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8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

13 **Federal Trade Commission,**
Plaintiff,
14 vs.
15 **Forms Direct, Inc., a corporation, also**
16 **d/b/a Immigration Direct and successor**
17 **in interest to American Immigration**
18 **Center Inc., File Right, LLC, United**
19 **Immigration Inc. and US Immigration**
20 **Technology LLC; and**
21 **Cesare Alessandrini, individually and as**
an officer of Forms Direct, Inc.;
Defendants.

Case No.
COMPLAINT FOR PERMANENT
INJUNCTION AND OTHER EQUITABLE
RELIEF

1 Plaintiff, the Federal Trade Commission (“FTC”), for its Complaint against Defendants
2 Forms Direct, Inc. d/b/a Immigration Direct and successor in interest to American Immigration
3 Center Inc., File Right, LLC, United Immigration Inc. and US Immigration Technology LLC; and
4 Cesare Alessandrini (collectively, “Defendants”) alleges:

5 1. The FTC brings this action under Section 13(b) of the Federal Trade Commission
6 Act (“FTC Act”), 15 U.S.C. §53(b), to obtain permanent injunctive relief, rescission or
7 reformation of contracts, restitution, the refund of monies paid, disgorgement of ill-gotten
8 monies, and other equitable relief for Defendants’ acts or practices in violation of Section 5(a) of
9 the FTC Act, 15 U.S.C. §45(a), in connection with the advertising, marketing, promotion or sale
10 of immigration and naturalization form preparation services.

11 **SUMMARY OF THE CASE**

12 2. This case concerns Defendants’ deceptive scheme to induce consumers into
13 purchasing immigration and naturalization form preparation services from websites that falsely
14 create the impression of an affiliation with the U.S. government. The design of Defendants’
15 search engine advertisements and websites has tricked consumers into believing that Defendants’
16 websites are owned, operated by, or affiliated with the U.S. government. Consumers have
17 purchased Defendants’ immigration products and services believing that they were submitting
18 payment to a U.S. government agency such as the United States Citizenship and Immigration
19 Service (“USCIS”). Defendants have also led consumers to believe that the fee they were paying
20 Defendants was the applicable government agency filing fee. In reality, Defendants have charged
21 consumers fees ranging from approximately \$120 to \$300 – which did not include the
22 government filing fees – for assistance in completing the applicable immigration government
23 form, through products such as Defendants’ online form preparation services. Such forms, and
24 any pertinent instructions on how to complete the forms, are freely available on the USCIS
25 website. Despite numerous consumer complaints and two prior state enforcement actions
26 regarding Defendants’ deception, Defendants have failed to disclose adequately that: 1) their
27 websites are not affiliated with the U.S. government, and 2) consumers who use their services
28

1 must still submit their applications to the U.S. government and pay any applicable government
2 filing fee.

3 **JURISDICTION, VENUE, AND INTRADISTRICT ASSIGNMENT**

4 3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a),
5 and 1345, and 15 U.S.C. §§ 45(a) and 53(b).

6 4. Venue is proper in this district under 28 U.S.C. § 1391(b)(3), (c)(1), (c)(2), and
7 (d), and 15 U.S.C. § 53(b).

8 5. Assignment to the San Francisco Division is proper because Defendant Forms
9 Direct, Inc. transacts business in San Francisco County and has advertised its services to many
10 consumers who reside in the county.

11 **PLAINTIFF**

12 6. The FTC is an independent agency of the United States Government created by
13 statute. 15 U.S.C. §§ 41-58. The FTC enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a),
14 which prohibits unfair or deceptive acts or practices in or affecting commerce.

15 7. The FTC is authorized to initiate federal district court proceedings, by its own
16 attorneys, to enjoin violations of the FTC Act and to secure such equitable relief as may be
17 appropriate in each case, including rescission or reformation of contracts, restitution, the refund
18 of monies paid, and the disgorgement of ill-gotten monies. 15 U.S.C. § 53(b).

19 **DEFENDANTS**

20 8. Defendant Forms Direct, Inc. (“Forms Direct”), also doing business as
21 Immigration Direct, is a Nevada corporation with its principal place of business at 311 N. Pecos
22 Road, Henderson, NV 89052. On January 1, 2016, Forms Direct merged with two related entities
23 —United Immigration Inc. (“United Immigration”) and US Immigration Technology LLC (“US
24 Immigration Technology”)—to form one remaining entity, Forms Direct. On January 1, 2018,
25 Forms Direct merged with two other related entities—American Immigration Center Inc. (“AIC”)
26 and File Right, LLC (“File Right”) —to form one remaining entity, Forms Direct.

