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THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

1:24-cr-00598

UNITED STATES OF AMERICA

No.

Judge Manish S. Shah
Magistrate Judge Heather K. McShain
RANDOM / Cat. 5

v.

GERARDO DEAN and
FELICITAS CORDERO,
also known as “Felice Cordero”

Violations: Title 8, United States Code,
Sections 1324(a)(1)(A)(iv),
1324(a)(1)(A)(v)(I), and 1324(a)(1)(B)(i)

COUNT ONE

The SPECIAL NOVEMBER 2023 GRAND JURY charges:

1. At times material to this Indictment:

a. The Republic of the Philippines (the “Philippines”) was a country located in southeast Asia.

b. Defendant GERARDO DEAN, an attorney licensed to practice law in the State of Illinois, operated a law office in Chicago, Illinois. Defendant DEAN practiced immigration law and Company A, which operated skilled-nursing facilities in the Northern District of Illinois, was one of DEAN’s clients.

c. Defendant FELICITAS CORDERO, also known as “Felice Cordero,” was an employee of Company A and responsible for recruiting and hiring foreign-national nurses for Company A.

d. The United States required foreign nationals to obtain employment visas before commencing work in the United States.

e. The United States Department of Labor (“DOL”) was an agency of the United States responsible for, among other things, overseeing foreign labor

certification programs that permitted employers to hire foreign workers on a temporary or permanent basis.

f. The United States Citizenship and Immigration Services (“USCIS”) was an agency of the United States responsible for, among other things, adjudicating immigrant and nonimmigrant visa petitions.

g. The United States Department of State was an agency of the United States responsible for, among other things, interviewing at overseas U.S. embassies or consulates foreign nationals applying for employment visas.

The H-1B Visa Program

h. The H-1B visa program allowed U.S. companies to temporarily employ foreign nationals with specialized or technical expertise in a particular field.

i. Before hiring a foreign national under the H-1B visa program, an employer first must have obtained approval from DOL by filing a Labor Condition Application (“LCA”). In the LCA, the employer certified that, as of the date of the LCA’s filing, a job vacancy existed and the employer intended to fill that job vacancy with a foreign national.

j. Upon DOL’s approval of the LCA, the employer applied to USCIS for approval to hire the foreign national. The employer sought this approval by filing with USCIS a Form I-129 Petition for a Nonimmigrant Worker that included information such as the foreign national’s job title with the employer, the job description, and the rate of pay.

k. If USCIS approved the I-129 Petition, the foreign national was usually required to appear for an interview at an overseas U.S. embassy or consulate, or, if already in the United States, the foreign national's H-1B status was changed and/or extended as requested in the petition.

l. Once the foreign national's H-1B visa petition was approved and the foreign national was issued a visa, the foreign national possessed lawful nonimmigrant status to live and work in the United States until the expiration of the H-1B visa or the end of employment with the employer.

m. Employers utilizing the H-1B visa program could retain immigration lawyers to navigate the petition process, including by preparing petitions on behalf of employers and communicating with DOL and USCIS about the petitions.

The EB-2 Visa Program

n. The EB-2 visa program allowed foreign nationals with master's degrees or equivalent qualifications who were to be employed by U.S. companies to obtain lawful permanent resident status.

o. Before hiring a foreign national under the EB-2 visa program, an employer first must have obtained a prevailing wage determination from DOL for the specific position being offered to the foreign national. The employer also must have certified to DOL the employment position being offered to the foreign national, the job description, and the rate of pay.

p. Upon DOL's approval to hire the foreign national at the stated position and rate of pay, the employer next was required to petition USCIS for the EB-2 visa on behalf of the foreign national. The employer was required to submit a Form I-140 Immigrant Petition for Alien Workers, as well as supporting documentation with information such as the foreign national's job title with the employer, the job description, and the rate of pay.

q. If USCIS approved the I-140 Petition, the foreign national was usually required to appear for an interview at an overseas U.S. embassy or consulate, or, if already in the United States, the foreign national's EB-2 visa status was approved.

r. Once the foreign national's EB-2 visa petition was approved and the foreign national was issued a visa, the foreign national possessed permanent legal status to live and work in the United States.

s. Employers utilizing the EB-2 visa program could retain immigration lawyers to navigate the petition process, including by preparing petitions on behalf of employers and communicating with DOL and USCIS about the petitions.

