

BEFORE THE HEARING BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINARY COMMISSION

In the Matter of:

VISHAL KAMAL CHHABRIA,

Attorney-Respondent,

No. 6311031.

Commission No. 2025PR00003

NOTICE OF FILING

To: Evette L. Ocasio (eocasio@iardc.org) (ardceservice@iardc.org)
Attorney Registration & Disciplinary Commission
130 East Randolph Drive, #1500
Chicago, Illinois 60601-6219

PLEASE TAKE NOTICE that on **February 14, 2025**, we e-filed with the Clerk of the Attorney Registration & Disciplinary Commission: **ANSWER TO AMENDED COMPLAINT**, a copy of which is served upon you herewith.

By: /s/ Kathrynne Hayes

Kathrynne Hayes (khayes@cb-law.com)
COLLINS BARGIONE & VUCKOVICH
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Chicago, Illinois 60602
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CERTIFICATE OF SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109], the undersigned certifies that they served the foregoing document(s) by causing copies to be delivered to the above stated SERVICE LIST by **email** on **February 14, 2025**.

/s/ Monica Nunez

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In the Matter of:

VISHAL KAMAL CHHABRIA,

Attorney-Respondent,

No. 6311031.

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ANSWER TO AMENDED COMPLAINT

COMES the Respondent, Vishal Kamal Chhabria, by his attorney, Kathyne Hayes, and for his Answer to the Administrator's Amended Complaint states as follows:

STATEMENT PURSUANT TO COMMISSION RULE 231

Respondent was licensed to practice law in the State of Illinois on May 9, 2013. On January 23, 2024, Respondent was placed on interim suspension until further order of the Court. Respondent was also suspended from the practice of law before the Board of Immigration Appeals, the Immigration Courts, and Department of Homeland Security.

(Criminal Conviction for Conspiracy to Commit Marriage Fraud)

1. At all times related to this complaint, Respondent was a sole practitioner, based in Schaumburg, with his practice focused on representing clients in immigration matters.

ANSWER: Admitted.

2. At all times related to this Complaint, Section 216 of the Immigration and Nationality Act (INA) allows a foreign national to become a lawful permanent U.S. resident on the condition that they marry a U.S. citizen. A conditional permanent resident receives a "green card" that is valid for two years. To obtain conditional permanent residency, a foreign national and

their U.S. citizen spouse must petition United States Citizenship and Immigration Services (“USCIS”) by submitting an application with supporting documentation including proof of the marriage and proof of the relationship to demonstrate the marriage is authentic. The process requires the couple to appear before and be questioned by a USCIS Adjudicator under oath, after which the application is either approved or denied. After two years, the conditional permanent resident must apply to USCIS to remove the conditions on their residency, and if they fail to, their “green card” and legal status in the U.S. will expire and they will be deportable.

ANSWER: Paragraph No. 2 cites Section 216 of the Immigration and Nationality Act (INA) and purports to contain a summary of Section 216 [8 USCS § 1186a attached as Exhibit A] which speaks for itself and therefore no answer is required. Any remaining allegations are denied.

3. Beginning in or about April 2018, and continuing until on or about March 16, 2022, as part of a conspiracy, Respondent provided legal representation for fraudulently married couples when they petitioned USCIS for a “green card” for the foreign national spouse. Respondent knew these couples were in a fraudulent marriage, or “contract marriages”, for the sole purpose of obtaining a “green card” for the foreign national spouse. Respondent knowingly assisted the couples in completing necessary forms with false and fraudulent representations, gathering and manufacturing false and fraudulent documentation, submitting said false and fraudulent documentation to UCIS, coaching the couples to falsely and fraudulently hold themselves out as legitimately married and evade detection by officials at the USCIS interviews, and personally accompanying the couples to their USCIS interviews.

ANSWER: Respondent admits the facts set forth in his Plea Agreement (Exhibit B) and Judgment (Exhibit C) in Case No. 1:22-CR-00129. However, Paragraph No. 3 does

not make specific factual allegations capable of being admitted or denied. Therefore, Respondent denies Paragraph No. 3 to the extent Paragraph No. 3 is inconsistent with Respondent's Plea Agreement and Judgment entered in Case No. 1:22-CR-00129. Any remaining allegations are denied.

4. In support of these USCIS petitions, Respondent knowingly submitted false and fraudulent documents to USCIS on behalf of the fraudulently married couples, including, for example, Form I-130 (Petition for Alien Relative) and Form I-485 (Application to Register Permanent Resident or Adjust Status). Additionally, Respondent collected and knowingly submitted fraudulent supporting documentation to USCIS on behalf of the fraudulently married couple, including lease agreements, powers of attorney, wills, and health care proxies. Further, as part of at least one of the fraudulent USCIS packages, Respondent included the passport of the U.S. citizen spouse.

ANSWER: Respondent admits the facts set forth in his Plea Agreement (see Exhibit B, ¶4(d)) and Judgment (Exhibit C). Any factual allegations contained in Paragraph No. 4 which are inconsistent with Respondent's Plea Agreement and Judgment are denied. Any remaining allegations are denied.

5. For each couple he represented, Respondent created significant legal documents for them to execute and present to USCIS as part of their petition for a "green card" for the foreign national spouse. These documents included wills, powers of attorney, and health care proxy forms. Respondent directed the couples to back date these forms to make it appear as though these were executed long before the USCIS interview in an effort to convince the USCIS adjuster that the marriage was legitimate. Further, Respondent advised the couples that these legal documents were not enforceable and were only for the purpose of presenting to USCIS. Respondent personally

handed these false and fraudulent documents to the USCIS Adjudicator at the couple's USCIS interviews.

ANSWER: Respondent admits paragraph 4(e) of Exhibit B. Respondent denies Paragraph No. 5 to the extent Paragraph No. 5 alleges that the allegations set forth in Paragraph No. 5 pertain to "each couple he represented". Respondent has represented numerous couples in a lawful and appropriate manner. Respondent denies any remaining allegations.

