IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

UNITED STATES OF AMERICA	)	CR. NO. 6:17CR1054
	)	18 U.S.C. § 371
vs.	)	18 U.S.C. § 1546(a)
	)	18 U.S.C. § 2
MICHAEL A. RAWSON	)	
BRENDA RAWSON	)	INDICTMENT

Background

At times material to this indictment:

1. Section 1(b) of Public Law 91-225 of April 7, 1970, created a nonimmigrant visa (NIV) classification at INA 101(a)(15)(L) for intra-company transferees. The L1A (commonly referred to as L1) nonimmigrant classification enables a United States (U.S.) employer to transfer an executive or manager from one of its affiliated foreign offices to one of its offices in the United States. Those aliens who have been issued an L1 visa are referred to as an intra-company transferee.
2. Title 8 of Code of Federal Regulations Part 214 describes the L1 classification under Section 101(a)(15)(L) of the Immigration and Naturalization Act as providing that an alien who within the preceding three years has been employed abroad for one continuous year by a qualifying organization may be admitted to the United States to be employed by a parent, branch, affiliate, or subsidiary of that employer in a managerial or executive capacity, or in a position requiring specialized knowledge. An alien transferred to the United States under this nonimmigrant classification is referred to as an intra-company transferee and the organization which seeks the classification of an alien as an intra-

company transferee is referred to as the petitioner.

3. This same section defines the term intra-company transferee as an alien who, within three years, preceding the time of his or her application for admission into the U.S., has been employed abroad continuously for one year by a firm or corporation or other legal entity or parent, branch, affiliate, or subsidiary thereof, and who seeks to enter the U.S. temporarily in order to render his or her services to a branch of the same employer or a parent, affiliate, or subsidiary thereof in a capacity that is managerial, executive, or involves specialized knowledge. Periods spent in the U.S. in lawful status for a branch of the same employer or a parent, affiliate, or subsidiary thereof and brief trips to the U.S. for business or pleasure shall not be interruptive of the one year of continuous employment abroad but such periods shall not be counted towards fulfillment of that requirement.

4. The spouse and unmarried children under the age of 21 of an L1 nonimmigrant who are accompanying or following to join the principal alien in the U.S. are entitled to L2 classification and are subject to the same visa validity, period of admission, and limitation of stay as the L1 alien.

5. To apply for an L-l visa, the petitioner was required to file a Form 1-129, Petition for Nonimmigrant Worker, with USCIS which must be petitioned in conjunction with the services of the L-l nonimmigrant, and not filed more than one year before the L-l nonimmigrant begins employment. The petitioner was required to submit supporting documentation with the Form I-129 including sufficient evidence to establish that the petitioner meets all requirements to qualify for the L1 classification requested. To qualify for L-l classification in this category, the employer must: (1) have a qualifying

relationship with a foreign company (parent company, branch, subsidiary, or affiliate, collectively referred to as qualifying organizations); and (2) currently be, or will be, doing business as an employer in the United States and in at least one other country directly or through a qualifying organization for the duration of the beneficiary's stay in the United States as an L-l. While the business must be viable, there is no requirement that it be engaged in international trade. Doing business means the regular, systematic, and continuous provision of goods and/or services by a qualifying organization and does not include the mere presence of an agent or office of the qualifying organization in the United States and abroad. To qualify, the named employee must also: (1) generally have been working for a qualifying organization abroad for one continuous year within the three years immediately preceding his or her admission to the United States; and (2) be seeking to enter the United States to provide service in an executive or managerial capacity for a branch of the same employer or one of its qualifying organizations. Executive capacity generally refers to the employee's ability to make decisions of wide latitude without much oversight. Managerial capacity generally refers to the ability of the employee to supervise and control the work of professional employees and to manage the organization, or a department, subdivision, function, or component of the organization. It may also refer to the employee's ability to manage an essential function of the organization at a high level, without direct supervision of others.

