31, 2017, for arraignment and additional proceedings.

The prosecution is the result of an investigation led by the U.S. Department of State Diplomatic Security Service's representative to the Document and Benefit Fraud Task Force (DBFTF), overseen by the Department of Homeland Security's 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.

Further Information:

Case #: 17-CR-00140 HSG

A copy of this press release will be placed on the U.S. Attorney's Office's website at www.usdoj.gov/usao/can.

Electronic court filings and further procedural and docket information are available at <https://ecf.cand.uscourts.gov/cgi-bin/login.pl>.

Judges' calendars with schedules for upcoming court hearings can be viewed on the court's website at www.cand.uscourts.gov.

All press inquiries to the U.S. Attorney's Office should be directed to Abraham Simmons at (415) 436-7264 or by e-mail at Abraham.Simmons@usdoj.gov.