6. In total, Respondent submitted at least six packages containing false and fraudulent documentation for "green cards" based on fraudulent marriages between U.S. citizens and foreign nationals seeking legal permanent resident status in the United States.

ANSWER: Denied as alleged. As set forth in the Plea Agreement (Exhibit B, ¶ 4(f)) (see also Count I of the Information (Exhibit D, ¶ 17)), Respondent submitted at least 6 but not more than 24 documents containing false and fraudulent documentation for "green cards" based on fraudulent marriages between U.S. citizens and foreign nationals seeking legal permanent resident status in the United States.

7. By virtue of the conduct described above, beginning in or about April 2018, and continuing until on or about March 16, 2022, Respondent knowingly, willfully, and unlawfully conspired with others to commit an offense against the United States, that is to knowingly enter into fraudulent marriages to evade immigration laws, in violation of Title 8, Section 1325(c) and Title 18, Section 371, of the United States Code.

ANSWER: Respondent admits the facts contained in the Plea Agreement (Exhibit B) and Judgment (Exhibit C) entered in 1:22-cr-00129-LJV. Any allegations inconsistent with the Plea Agreement and Judgment are denied. Any remaining allegations are denied.

8. On February 28, 2022, a criminal complaint was filed in the United States District Court for the Western District of New York charging Respondent and four co-conspirators with the federal offense of conspiracy to commit marriage fraud in violation of Title 18 of the United States Code, Section 371. The matter was captioned United States v. Vishal K. Chhabria, et al. and docketed as 1:22-cr-00129-LJV.

ANSWER: Admitted that a complaint was filed which speaks for itself. Any remaining allegations are denied.

9. Specifically, the complaint alleged Respondent provided legal representation to fraudulently married couples in connection with applications the couples submitted to USCIS to obtain a Permanent Resident Card, commonly referred to as a “green card”, for the foreign national spouses, and that he did so knowing the marriages were false and fraudulent. Respondent assisted these couples by: completing necessary forms with false and fraudulent representations; gathering and manufacturing false and fraudulent documentation; coaching the couples to falsely and fraudulently hold themselves out as legitimately married; coaching the couples on how to evade detection by USCIS officials at their interview; and by personally accompanying the couples to those interviews.

ANSWER: Respondent states that the criminal complaint speaks for itself and therefore no answer is required. Any remaining factual allegations are denied.

10. On September 23, 2022, Respondent filed a waiver of indictment, thereby waiving his right to prosecution by indictment and consenting to prosecution by information. The one-count information, filed the same day, charged Respondent with one count of conspiracy to commit marriage fraud in violation of Title 18 of the United States Code, Section 371.

ANSWER: Admitted that Respondent filed a waiver of indictment which speaks for itself and that the one-count information was filed the same day which also speaks for itself. Any remaining allegations are denied.

11. On September 23, 2022, Respondent entered into a plea agreement in which Respondent agreed to plead guilty to one count of conspiracy to commit marriage fraud in violation of Title 18 of the United States Code, Section 371.

ANSWER: Admitted that Respondent entered into a Plea Agreement which speaks for itself. The Plea Agreement specifically references Respondent's Acceptance of Responsibility. (See page 5 of Exhibit B.) Any remaining allegations are denied.

12. In pleading guilty, Respondent agreed that he committed each element of the federal offense of conspiracy to commit marriage fraud, and admitted to the facts set forth above.

ANSWER: The Plea Agreement speaks for itself and is attached as Exhibit B. Any allegations inconsistent with the Plea Agreement are denied. Any remaining allegations are denied.

13. On September 23, 2022, Respondent's guilty plea came before the Honorable John L. Sinatra, Jr. for hearing, and was accepted. The sentencing hearing was initially set for March 16, 2023, but was rescheduled several times. On October 16, 2024, the sentencing hearing was rescheduled for January 8, 2025.

ANSWER: Admitted. Respondent further states that he did not delay sentencing.

14. On January 8, 2025, Respondent was sentenced to probation for a term of three years. In addition, the court imposed six months on home detention.

ANSWER: Admitted. A copy of the Judgment is attached as Exhibit C. Respondent further states that in sentencing Respondent, the Court took Respondent's mental health

into consideration as a basis for his conduct, Respondent's acceptance of responsibility for his actions, and Respondent's ongoing mental health treatment.

15. As a result of the conduct and conviction described above, Respondent has engaged in the following misconduct:

- a. committed criminal acts that reflect adversely on his honesty, trustworthiness, or fitness as a lawyer in other respects, by conduct including his conviction for the criminal offense of conspiracy to commit marriage fraud in violation of Title 18, United States Code, Section 371, and Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010); and
- b. conduct involving dishonesty, fraud, deceit or misrepresentation, by conduct including (1) knowingly preparing forms with false and fraudulent representations, gathering and manufacturing false and fraudulent documentation, and submitting said false and fraudulent documentation to UCIS, on behalf of fraudulently married couples; and (2) coaching the couples to falsely and fraudulently hold themselves out as legitimately married to evade detection by officials at UCIS interviews, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct.

ANSWER: Paragraph No. 15 asserts legal conclusions and no answer is required.

Any remaining allegations are denied.

WHEREFORE Respondent respectfully requests that the Hearing Panel make a just recommendation.

Kathryne Hayes (khayes@cb-law.com)
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One North LaSalle Street, Suite 300
Chicago, Illinois 60602
Telephone: 312-372-7813

By: /s/ Kathryne Hayes
Counsel for Respondent

Exhibit A

8 USCS § 1186a

Current through Public Law 118-233, approved January 4, 2025, with a gap of Public Law 118-159.

United States Code Service > **TITLE 8. ALIENS AND NATIONALITY (Chs. 1 — 15)** > **CHAPTER 12. IMMIGRATION AND NATIONALITY (§§ 1101 — 1537)** > **IMMIGRATION (§§ 1151 — 1382)** > **ADMISSION QUALIFICATIONS FOR ALIENS; TRAVEL CONTROL OF CITIZENS AND ALIENS (§§ 1181 — 1189)**

§ 1186a. Conditional permanent resident status for certain alien spouses and sons and daughters

(a) In general.