27 9. From 2010 through 2015, United Immigration, doing business as
28 uscitizenship.info, was a Nevada corporation with its principal place of business at 311 N. Pecos

1 Road, Henderson, NV 89052. From November 2014 through 2015, US Immigration Technology,
2 doing business as usimmigration.us, was a Delaware corporation with its principal place of
3 business at 311 N. Pecos Road, Henderson, NV 89052. From 2010 through 2017, File Right,
4 doing business as Immigration Direct, was a Delaware corporation with its principal place of
5 business at 311 N. Pecos Rd, Henderson, NV 89052.

6 10. From 2010 through 2017, AIC, doing business as us-immigration.com, was a
7 Florida corporation with its principal place of business registered as 2520 SW 22nd Street, Suite
8 2-077, Miami, FL 33145. AIC, however, had no corporate offices at that address but conducted
9 its operations at 311 N. Pecos Rd, Henderson, NV 89052 where it shared office space and
10 employees with File Right; Forms Direct; United Immigration; and US Immigration Technology.

11 11. Defendant Forms Direct, along with its related merged entities AIC, File Right,
12 United Immigration, and US Immigration Technology (“Corporate Defendant”), transacts or has
13 transacted business in this district and throughout the United States. At all times material to this
14 Complaint, acting alone or in concert with others, Forms Direct has advertised, marketed,
15 distributed, or sold immigration and naturalization form preparation services to consumers
16 throughout the United States.

17 12. Defendant Cesare Alessandrini has been the primary actor behind the Corporate
18 Defendant’s deceptive scheme. He is the owner, Director, President, Secretary, and Treasurer of
19 Forms Direct. Defendant Alessandrini was also the owner, Director, President, and Secretary of
20 dissolved entity United Immigration Inc.; the owner, manager, and President of dissolved entity
21 US Immigration Technology LLC; the owner and President of dissolved entity File Right; and a
22 managing member of dissolved entity AIC. Defendant Alessandrini has overseen much of the
23 operations and business activities of the Corporate Defendant, including but not limited to
24 overseeing the customer service department, directing the marketing and sales practices, and
25 entering into relevant licensing, financing, and marketing contracts. At all times material to this
26 Complaint, acting alone or in concert with others, he has formulated, directed, controlled, had the
27 authority to control, or participated in the acts and practices of the Corporate Defendant,
28 including the acts and practices set forth in this Complaint. Defendant Alessandrini resides in this

1 district and, in connection with the matters alleged herein, transacts or has transacted business in
2 this district and throughout the United States.

3 **COMMERCE**

4 13. At all times material to this Complaint, Defendants have maintained a substantial
5 course of trade in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act,
6 15 U.S.C. §44.

7 **DEFENDANTS’ DECEPTIVE BUSINESS ACTIVITIES**

8 **DEFENDANTS’ PRODUCTS AND SERVICES**

9 14. Since at least 2010, Defendants have used deceptive marketing methods and sales
10 tactics to tempt consumers into purchasing their products and services. Throughout this time,
11 Defendant Alessandrini has been the primary leader of the Corporate Defendant’s actions.

12 15. Defendants have advertised, marketed, and sold immigration and naturalization
13 form preparation services to consumers nationwide through a myriad of websites owned and
14 operated by Defendants. Defendants’ websites have included: us-immigration.com,
15 immigrationdirect.com, uscitizenship.info, usimmigration.us, and usimmigrationcitizenship.com
16 (collectively, “Sales Websites”).

17 16. Defendants have typically sold the same types of immigration and naturalization
18 form preparation products on all Sales Websites. The main product sold has been what
19 Defendants call an “online immigration software solution” or “intelligent Do-It-Yourself
20 Immigration Wizard” that has provided “step-by-step” guidance to consumers on how to fill out
21 the applicable immigration or naturalization government form. The software has asked
22 consumers a series of questions related to information required by the applicable government
23 immigration or naturalization form and has used the information that consumers have provided to
24 populate that form.