2. Beginning in or around June 2011, and continuing until at least in or around May 2015, in the Northern District of Illinois, Eastern Division, and elsewhere,

GERARDO DEAN and
FELICITAS CORDERO, also known as "Felice Cordero,"

defendants herein, knowingly conspired with each other, and with others known and unknown, to encourage and induce aliens to come to, enter, and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry, and residence was and would be in violation of law, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv).

3. It was part of the conspiracy that DEAN and CORDERO identified foreign nationals, namely, citizens of the Philippines, who sought to immigrate or remain in the United States and agreed to help those foreign nationals unlawfully obtain H-1B and EB-2 visas to live and work in the United States in exchange for monetary payments from the foreign nationals.

4. It was further part of the conspiracy that DEAN and CORDERO filed and caused to be filed fraudulent H-1B and EB-2 visa petitions representing that the foreign nationals had certain jobs at higher rates of pay waiting for them at Company A when DEAN and CORDERO knew that the foreign nationals would instead work different jobs at lower rates of pay at Company A than those stated in the visa petitions.

5. It was further part of the conspiracy that DEAN and CORDERO told foreign nationals that Company A would hire the foreign nationals as staff or registered nurses but that the foreign nationals' visa petitions would fraudulently represent that Company A would employ the foreign nationals at managerial, supervisory, or other higher level positions in order to increase the likelihood that the

visa petitions would be approved and the visas would be promptly issued to the foreign nationals.

6. It was further part of the conspiracy that DEAN and CORDERO sent and caused to be sent two different employment documents to foreign nationals who they helped to unlawfully obtain H-1B or EB-2 visas: (a) a fraudulent employment document between the foreign national and Company A for a managerial, supervisory, or other higher level position at a higher rate of pay; and (b) the actual employment document between the foreign national and Company A for a staff or registered nurse position at a lower rate of pay.

7. It was further part of the conspiracy that DEAN and CORDERO instructed foreign nationals to take the fraudulent employment document between the foreign national and Company A to their overseas consular interview and to not take the actual employment document between the foreign national and Company A to the interview.

8. It was further part of the conspiracy that DEAN and CORDERO instructed foreign nationals to provide false information during their overseas consular interviews by representing that the foreign nationals would be employed at Company A in managerial, supervisory, or other higher level positions at a higher rate of pay when DEAN and CORDERO knew that the foreign nationals would be employed at Company A as staff or registered nurses, which were not managerial, supervisory, or other higher level positions, at a lower rate of pay.

9. It was further part of the conspiracy that DEAN and CORDERO knew that U.S. immigration officials had a higher likelihood of approving a fraudulent H-1B or EB-2 visa petition that represented that Company A would employ a foreign national in a managerial, supervisory, or other higher level position and promptly issue a visa to that foreign national than a true and correct visa petition that represented that Company A would employ the foreign national as a staff or registered nurse.

10. It was further part of the conspiracy that DEAN and CORDERO falsely certified and caused others to falsely certify in documents submitted to DOL and USCIS that foreign nationals applying for H-1B or EB-2 visas would be employed by Company A in managerial, supervisory, or other higher level positions at a specified rate of pay when DEAN and CORDERO knew that was not true.

11. It was further part of the conspiracy that DEAN and CORDERO collected and caused to be collected monetary payments from foreign nationals who they helped fraudulently obtain H-1B and EB-2 visas to work at Company A and that DEAN also collected monetary payments from Company A for helping foreign nationals fraudulently obtain H-1B and EB-2 visas.

12. It was further part of the conspiracy that DEAN and CORDERO took steps to encourage and induce foreign nationals to unlawfully come to, enter, and reside in the United States, including but not limited to:

a. On or about November 15, 2013, DEAN certified that the information in Individual J.P.'s EB-2 visa petition, which was submitted to USCIS,

was true and correct to the best of his knowledge when DEAN knew that information in the petition was false, including the job title and rate of pay for which Company A was hiring Individual J.P.

b. In or around September 2014, DEAN told Individual A.C. that Individual A.C. would receive a fraudulent employment document from Company A for a supervisory nursing position that would help Individual A.C. qualify for an EB-2 visa even though, as DEAN knew, Individual A.C. would be working as a non-supervisory nurse for Company A.

c. In or around September 2014, CORDERO mailed Individual A.C. a fraudulent employment document from Company A, which CORDERO knew falsely represented that Individual A.C. would be working in a supervisory nursing position for Company A.