COUNT 1

THE GRAND JURY CHARGES:

6. That beginning at a date unknown to the Grand Jury but from at least in or about October 2012, and continuing thereafter until the date of this Indictment, the exact dates being

unknown to the Grand Jury, in the District of South Carolina and elsewhere, the defendants, MICHAEL A. RAWSON and BRENDA RAWSON, knowingly and willfully did combine, conspire, confederate, agree and have a tacit understanding with each other and with others known and unknown to the Grand Jury to commit visa fraud against the United States, in violation of Title 18, United States Code, Section 1546(a).

Manner and Means

7. It was part of the conspiracy that MICHAEL A. RAWSON and BRENDA RAWSON desired to establish a for-profit basketball academy in the United States.

8. It was further part of the conspiracy that MICHAEL A. RAWSON arranged for Lisa Nason to establish 22ft, LLC (hereinafter "22ft U.S.") as an affiliate of a Dutch company (hereinafter "22ft Dutch"). MICHAEL A. RAWSON and Lisa Nason are 50/50 partners in this enterprise.

9. It was further part of the conspiracy that MICHAEL A. RAWSON, a citizen of the United Kingdom, persuaded Lisa Nason to petition that he be allowed to enter the United States on an L-1A intercompany transferee/executive manager visa to work at 22ft U.S. in Greenville, South Carolina. In accompanying documents, BRENDA RAWSON was identified as part of the 22ft U.S. management team and a partner in 22ft Dutch.

10. It was further part of the conspiracy that false statements were made on the petition.

11. It was further part of the conspiracy that MICHAEL A. RAWSON, in filing articles of organization for 22ft Dutch, forged the signature of Siebe Hoekstra and falsely stated that Hoekstra's home address was the business address for 22ft Dutch.

12. It was further part of the conspiracy that 22ft Dutch had no operational office in the

Netherlands.

13. It was further part of the conspiracy that 22ft U.S. was not truly doing business with 22ft Dutch.

14. It was further part of the conspiracy that MICHAEL A. RAWSON recruited young men to come to the United States to play basketball at 22ft U.S. and to attend school, but MICHAEL A. RAWSON did not require regular school attendance, allowed students to take online courses in violation of their visas, and allowed the students to transfer schools repeatedly without being properly sponsored on an updated Form I-20.

15. It was further part of the conspiracy that MICHAEL A. RAWSON, in procuring assistant coaches from Europe, told them to lie in interviews with immigration authorities about working in the United States.

16. It was further part of the conspiracy that BRENDA RAWSON told 22ft students to lie to the authorities if questioned about the operation of 22ft U.S. and living conditions.

Overt Acts

17. In furtherance of the conspiracy and to effect the objects thereof, the following overt acts, among others, were committed in the District of South Carolina and elsewhere:

a. In October 2012, MICHAEL A. RAWSON approached Lisa Nason about incorporating 22ft U.S.

b. On or about July 25, 2013, MICHAEL A. RAWSON caused a law firm to submit fraudulent diagram of the 22ft U.S. company structure.

c. On or about January 3, 2013, MICHAEL A. RAWSON entered into a shareholders agreement regarding 22ft U.S.

d. On August 13, 2013, BRENDA RAWSON submitted her Form DS-160, Online

Nonimmigrant visa application.

e. In or about 2017, MICHAEL A. RAWSON employed an individual that he knew was not eligible to work in the United States.

f. In or about 2017, BRENDA RAWSON told 22ft U.S. students to tell a story if questioned by police officers about 22ft operations.

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

COUNT 2

THE GRAND JURY FURTHER CHARGES:

18. In or about July and August 2013, MICHAEL A. RAWSON, BRENDA RAWSON, and others both known and unknown to the grand jury, aiding and abetting each other, did knowingly present documentary evidence in support of an L-1A intercompany transferee/executive manager visa application which contained false statements, to wit, a curriculum vita and Form I-129 indicating that 22ft Dutch had been in existence since 2008, a Form I-129 stating that 22ft U.S. intended to pay MICHAEL A. RAWSON $120,000 per year, an organizational chart listing individuals with no affiliation with either 22ft U.S. or Dutch, which said statements, as they then and there knew, were false.

In violation of Title 18, United States Code, Sections 1546(a) and 2.

A True Bill

REDACTED

FOREPERSON

BETH DRAKE (WJW/jal)
UNITED STATES ATTORNEY