(1) Conditional basis for status. Notwithstanding any other provision of this Act, an alien spouse (as defined in subsection (h)(1)) and an alien son or daughter (as defined in subsection (h)(2)) shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence, to have obtained such status on a conditional basis subject to the provisions of this section.

(2) Notice of requirements.

(A) At time of obtaining permanent residence. At the time an alien spouse or alien son or daughter obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to such a spouse, son, or daughter respecting the provisions of this section and the requirements of subsection (c)(1) to have the conditional basis of such status removed.

(B) At time of required petition. In addition, the Secretary of Homeland Security shall attempt to provide notice to such a spouse, son, or daughter, at or about the beginning of the 90-day period described in subsection (d)(2)(A), of the requirements of subsections [subsection] (c)(1).

(C) Effect of failure to provide notice. The failure of the Secretary of Homeland Security to provide a notice under this paragraph shall not affect the enforcement of the provisions of this section with respect to such a spouse, son, or daughter.

(b) Termination of status if finding that qualifying marriage improper.

(1) In general. In the case of an alien with permanent resident status on a conditional basis under subsection (a), if the Secretary of Homeland Security determines, before the second anniversary of the alien's obtaining the status of lawful admission for permanent residence, that—

(A) the qualifying marriage—

(i) was entered into for the purpose of procuring an alien's admission as an immigrant,
or

(ii) has been judicially annulled or terminated, other than through the death of a spouse; or

(B) a fee or other consideration was given (other than a fee or other consideration to an attorney for assistance in preparation of a lawful petition) for the filing of a petition under section 204(a) [[8 USCS § 1154\(a\)](#)] or subsection (d) or (p) of section 214 [[8 USCS § 1184](#)] with respect to the alien;

the Secretary of Homeland Security shall so notify the parties involved and, subject to paragraph (2), shall terminate the permanent resident status of the alien (or aliens) involved as of the date of the determination.

(2) Hearing in removal proceeding. Any alien whose permanent resident status is terminated under paragraph (1) may request a review of such determination in a proceeding to remove the alien. In such proceeding, the burden of proof shall be on the Secretary of Homeland Security to establish, by a preponderance of the evidence, that a condition described in paragraph (1) is met.

(c) Requirements of timely petition and interview for removal of condition.

(1) In general. In order for the conditional basis established under subsection (a) for an alien spouse or an alien son or daughter to be removed—

(A) the alien spouse and the petitioning spouse (if not deceased) jointly must submit to the Secretary of Homeland Security, during the period described in subsection (d)(2), a petition which requests the removal of such conditional basis and which states, under penalty of perjury, the facts and information described in subsection (d)(1), and

(B) in accordance with subsection (d)(3), the alien spouse and the petitioning spouse (if not deceased) must appear for a personal interview before an officer or employee of the Department of Homeland Security respecting the facts and information described in subsection (d)(1).

(2) Termination of permanent resident status for failure to file petition or have personal interview.

(A) In general. In the case of an alien with permanent resident status on a conditional basis under subsection (a), if—

(i) no petition is filed with respect to the alien in accordance with the provisions of paragraph (1)(A), or

(ii) unless there is good cause shown, the alien spouse and petitioning spouse fail to appear at the interview described in paragraph (1)(B),

the Secretary of Homeland Security shall terminate the permanent resident status of the alien as of the second anniversary of the alien's lawful admission for permanent residence.

(B) Hearing in removal proceeding. In any removal proceeding with respect to an alien whose permanent resident status is terminated under subparagraph (A), the burden of proof shall be on the alien to establish compliance with the conditions of paragraphs (1)(A) and (1)(B).

(3) Determination after petition and interview.

(A) In general. If—

- (i) a petition is filed in accordance with the provisions of paragraph (1)(A), and
- (ii) the alien spouse and petitioning spouse appear at the interview described in paragraph (1)(B),

the Secretary of Homeland Security shall make a determination, within 90 days of the date of the interview, as to whether the facts and information described in subsection (d)(1) and alleged in the petition are true with respect to the qualifying marriage.

(B) Removal of conditional basis if favorable determination. If the Secretary of Homeland Security determines that such facts and information are true, the Secretary of Homeland Security shall so notify the parties involved and shall remove the conditional basis of the parties effective as of the second anniversary of the alien's obtaining the status of lawful admission for permanent residence.

(C) Termination if adverse determination. If the Secretary of Homeland Security determines that such facts and information are not true, the Secretary of Homeland Security shall so notify the parties involved and, subject to subparagraph (D), shall terminate the permanent resident status of an alien spouse or an alien son or daughter as of the date of the determination.

(D) Hearing in removal proceeding. Any alien whose permanent resident status is terminated under subparagraph (C) may request a review of such determination in a proceeding to remove the alien. In such proceeding, the burden of proof shall be on the Secretary of Homeland Security to establish, by a preponderance of the evidence, that the facts and information described in subsection (d)(1) and alleged in the petition are not true with respect to the qualifying marriage.

(4) Hardship waiver. The Secretary of Homeland Security, in the Secretary's discretion, may remove the conditional basis of the permanent resident status for an alien who fails to meet the requirements of paragraph (1) if the alien demonstrates that —

(A) extreme hardship would result if such alien is removed;

(B) the qualifying marriage was entered into in good faith by the alien spouse, but the qualifying marriage has been terminated (other than through the death of the spouse) and the alien was not at fault in failing to meet the requirements of paragraph (1); or

(C) the qualifying marriage was entered into in good faith by the alien spouse and during the marriage the alien spouse or child was battered by or was the subject of extreme cruelty perpetrated by his or her spouse or citizen or permanent resident parent and the alien was not at fault in failing to meet the requirements of paragraph (1); or

(D) the alien meets the requirements under section 204(a)(1)(A)(iii)(II)(aa)(BB) [[8 USCS § 1154\(a\)\(1\)\(A\)\(iii\)\(II\)\(aa\)\(BB\)](#)] and following the marriage ceremony was battered by or subject to extreme cruelty perpetrated by the alien's intended spouse and was not at fault in failing to meet the requirements of paragraph (1).

