



Department of Justice

United States Attorney David L. Anderson
Northern District of California

FOR IMMEDIATE RELEASE
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**CONSULTANTS FROM CALIFORNIA AND TEXAS CHARGED WITH
VISA FRAUD AND CONSPIRACY**

***Eleven-Count Indictment Alleges Defendants' Staffing Company Submitted Fraudulent
Applications for High-Tech Worker Visas***

SAN JOSE - A federal grand jury indicted Kishore Dattapuram, Kumar Aswapathi, and Santosh Giri, charging the defendants in a visa fraud scheme, announced United States Attorney David L. Anderson and Department of Homeland Security, Homeland Security Investigations Special Agent in Charge Ryan L. Spradlin.

According to the indictment, Dattapuram, 49, of Santa Clara, Aswapathi, 49, of Austin, Texas, and Giri, 42, of San Jose, operated Nanosemantics, Inc., a Santa Clara-based consulting firm whose services included placing skilled foreign workers at software and technology companies in the Bay Area. According to the indictment, the defendants worked together to submit fraudulent H-1B visa applications on behalf of foreign workers in order to gain a competitive advantage over competing firms.

The H-1B visa program allows foreign workers to obtain temporary authorization to live and work for employers in the United States. In order to secure an H-1B visa, an employer or other sponsor must submit an "I-129" petition to the United States Citizenship and Immigration Services. A petition and associated documentation must confirm the existence and duration of the job waiting for the worker, and describe key details including the wages associated with the position.

In this case, the defendants allegedly used Nanosemantics to submit fraudulent I-129 petitions and obtain H-1B visas for workers that the defendants could later place at local companies. By maintaining a group of available workers, the defendants would gain a competitive advantage over consultants that properly applied for paperwork only after matching a qualified worker to an available job. According to the indictment, several of the I-129 petitions submitted by defendants stated that particular workers had specific jobs waiting for them at designated companies when, in reality, the defendants knew that these jobs did not exist. Further, the defendants allegedly sought the cooperation of third parties to conceal their fraud. For example, defendants allegedly orchestrated payments by Nanosemantics to at least one individual for permission to list his company as the employer for foreign workers even though Nanosemantics actually intended to place the workers elsewhere. Further, defendants allegedly coached foreign workers and others, to respond to government inquiries in a way that would prevent the government from discovering the fraud.

In sum, the defendants all were charged with one count of conspiracy to commit visa fraud, in violation of 18 U.S.C. § 371, and ten counts of substantive visa fraud, in violation of 18 U.S.C. § 1546(a).

The defendants were arrested yesterday in their respective towns of residence. Dattapuram and Aswapathi made their initial appearances in federal court in San Jose and Austin, respectively. Giri made his initial appearance today in federal court in San Jose. All three defendants entered pleas of not guilty and were released on bonds. Defendants are next scheduled to appear at 1:30 p.m. on May 13, 2019, for a status conference before the Honorable Judge Edward J. Davila, U.S. District Judge.

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 a maximum sentence of ten years, and a fine of \$250,000, plus restitution if appropriate for each violation of 18 U.S.C. § 1546(a) (visa fraud); and a maximum prison sentence of five years, and a fine of \$250,000, plus restitution if appropriate for the conspiracy count. However, any sentence following conviction would be imposed by the court after consideration of the U.S. Sentencing Guidelines and the federal statute governing the imposition of a sentence, 18 U.S.C. § 3553.

Assistant U.S. Attorney John Bostic is prosecuting the case with the assistance of Tong Zhang. The prosecution is the result of an investigation by U.S. Citizenship and Immigration Services and HSI.

Further Information:

Case #: 19-CR-00099 EJD

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.

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