

Va. Men Charged In Visa Scheme 2,700 Fake Papers Filed, U.S. Says

By Tom Jackman, Washington Post Staff Writer
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Federal agents swarmed into Arlington yesterday and shut down a massive immigration fraud scheme that allowed thousands of illegal immigrants to obtain permission to work in the United States -- and made millions of dollars for an Arlington lawyer and his colleague -- prosecutors said.

Samuel G. Kooritzky, 63, an immigration lawyer and owner of the Capital Law Centers, and Ronald W. Bogardus, 65, an engineer, had submitted nearly 2,700 phony applications since the beginning of last year for "labor certifications" from the state and federal government, according to a 60-page affidavit filed in federal court in Alexandria yesterday. The documents certify that an employer needs a foreign worker for a job because no U.S. citizens are available. Once the Department of Labor issues a certification for a worker, the immigrant can apply to the Immigration and Naturalization Service for permanent residency.

Kooritzky allegedly charged immigrants at least \$8,000 to file the paperwork. The two men, who are each charged with one count of immigration fraud, raked in at least \$11 million, and as much as \$21 million, over the past 18 months, agents estimated.

"There's every reason to believe this is going on all over the country," said Ben Ferro, a former INS district director in Baltimore.

Ferro said the INS doesn't have enough agents to track internal visa schemes, particularly with increased border scrutiny and other changes in priorities since Sept. 11. "There are many, many areas of immigration law that, because INS doesn't have the ability or willingness to monitor and stamp them out, it goes unchecked," he said. "And when these things are found, they're usually only prosecuted when they reach the kinds of numbers you're talking about here."

Bogardus is accused of obtaining the names of local businesses for the paperwork, even though the businesses and their managers were unaware they were being used as "sponsors" for the immigrants.

As one example, Kooritzky allegedly filed 184 requests for labor certifications from a Silver Diner restaurant in Arlington for short-order cooks. None of the agencies reviewing the paperwork noticed the sudden demand for foreign workers from one restaurant.

An INS spokesman said last night that noticing such a scheme would depend on how many applications were filed in a certain time period. "It's certainly something we want to be on guard against, but there's no way to ensure, if the petitioners are coming forward with the proper determinations, that there are too many coming forward," spokesman Bill Strassberger said.

Kooritzky of Vienna was released after a brief appearance before U.S. Magistrate Judge Welton Curtis Sewell. He did not comment.

Bogardus said, "I'm an honest, law-abiding citizen." But Sewell ordered the Arlington man held without bond after agents found him carrying \$44,000 in cash when he was picked up outside his Arlington office. The judge also ordered the assets of both men frozen.

Investigators in Kooritzky's case said they were amazed that neither the Virginia Employment Commission nor the U.S. Labor Department noticed the volume of applications coming in from individual restaurants. In addition to the Silver Diner's petitions, 173 requests came from a Shoney's in Manassas; 184 from an Applebee's in the Alexandria area; 108 from an Outback Steakhouse in Arlington; and 230 from two Chili's restaurants, one in Springfield and another in the Alexandria area.

In each instance, the application said the potential cook would be paid \$12.05 an hour, according to the affidavit written by Andrew H. Shea, a Labor Department special agent. When Shea visited the restaurants, managers at each said they had not filed for labor certifications and that they don't pay starting cooks that much.

When immigrants seek a labor certification, their applications are sent to the state employment agency to determine whether U.S. workers are available. The state agency sends the application to the federal Labor Department, which decides whether to issue a certificate. The immigrant then can take that certification to the INS.

Joyce Fogg, a spokeswoman with the Virginia Employment Commission, said, "The state's responsibility is to review it for completeness and see that the employer's requirements do not exceed what is normal for the occupation."

She said the state also tests the labor market to see if U.S. workers are available. "If an employer has already tested the market by running newspaper ads, our people review that effort." Shea's affidavit said Kooritzky and Bogardus placed ads in the Washington Times and submitted those as evidence that they had tried to hire local workers.

Kathleen Harrington, a spokeswoman for the U.S. Department of Labor, said the agency's review program works to "ensure there is no adverse impact on the local labor market." She said the department would look at the allegations in the case and "evaluate how we do operate the program."

Of the nearly 2,700 applications filed by Kooritzky since January 2001, Shea wrote, he had investigated 1,436 and "did not find a single legitimate application." The inquiry was launched last spring after the Labor Department accidentally sent a certification to a Chili's restaurant, rather than Kooritzky, and the store manager notified authorities.

Investigators do not know how many of the labor certifications were approved or how many visas were issued. Officials said the INS could move to revoke the residency status of anyone who obtained a visa with a phony application.