d. In or around November 2014, DEAN told Individual J.P. that Individual J.P. would receive a fraudulent employment document from Company A for a managerial nursing position that would help Individual J.P. qualify for an EB-2 visa even though, as DEAN knew, Individual J.P. would be working as a non-managerial nurse for Company A.

e. In or around November 2014, DEAN instructed Individual J.P. to provide false information during Individual J.P.'s consular interview about the actual position for which Company A was hiring Individual J.P.

f. In or around November 2014, CORDERO mailed Individual J.P. a fraudulent employment document, which CORDERO knew falsely represented that Individual J.P. would be working in a managerial nursing position for Company A.

g. In or around November 2014, CORDERO mailed Individual P.Y. a fraudulent employment document, which CORDERO knew falsely represented that Individual P.Y. would be working in a managerial nursing position for Company A, and instructed Individual P.Y. to provide false information during the consular interview about the actual position for which Company A was hiring Individual P.Y.

h. On or about December 22, 2014, CORDERO emailed Individual J.D.P. instructions to not take the actual employment document between Individual J.D.P. and Company A to the consular interview.

i. On or about January 22, 2015, CORDERO mailed Individual J.D.P. a fraudulent employment document, which CORDERO knew falsely represented that Individual J.D.P. would be working in a managerial nursing position for Company A.

13. It was further part of the conspiracy that DEAN and CORDERO caused foreign nationals to come to, enter, and reside in the United States by helping those foreign nationals unlawfully obtain H-1B and EB-2 visas, and employment as staff and registered nurses at Company A.

14. It was further part of the conspiracy that DEAN and CORDERO concealed and hid, and caused to be concealed and hidden, the existence of, and acts done in furtherance of, the conspiracy.

All in violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(I).

COUNT TWO

The SPECIAL NOVEMBER 2023 GRAND JURY further charges:

1. Paragraph 1 of Count One is incorporated here.
2. Between in or around September 2013, and continuing until at least on or about January 17, 2015, in the Northern District of Illinois, Eastern Division, and elsewhere,

GERARDO DEAN and
FELICITAS CORDERO, also known as “Felice Cordero,”

defendants herein, for the purpose of commercial advantage and private financial gain, encouraged and induced an alien, namely, Individual J.P., to come to, enter, and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry, and residence was and would be in violation of law;

In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iv) and 1324(a)(1)(B)(i).

COUNT THREE

The SPECIAL NOVEMBER 2023 GRAND JURY further charges:

1. Paragraph 1 of Count One is incorporated here.

2. Between in or around 2013, and continuing until at least on or about January 1, 2015, in the Northern District of Illinois, Eastern Division, and elsewhere,

GERARDO DEAN and
FELICITAS CORDERO, also known as “Felice Cordero,”

defendants herein, for the purpose of commercial advantage and private financial gain, encouraged and induced an alien, namely, Individual P.Y., to come to, enter, and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry, and residence was and would be in violation of law;

In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iv) and 1324(a)(1)(B)(i).

COUNT FOUR

The SPECIAL NOVEMBER 2023 GRAND JURY further charges:

1. Paragraph 1 of Count One is incorporated here.
2. Between in or around 2013, and continuing until at least on or about February 28, 2015, in the Northern District of Illinois, Eastern Division, and elsewhere,

GERARADO DEAN and
FELICITAS CORDERO, also known as “Felice Cordero,”

defendants herein, for the purpose of commercial advantage and private financial gain, encouraged and induced an alien, namely, Individual J.D.P., to come to, enter, and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry, and residence was and would be in violation of law;

In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(iv) and 1324(a)(1)(B)(i).

FORFEITURE ALLEGATION

The SPECIAL NOVEMBER 2023 GRAND JURY alleges:

1. Upon conviction of an offense in violation of Title 8, United States Code, Section 1324(a), as alleged in Counts One through Four of this Indictment,

GERARDO DEAN and
FELICITAS CORDERO, also known as “Felice Cordero,”

defendants herein, shall forfeit to the United States of America the gross proceeds of such violation, and any property traceable to such proceeds, as provided by Title 8, United States Code, Section 1324(b)(1).

2. If any of the property described above, as a result of any act or omission by a defendant: cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property, as provided in Title 21, United States Code, Section 853(p).

A TRUE BILL:

FOREPERSON

ACTING UNITED STATES ATTORNEY