

**Department of Justice**  
U.S. Attorney's Office  
District of New Jersey

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## **Virginia Immigration Attorney Admits Visa Fraud, Obstruction Of Justice**

NEWARK, N.J. – An immigration attorney for two information technology companies today admitted that she submitted phony documents and obstructed a federal investigation as part of a scheme that fraudulently obtained foreign worker visas, U.S. Attorney Paul J. Fishman announced.

Sunila Dutt, 39, of Ashburn, Virginia, pleaded guilty before U.S. District Judge Kevin McNulty in Newark federal court to an information charging her with conspiracy to commit visa fraud and obstruct justice.

According to the information:

SCM Data Inc. and MMC Systems Inc. offered consultants to clients in need of IT support. Both companies recruited foreign nationals, often student visa holders or recent college graduates, and sponsored them for H-1B visas. The H-1B 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. The U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS), approves and processes applications for residency within the United States, and the U.S. Department of Labor (USDOL) is responsible for the enforcement of labor regulations, including immigration-related employment standards and worker protections.

Dutt and other conspirators recruited foreign workers with purported IT expertise who sought work in the United States. The conspirators then sponsored the foreign workers' H-1B visas with the stated purpose of working for SCM Data and MMC Systems' clients throughout the United States. When submitting the visa paperwork to USCIS, the conspirators falsely represented that the foreign workers had full-time positions and were paid an annual salary, as required to secure the H-1B visas. Contrary to these representations and in violation of the H-1B program, the conspirators paid the foreign workers only when they were placed at a third-party client who entered into a contract with SCM Data or MMC Systems.

In some instances, false payroll records were generated to create the appearance that the foreign workers were paid full-time wages. The conspirators required workers to pay SCM Data and MMC Systems their gross wages in cash. In exchange, the companies would issue payroll checks to the foreign workers in a smaller amount. The conspirators then encouraged the foreign workers to submit the bogus payroll checks to USCIS as proof that the workers were engaged in full-time work despite the fact that they were not working for the companies. Once USDOL launched an audit of SCM Data and MMC Systems, the conspirators provided fabricated leave or vacation slips to USDOL for the time periods that the foreign workers were not working in order to conceal the fact that they were not paid during those time periods as required by federal law.

Dutt admitted that she submitted, or caused to be submitted, one or more filings to USCIS falsely representing the companies would employ foreign workers for in-house positions when no such positions existed. Dutt also admitted that on Oct. 16, 2014, MMC Systems, through her, and at the

overall direction of the owner of both companies, submitted an I-129 Petition to USCIS to extend the H-1B visa status of a person referred to in the information as “Individual 1.”

In January 2015, MMC Systems stopped paying Individual 1 on a third-party contract. Dutt admitted that on Jan. 30, 2015, she told Individual 1 to falsely tell a person, whom she believed to be a USCIS employee, that Individual 1 had been living with a friend in Virginia or at a MMC Systems guesthouse. Dutt further admitted that on Feb. 2, 2015, she sent an e-mail to Individual 1 containing false information to be given to the USCIS employee as fictitious proof that Individual 1 resided at a MMC Systems guesthouse in January 2015.

Dutt faces a maximum potential penalty of five years in prison and a \$250,000 fine. Sentencing is scheduled for Feb. 6, 2017.

U.S. Attorney Fishman credited special agents of U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI), under the direction of Special Agent in Charge Terence S. Opiola, and the U.S. Department of Labor, Office of Inspector General, under the direction of Special Agent in Charge Michael C. Mikulka, with the investigation leading to today’s plea.

The government is represented by Assistant U.S. Attorney Joyce M. Malliet of the U.S. Attorney’s Office’s National Security Unit in Newark.

Defense Counsel: Mitchell Epner, Esq.