In determining extreme hardship, the Secretary of Homeland Security shall consider circumstances occurring only during the period that the alien was admitted for permanent residence on a conditional basis. In acting on applications under this paragraph, the Secretary

shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Secretary. The Secretary shall, by regulation, establish measures to protect the confidentiality of information concerning any abused alien spouse or child, including information regarding the whereabouts of such spouse or child.

(d) Details of petition and interview.

(1) Contents of petition. Each petition under subsection (c)(1)(A) shall contain the following facts and information:

(A) Statement of proper marriage and petitioning process. The facts are that—

(i) the qualifying marriage—

(I) was entered into in accordance with the laws of the place where the marriage took place,

(II) has not been judicially annulled or terminated, other than through the death of a spouse, and

(III) was not entered into for the purpose of procuring an alien's admission as an immigrant; and

(ii) no fee or other consideration was given (other than a fee or other consideration to an attorney for assistance in preparation of a lawful petition) for the filing of a petition under section 204(a) [[8 USCS § 1154\(a\)](#)] or subsection (d) or (p) of section 214 [[8 USCS § 1184](#)] with respect to the alien spouse or alien son or daughter.

(B) Statement of additional information. The information is a statement of—

(i) the actual residence of each party to the qualifying marriage since the date the alien spouse obtained permanent resident status on a conditional basis under subsection (a), and

(ii) the place of employment (if any) of each such party since such date, and the name of the employer of such party.

(2) Period for filing petition.

(A) 90-day period before second anniversary. Except as provided in subparagraph (B), the petition under subsection (c)(1)(A) must be filed during the 90-day period before the second anniversary of the alien's obtaining the status of lawful admission for permanent residence.

(B) Date petitions for good cause. Such a petition may be considered if filed after such date, but only if the alien establishes to the satisfaction of the Secretary of Homeland Security good cause and extenuating circumstances for failure to file the petition during the period described in subparagraph (A).

(C) Filing of petitions during removal. In the case of an alien who is the subject of removal hearings as a result of failure to file a petition on a timely basis in accordance with subparagraph (A), the Secretary of Homeland Security may stay such removal proceedings against an alien pending the filing of the petition under subparagraph (B).

(3) Personal interview. The interview under subsection (c)(1)(B) shall be conducted within 90 days after the date of submitting a petition under subsection (c)(1)(A) and at a local office of the Department of Homeland Security, designated by the Secretary of Homeland Security, which is convenient to the parties involved. The Secretary of Homeland Security, in the Secretary's discretion, may waive the deadline for such an interview or the requirement for such an interview in such cases as may be appropriate.

(e) **Treatment of period for purposes of naturalization.** For purposes of title III, in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence.

(f) **Treatment of certain waivers.** In the case of an alien who has permanent residence status on a conditional basis under this section, if, in order to obtain such status, the alien obtained a waiver under subsection (h) or (i) of section 212 [[8 USCS § 1182\(h\)](#) or (i)] of certain grounds of inadmissibility, such waiver terminates upon the termination of such permanent residence status under this section.

(g) **Service in Armed Forces.**

(1) Filing petition. The 90-day period described in subsection (d)(2)(A) shall be tolled during any period of time in which the alien spouse or petitioning spouse is a member of the Armed Forces of the United States and serving abroad in an active-duty status in the Armed Forces, except that, at the option of the petitioners, the petition may be filed during such active-duty service at any time after the commencement of such 90-day period.

(2) Personal interview. The 90-day period described in the first sentence of subsection (d)(3) shall be tolled during any period of time in which the alien spouse or petitioning spouse is a member of the Armed Forces of the United States and serving abroad in an active-duty status in the Armed Forces, except that nothing in this paragraph shall be construed to prohibit the Secretary of Homeland Security from waiving the requirement for an interview under subsection (c)(1)(B) pursuant to the Secretary's authority under the second sentence of subsection (d)(3).

(h) **Definitions.** In this section:

(1) The term "alien spouse" means an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise)—

(A) as an immediate relative (described in section 201(b) [[8 USCS § 1151\(b\)](#)]) as the spouse of a citizen of the United States,

(B) under section 214(d) [[8 USCS § 1184\(d\)](#)] as the fiancée or fiancé of a citizen of the United States, or

(C) under section 203(a)(2) [[8 USCS § 1153\(a\)\(2\)](#)] as the spouse of an alien lawfully admitted for permanent residence, residence,

by virtue of a marriage which was entered into less than 24 months before the date the alien obtains such status by virtue of such marriage, but does not include such an alien who only obtains such status as a result of section 203(d) [[8 USCS § 1153\(d\)](#)].

- (2) The term “alien son or daughter” means an alien who obtains the status of an alien lawfully admitted for permanent residence (whether on a conditional basis or otherwise) by virtue of being the son or daughter of an individual through a qualifying marriage.
- (3) The term “qualifying marriage” means the marriage described to in paragraph (1).
- (4) The term “petitioning spouse” means the spouse of a qualifying marriage, other than the alien.

History

HISTORY:

June 27, 1952, ch 477, Title II, Ch 2, § 216, as added Nov. 10, 1986, *P. L. 99-639*, § 2(a), *100 Stat. 3537*; Oct. 24, 1988, *P. L. 100-525*, § 7(a), *102 Stat. 2616*; Nov. 29, 1990, *P. L. 101-649*, Title VII, § 701(a), *104 Stat. 5085*; Dec. 12, 1991, *P. L. 102-232*, Title III, § 302(e)(8)(B), *105 Stat. 1746*; Sept. 13, 1994, *P. L. 103-322*, Title IV, Subtitle G, § 40702(a), 108 Stat. 1955; Sept. 30, 1996, *P. L. 104-208*, Div C, Title III, Subtitle A, § 308(d)(4)(E), (e)(7), (f)(1)(I), (J), *110 Stat. 3009-618, 3009-620, 3009-621*; Dec. 21, 2000, *P. L. 106-553*, § 1(a)(2), *114 Stat. 2762*; Nov. 23, 2011, *P. L. 112-58*, § 1, *125 Stat. 747*; March 7, 2013, *P. L. 113-4*, Title VIII, § 806, *127 Stat. 112*.

