

The below press release has been corrected. The website address in the 5th paragraph was changed

Jack



Department of Justice

**United States Attorney Melinda Haag
Northern District of California**

FOR IMMEDIATE RELEASE

August 2, 2012

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CEO OF SUNNYVALE'S HERGUAN UNIVERSITY AND UNIVERSITY OF EAST- WEST MEDICINE CHARGED IN 15-COUNT INDICTMENT

SAN FRANCISCO – A federal grand jury in San Francisco recently returned a 15-count indictment against Jerry Wang, the Chief Executive Officer of the Sunnyvale-based Herguan University and University of East-West Medicine, announced United States Attorney Melinda Haag and U.S. Immigration and the San Francisco Special Agent in Charge for U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI) Clark Settles. Wang, 34, was arrested today at his home in Santa Clara, Calif., prior to making his initial appearance in federal court in San Jose.

The indictment, which was returned July 24, 2012, and unsealed today, alleges that, beginning in July 2007 and continuing through at least February 2011, Wang and others conspired to commit visa fraud through the submission of falsified documents to the United States Department of Homeland Security's Student and Exchange Visitor Program (SEVP), and the forgery of visa-related documents. The indictment further alleges four counts of visa fraud, four false document counts, two counts of aggravated identity theft, one count of unauthorized access to a government computer and forfeiture.

The maximum statutory penalties for the violations alleged in the indictment are as follows:

- Conspiracy to commit visa fraud, in violation of 18 U.S.C. § 371: five years in prison, a \$250,000 fine and forfeiture;
- Visa fraud, in violation of 18 U.S.C. § 1546(a): 10 years in prison, a \$250,000 fine and forfeiture;

- Use of false document, in violation of 18 U.S.C. § 1001(a)(3): five years in prison and a \$250,000 fine;
- Aggravated identity theft, in violation of 18 U.S.C. § 1028A: mandatory consecutive two years in prison, and a \$250,000 fine; and
- Unauthorized access to a government computer, in violation of 18 U.S.C. § 1030(a)(3): one year in prison and a \$100,000 fine.

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.

In light of the allegations uncovered during the ongoing investigation, Herguan University faces the loss of its authorization to enroll foreign students under SEVP. ICE has issued Herguan a Notice of Intent to Withdraw, the first step in revoking the school's SEVP certification. Herguan has 30 days to respond to the notice and request an interview to contest the action. Meanwhile, foreign students who are currently enrolled at Herguan may continue to attend classes as long as the school remains SEVP-certified and the students are able to maintain their lawful immigration status. ICE has posted additional guidance for foreign students attending Herguan University on its website at the following link - www.ice.gov/sevis.

Wang is next scheduled to appear in federal court in San Jose on Aug. 20, 2012, for identification of counsel and arraignment.

Hartley M. K. West is the Assistant U.S. Attorney who is prosecuting the case with the assistance of Rania Ghawi. The prosecution is the result of an 18-month investigation by 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.

Please note, an indictment contains only allegations against an individual and, as with all defendants, Wang must be presumed innocent unless and until proven guilty.

Further Information:

Case #: CR 12-0581 EJD

A copy of this press release may be found 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 Jack Gillund at (415) 436-6599 or by e-mail at Jack.Gillund@usdoj.gov.

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