Annotations

Notes

HISTORY; ANCILLARY LAWS AND DIRECTIVES

References in text:

Explanatory notes:

Amendment Notes

1988.

1990.

1991.

1994.

1996.

2000.

2011.

2013.

Exhibit B

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

22-CR-129-JLS

VISHAL KAMAL CHHABRIA,

Defendant.

PLEA AGREEMENT

The defendant, VISHAL KAMAL CHHABRIA, and the United States Attorney for the Western District of New York (hereinafter "the government") hereby enter into a plea agreement with the terms and conditions as set out below.

I. THE PLEA AND POSSIBLE SENTENCE

1. The defendant agrees to waive indictment and to plead guilty to a one count Information which charges a violation of Title 18, United States Code, Section 371 (conspiracy to commit marriage fraud), for which the maximum possible sentence is a term of imprisonment of 5 years, a fine of \$250,000, a mandatory \$100 special assessment and a term of supervised release of up to 3 years. The defendant understands that the penalties set forth in this paragraph are the maximum penalties that can be imposed by the Court at sentencing.

2. The defendant understands that, if it is determined that the defendant has violated any of the terms or conditions of supervised release, the defendant may be required

to serve in prison all or part of the term of supervised release, up to 2 years, without credit for time previously served on supervised release. As a consequence, in the event the defendant is sentenced to the maximum term of incarceration, a prison term imposed for a violation of supervised release may result in the defendant serving a sentence of imprisonment longer than the statutory maximum set forth in ¶ 1 of this agreement.

II. ELEMENTS AND FACTUAL BASIS

3. The defendant understands the nature of the offense set forth in ¶ 1 of this agreement and understands that if this case proceeded to trial, the government would be required to prove beyond a reasonable doubt the following elements of the crime:

- a. Two or more persons entered into an unlawful agreement to defraud the United States, that is to knowingly enter into marriages for the purpose of evading immigration laws in violation of Title 8, United States Code, Section 1325(c);
- b. The defendant knowingly and willfully became a member of the agreement;
- c. One of the members of the conspiracy knowingly committed at least one overt act in furtherance of the conspiracy; and
- d. The overt act was committed to further some objective of the conspiracy.

FACTUAL BASIS

4. The defendant and the government agree to the following facts, which form the basis for the entry of the plea of guilty including relevant conduct:

- a. Beginning in or about April 2018, and continuing until on or about March 16, 2022, in the Western District of New York, and elsewhere, the defendant, VISHAL KAMAL CHHABRIA, did knowingly, willfully, and unlawfully combine, conspire, and agree with others, known and unknown, to commit an offense against the United States,

that is to knowingly enter into marriages for the purpose of evading immigration laws, in violation of Title 8, United States Code, Section 1325(c), and all in violation of Title 18, United States Code, Section 371.

- b. Section 216 of the Immigration and Nationality Act (INA) allows a foreign national to become a lawful permanent resident of the United States on a conditional basis based on marriage. A conditional permanent resident receives a “Green Card” valid for two years. To obtain conditional permanent residency, a foreign national and his or her U.S. citizen spouse must petition the United States Citizen and Immigration Services (“CIS”) by submitting an application with supporting documentation including proof of the marriage and proof of the relationship to demonstrate it is authentic. The process requires the foreign national and his or her U.S. citizen spouse to appear before and be questioned by a CIS Adjudicator under oath. CIS will then deny or approve the application. After two years, the conditional permanent resident must apply to CIS to remove the conditions, and if they fail to, their Green Card and legal status in the U.S. will expire and they will be deportable.
- c. CHHABRIA is a licensed attorney in the state of Illinois. As part of this conspiracy, CHHABRIA provided legal representation for fraudulently married couples when they petitioned CIS for a Green Card for the foreign national spouse. CHHABRIA knew these couples were in a fraudulent marriage, or “contract marriage,” for the sole purpose of obtaining a Green Card for the foreign national spouse. CHHABRIA knowingly assisted the couples in completing necessary forms with false and fraudulent representations, gathering and manufacturing false and fraudulent documentation, submitting said false and fraudulent documentation to CIS, coaching the couples to falsely and fraudulently hold themselves out as legitimately married and evade detection by officials at the CIS interviews, and personally accompany the couples to their CIS interviews.
- d. In support of the CIS applications for the foreign nationals seeking a Green Card, CHHABRIA knowingly submitted false and fraudulent documents to CIS on behalf of the fraudulently married couples, including, for example, Form I-130 (Petition for Alien Relative) and Form I-485 (Application to Register Permanent Residence or Adjust Status). Additionally, CHHABRIA collected and knowingly submitted false and fraudulent supporting documentation to CIS on behalf of the fraudulently married couple, including lease agreements, powers of attorney, wills, and health care proxies. Additionally, as part of at least one of the fraudulent packages CHHABRIA submitted to CIS on behalf of the

fraudulently married couples, CHHABRIA included the passport of the U.S. citizen spouse.

- e. For each couple he represented, CHHABRIA created significant legal documents for them to execute and present to CIS as part of their petition for a Green Card for the foreign national spouse. These documents included wills, powers of attorney, and health care proxy forms. CHHABRIA directed the couples to back date these forms to make it appear as though these were executed long before the CIS interview in an effort to convince the CIS adjudicator that the marriage was legitimate. Further, CHHABRIA advised the couples that these legal documents were not enforceable and were only for the purpose of presenting to CIS. Finally, CHHABRIA personally handed these false and fraudulent documents to the CIS adjudicator at the couple's CIS interview.
- f. In total, CHHABRIA submitted at least six, but not more than 24, packages containing false and fraudulent documents for Green Cards based on fraudulent marriages between U.S. citizens and foreign nationals seeking legal permanent resident status.

III. SENTENCING GUIDELINES

5. The defendant understands that the Court must consider but is not bound by the Sentencing Guidelines (Sentencing Reform Act of 1984).

BASE OFFENSE LEVEL

6. The government and the defendant agree that Guidelines §§ 2X1.1(a) and 2L2.1(a) apply to the offense of conviction and provide for a base offense level of 11.

SPECIFIC OFFENSE CHARACTERISTICS **U.S.S.G. CHAPTER 2 ADJUSTMENTS**

7. The government and the defendant agree that the following specific offense characteristics do apply:

- a. the 3-level increase pursuant to Guidelines § 2L2.1(b)(2) (offense involved at least 6 documents, but no more than 24 documents);
- b. the 4-level increase pursuant to Guidelines § 2L2.1(b)(5) (offense involved the fraudulent use of a United States passport).

U.S.S.G. CHAPTER 3 ADJUSTMENTS

8. The government and the defendant agree that the following adjustment to the base offense level does apply:

- c. The 2-level increase of Guidelines § 3B1.3 (abuse of trust/special skill).

ADJUSTED OFFENSE LEVEL

9. Based on the foregoing, it is the understanding of the government and the defendant that the adjusted offense level for the offense of conviction is 20.

ACCEPTANCE OF RESPONSIBILITY

10. At sentencing, the government agrees not to oppose the recommendation that the Court apply the two (2) level decrease of Guidelines § 3E1.1(a) (acceptance of responsibility) and further agrees to move the Court to apply the additional one (1) level decrease of Guidelines § 3E1.1(b), which would result in a total offense level of 17.

CRIMINAL HISTORY CATEGORY

11. It is the understanding of the government and the defendant that the defendant's criminal history category is I. The defendant understands that if the defendant is sentenced for, or convicted of, any other charges prior to sentencing in this action the

defendant's criminal history category may increase. The defendant understands that the defendant has no right to withdraw the plea of guilty based on the Court's determination of the defendant's criminal history category.

GUIDELINES' APPLICATION, CALCULATIONS AND IMPACT

12. It is the understanding of the government and the defendant that, with a total offense level of 17 and criminal history category of I, the defendant's sentencing range would be a term of imprisonment of 24 to 30 months, a fine of \$10,000 to \$95,000, and a period of supervised release of 1 to 3 years. Notwithstanding this, the defendant understands that at sentencing the defendant is subject to the maximum penalties set forth in ¶ 1 of this agreement.

13. The government and the defendant agree to the correctness of the calculation of the Sentencing Guidelines range set forth above. The government and the defendant, however, reserve the right to recommend a sentence outside the Sentencing Guidelines range. This paragraph reserves the right to the government and the defendant to bring to the attention of the Court all information deemed relevant to a determination of the proper sentence in this action.

14. The defendant understands that the Court is not bound to accept any Sentencing Guidelines calculations and the defendant will not be entitled to withdraw the plea of guilty based on the sentence imposed by the Court.

15. In the event the Court contemplates any Guidelines adjustments, departures, or calculations different from those agreed to by the parties above, the parties reserve the right to answer any inquiries by the Court concerning the same.

IV. STATUTE OF LIMITATIONS

16. In the event the defendant's plea of guilty is withdrawn, or conviction vacated, either pre- or post-sentence, by way of appeal, motion, post-conviction proceeding, collateral attack or otherwise, the defendant agrees that any charges dismissed pursuant to this agreement shall be automatically reinstated upon motion of the government and further agrees not to assert the statute of limitations as a defense to any federal criminal offense which is not time barred as of the date of this agreement. This waiver shall be effective for a period of six months following the date upon which the withdrawal of the guilty plea or vacating of the conviction becomes final.

V. REMOVAL

17. The defendant represents that he is a citizen of the United States. However, if the defendant is not a citizen of the United States, the defendant understands that, if convicted, the defendant may be removed from the United States, denied citizenship, and denied admission to the United States in the future.

V. GOVERNMENT RIGHTS AND OBLIGATIONS

18. The defendant understands that the government has reserved the right to:
- a. provide to the Probation Office and the Court all the information and evidence in its possession that the government deems relevant

concerning the defendant's background, character and involvement in the offense charged, the circumstances surrounding the charge and the defendant's criminal history;

- b. respond at sentencing to any statements made by the defendant or on the defendant's behalf that are inconsistent with the information and evidence available to the government;
- c. advocate for a specific sentence consistent with the terms of this agreement including the amount of a fine and the method of payment;
- d. modify its position with respect to any sentencing recommendation or sentencing factor under the Guidelines including criminal history category, in the event that subsequent to this agreement the government receives previously unknown information, including conduct and statements by the defendant subsequent to this agreement, regarding the recommendation or factor; and
- e. oppose any application for a downward departure and/or sentence outside the Guidelines range made by the defendant.

19. At sentencing, the government will move to dismiss the Criminal Complaint pending against the defendant under Magistrate's No. 22-MJ-5023.

20. The defendant agrees that any financial records and information provided by the defendant to the Probation Office, before or after sentencing, may be disclosed to the United States Attorney's Office for use in the collection of any unpaid financial obligation.

VI. APPEAL RIGHTS

21. The defendant understands that Title 18, United States Code, Section 3742 affords a defendant a limited right to appeal the sentence imposed. The defendant, however, knowingly waives the right to appeal and collaterally attack any component of a sentence imposed by the Court which falls within or is less than the sentencing range for imprisonment,

a fine and supervised release set forth in Section III, ¶ 12, above, notwithstanding the manner in which the Court determines the sentence. In the event of an appeal of the defendant's sentence by the government, the defendant reserves the right to argue the correctness of the defendant's sentence.

22. The defendant understands that by agreeing not to collaterally attack the sentence, the defendant is waiving the right to challenge the sentence in the event that in the future the defendant becomes aware of previously unknown facts or a change in the law which the defendant believes would justify a decrease in the defendant's sentence.

23. The government waives its right to appeal any component of a sentence imposed by the Court which falls within or is greater than the sentencing range for imprisonment, a fine and supervised release set forth in Section III, ¶ 12, above, notwithstanding the manner in which the Court determines the sentence. However, in the event of an appeal from the defendant's sentence by the defendant, the government reserves its right to argue the correctness of the defendant's sentence.

VII. TOTAL AGREEMENT AND AFFIRMATIONS

24. This plea agreement represents the total agreement between the defendant, **VISHAL KAMAL CHHABRIA**, and the government. There are no promises made by anyone other than those contained in this agreement. This agreement supersedes any other prior agreements, written or oral, entered into between the government and the defendant.

TRINI E. ROSS
United States Attorney
Western District of New York

BY:



LAURA A. HIGGINS
Assistant United States Attorney


Dated: September 23, 2022

I have read this agreement, which consists of pages 1 through 10. I have had a full opportunity to discuss this agreement with my attorney, James Auricchio, Esq. I agree that it represents the total agreement reached between me and the government. No promises or representations have been made to me other than what is contained in this agreement. I understand all of the consequences of my plea of guilty. I fully agree with the contents of this agreement. I am signing this agreement voluntarily and of my own free will.



VISHAL KAMAL CHHABRIA
Defendant

Dated: September 23, 2022



JAMES AURICCHIO, ESQ.
Attorney for the Defendant

Dated: September 23, 2022

Exhibit C

UNITED STATES DISTRICT COURT

Western District Of New York

UNITED STATES OF AMERICA

v.

Vishal K. Chhabria

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JUDGMENT IN A CRIMINAL CASE

Case Number: 1:22CR00129-001

USM Number: 91416-509

James Quinn Auricchio

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) _____ I of the Information
- pleaded nolo contendere to count(s) _____ which was accepted by the court.
- was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
8 U.S.C. §1325(c), 18 U.S.C. §371	Conspiracy to Commit Marriage Fraud	3/16/2022	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____
- Criminal Compliant 22MJ05023-001 is dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

January 8, 2025
Date of Imposition of Judgment

Signature of Judge

Lawrence J. Vilardo, U.S. District Judge
Name and Title of Judge

Date

DEFENDANT: Vishal K. Chhabria
CASE NUMBER: 1:22CR00129-001

PROBATION

You are hereby sentenced to probation for a term of: Three (3) years

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
5. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
6. You must participate in an approved program for domestic violence. *(check if applicable)*
7. You must make restitution in accordance with 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, 3663A, and 3664. *(check if applicable)*
8. You must pay the assessment imposed in accordance with 18 U.S.C. § 3013.
9. If this judgment imposes a fine, you must pay in accordance with the Schedule of Payments sheet of this judgment.
10. You must notify the court of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: Vishal K. Chhabria
CASE NUMBER: 1:22CR00129-001

STANDARD CONDITIONS OF SUPERVISION

As part of your probation, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of the time you were sentenced, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the court determines in consultation with your probation officer that, based on your criminal record, personal history and characteristics, and the nature and circumstances of your offense, you pose a risk of committing further crimes against another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

Upon a finding of a violation of probation or supervised release, I understand that this court may (1) revoke supervision, (2) extend the terms of supervision, and/or (3) modify the conditions of probation or supervised release. A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature

Vishal K. Chhabria

Date 01/08/25

U.S. Probation Officer's Signature

Timothy P. Bloomer

Date 01/08/2025

DEFENDANT: Vishal K. Chhabria
CASE NUMBER: 1:22CR00129-001

Judgment—Page 4 of 6

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall participate in a program for substance abuse, including substance abuse testing such as urinalysis and other testing, and shall undergo a drug/alcohol evaluation and treatment if substance abuse is indicated by the testing. The probation officer will supervise the details of any testing and treatment, including the selection of a treatment provider and schedule. If in-patient treatment is recommended, however, it must be approved by the Court unless the defendant consents. The defendant is not to leave treatment until completion or as ordered by the court. While in treatment and after discharge from treatment, the defendant is to abstain from the use of alcohol. The defendant is required to contribute to the cost of services rendered.

The defendant shall comply with the conditions of home detention, which will be monitored by an electronic monitoring system, for a period of six (6) months. The defendant shall wear (an) electronic monitoring device(s) and follow monitoring procedures specified by the defendant's probation officer as outlined in Probation Form 61. The defendant shall pay a portion or the total cost of electronic monitoring services at the daily rate provided by the U.S. Probation Office.

The defendant is to participate in a mental health treatment program, including a mental health evaluation and any treatment recommended. The probation officer will supervise the details of any testing and treatment, including the selection of a provider and schedule. If in-patient treatment is recommended, however, it must be approved by the Court unless the defendant consents. The defendant is not to leave such treatment until completion or as ordered by the Court. While in treatment or taking psychotropic medication, the defendant shall abstain from the use of alcohol. The defendant is required to contribute to the cost of services rendered.

The defendant shall submit to a search of his person, property, vehicle, place of residence or any other property under his control, based upon reasonable suspicion, and permit confiscation of any evidence or contraband discovered.

The defendant shall provide the U.S. Probation Office with access to any requested personal and/or business financial information. The U.S. Probation Office is authorized to release pre-sentence and post-sentence financial information submitted by the defendant to the U.S. Attorney's Office for use in the collection of any unpaid fine. If a fine is owed, the defendant shall notify the U.S. Probation Office of any assets received and shall not disburse his interest in any assets, including, but not limited to, income tax refunds, inheritance, insurance and lawsuit settlements, or gambling winnings without the approval of the U.S. Probation Office.

While a fine balance is outstanding, the defendant shall not incur any form of debt including, but not limited to, use of existing credit cards, new credit cards, lines of credit, mortgages or private loans without the approval of the U.S. Probation Office.

The defendant shall perform 100 hours of community service within the first year of probation, 200 hours within the second year of probation, and 200 within the third year of probation for a total of 500 hours.

DEFENDANT: Vishal K. Chhabria
 CASE NUMBER: 1:22CR00129-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100	\$ 0	\$ 0	\$ 2,000	\$ 0

The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss**</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	---------------------	----------------------------	-------------------------------

TOTALS	\$ _____	\$ _____
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Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Vishal K. Chhabria
CASE NUMBER: 1:22CR00129-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Lump sum payment of \$ _____ due immediately, balance due
 - not later than _____, or
 - in accordance C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:
The defendant shall pay a special assessment of \$100, which shall be due immediately. Payments shall be made to the Clerk, U.S. District Court (WD/NY), 2 Niagara Square, Buffalo, New York 14202 or to pay online, visit www.nywd.uscourts.gov for instructions, unless otherwise directed by the Court, the probation officer, or the United States Attorney.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate.
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- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

Exhibit D

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

22-CR-129-JLS

VISHAL KAMAL CHHABRIA,

Defendant.

INFORMATION

(Title 18, United States Code, Section 371)

COUNT 1

The United States Attorney Charges That:

Introduction

1. United States Citizenship and Immigration Services (“CIS”) is an agency of the Department of Homeland Security. CIS is a government agency that oversees lawful immigration to the United States. CIS provides the procedures for a U.S. citizen to seek and obtain permanent resident status for their foreign national spouse. Lawful permanent residents are issued a “Green Card” by CIS as proof of their lawful status in the United States.

2. A foreign national may obtain a Green Card in the United States based upon her or her valid marriage to a United States citizen.

3. The United States citizen spouse must file a Form I-130 (Petition for Alien Relative) with CIS seeking to accord the foreign national spouse, or “beneficiary spouse,” status as an “immediate family relative.” The U.S. citizen spouse must submit the marriage certificate in support of the petition.

4. The foreign national spouse, or beneficiary, must file a Form I-485 (Application to Register Permanent Residence or Adjust Status), which formally seeks to adjust the foreign

national spouse's status to that of a lawful permanent resident. As part of the process, CIS will conduct an interview where the spouses are questioned about the petition and their relationship.

5. If the petition is approved and the marriage which is the basis of the application is less than two years old, the beneficiary is accorded conditional lawful permanent resident status and issued a Green Card. The conditional lawful permanent resident status and Green Card expires after two years.

6. Within 90 days of the expiration of the Green Card, both spouses must file Form I-751 (Petition to Remove Conditions on Residence) with CIS. The petition requires certification that the marriage was entered in accordance with the law of the place where the marriage took place and was not for the purpose of procuring an immigration benefit.

7. A perjury clause instructing the signor that all information provided to CIS must be truthful and accurate is present on Form I-130, Form I-485, and Form I-751.

The Conspiracy and its Objective

8. Beginning in or about 2018, and continuing until on or about March 16, 2022, in the Western District of New York, and elsewhere, the defendant, **VISHAL KAMAL CHHABRIA**, did knowingly, willfully, and unlawfully combine, conspire, and agree with others, known and unknown, to commit an offense against the United States, that is to knowingly enter into marriages for the purpose of evading immigration laws, in violation of Title 8, United States Code, Section 1325(c).

Manner and Means of the Conspiracy

9. It was a part of the conspiracy that conspirators would and did recruit United States citizens to join the conspiracy for the purpose of entering into fraudulent marriages to

foreign nationals seeking legal status in the United States in order to evade United States immigration laws.

10. It was further part of the conspiracy that conspirators would and did pay the recruited United States citizens to enter into fraudulent marriages with foreign nationals.

11. It was further part of the conspiracy that conspirators entered into fraudulent marriages for the purpose of fraudulently obtaining legal permanent resident status.

12. It was further part of the conspiracy that conspirators would and did take staged photographs of themselves as a couple for use as documentation in representing themselves as a true and legitimate married couple in a meaningful relationship to CIS.

13. It was further part of the conspiracy that soon after the fraudulent marriages, the conspirators would and did complete immigration forms with false and fraudulent information and sign the immigration forms for the purpose of submitting to CIS and evading immigration laws.

14. It was further part of the conspiracy that the conspirators would and did sign non-immigration documents, like powers of attorney, wills, and healthcare proxies, for the purpose of submitting to CIS and evading immigration laws.

15. It was further part of the conspiracy that conspirators would and did coach the US citizen spouse and the foreign national spouse about how to present themselves and a legitimate couple and how to respond when questioned or interviewed by law enforcement or immigration officials about the legitimate nature of the marriages.

Overt Acts

16. Between in or about 2018, CHHABRIA, a licensed attorney in the state of Illinois, provided legal representation to fraudulently married couples when they petitioned CIS for a Green Card for the foreign national spouse. CHHABRIA knew these couples were

in a fraudulent marriage, or as he called them “contract marriages,” for the purpose of obtaining a Green Card for the foreign national spouse.

17. Between 2018 and approximately March 25, 2022, in the Western District of New York and elsewhere, CHHABRIA provided legal representation to at least 6, but not more than 24, fraudulently married couples in their CIS applications for Green Cards knowing that the marriages were fraudulent.

18. For each of these couples, CHHABRIA assisted them in completing necessary immigration forms with false and fraudulent representations, gathered and manufactured false and fraudulent supporting documentation for the CIS applications, and then submitted said false and fraudulent documents to CIS.

19. For each of these couples, CHHABRIA coached the couples to falsely and fraudulently hold themselves out as legitimately married and evade detection by officials at the CIS interviews.

20. For many of these couples, CHHABRIA personally accompanied the couple to their CIS interview where false and fraudulent representations about the marriage and relationship were made to CIS by the couples and by CHABBBRIA on they couple’s behalf.


21. For many of these couples, CHHABRIA created significant legal documents for them to execute and then present to CIS as part of their application for a Green Card for the foreign national spouse. These documents included wills, powers of attorney, and health care proxy forms. At least once, CHHABRIA directed the couple to back date these documents to make it appear as though the documents were executed long before the CIS interview in an effort to convince the CIS adjudicator that the marriage was legitimate.

All in violation of Title 18, United States Code, Section 371.

DATED: Buffalo, New York, September 23, 2022.

TRINI E. ROSS
United States Attorney

BY:



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