25 17. The most popular form preparation products on the Sales Websites have been the
26 online software wizard Green Card Renewal/Replacement Application, or Form I-90 product, and
27 the online software wizard U.S. Citizenship Application, or Form N-400 product. Defendants
28 have claimed that the online software wizard Green Card Renewal/Replacement Application

1 product has helped consumers complete the USCIS's "Application to Replace Permanent
2 Resident Card" or "Form I-90." Defendants have also claimed that the online software wizard
3 U.S. Citizenship Application product has helped consumers complete the USCIS's "Application
4 for Naturalization" or "Form N-400."

5 18. Defendants have charged consumers a fee that has ranged from approximately
6 \$120 to \$300 to use their products and services. The cost of Defendants' products and services
7 has not included the applicable fees charged by the relevant U.S. government agency. For
8 example, USCIS has charged consumers a fee ("USCIS Fee") ranging from \$135 to \$1,170 to
9 submit the immigration or naturalization forms for which Defendants have offered form
10 preparation services on their Sales Websites.

11 19. While Defendants have claimed that their main product is an online software
12 wizard product, Defendants have not clearly and conspicuously marketed their main product as
13 such. Instead, Defendants' Sales Websites and advertisements have led consumers to believe that
14 the Sales Websites are affiliated with the U.S. government and that any fees consumers pay
15 Defendants are to cover the relevant U.S. government agency fee.

16 **DEFENDANTS' DECEPTIVE ADVERTISING**

17 20. Defendants have primarily advertised their Sales Websites through online search
18 engine marketing, using search engines such as Google, Yahoo!, and Bing. The majority of
19 Defendants' search engine advertisements have contributed to the net impression that the Sales
20 Websites are affiliated with USCIS or the U.S. government.

21 21. For example, in three search engine advertisements placed on Bing in or around
22 August 2015, Defendants used headlines such as "USCIS Forms – Easy Online Forms for Green
23 Card & Citizenship," "USCIS Forms & Services – USCIS Forms Online," and "USCIS
24 Immigration Service" to advertise their websites: us-immigration.com, usimmigration.us, and
25 uscitizenship.info, respectively. All three search engine advertisements purchased by Defendants
26 relied on the prominent display of the U.S. immigration government agency name USCIS. (See
27 Figure 1 below.)
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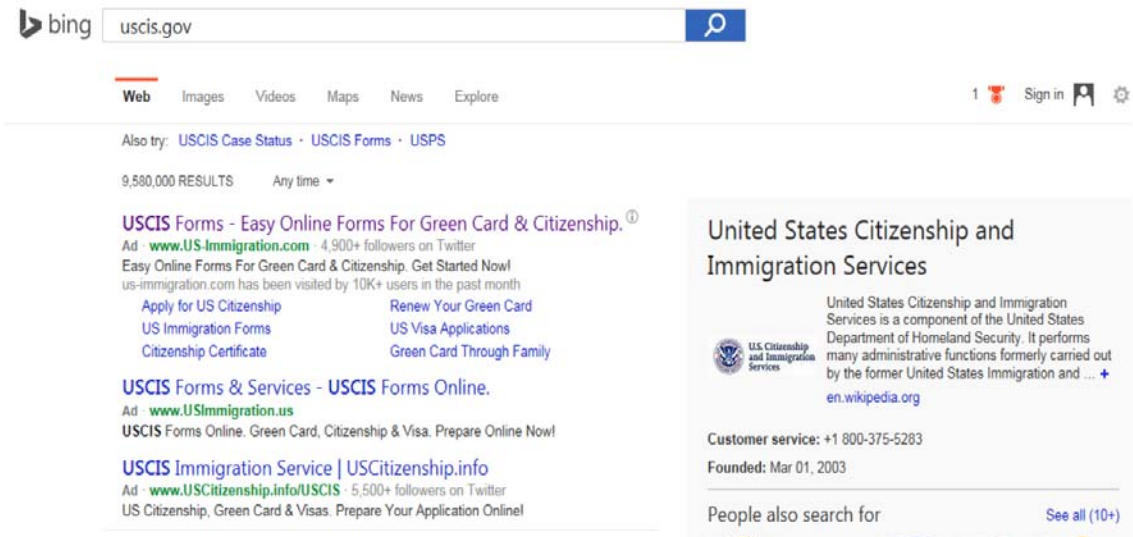


Figure 1: search results for keyword “uscis.gov” on Bing search platform on August 19, 2015.

22. Similarly, in four search engine advertisements placed on Yahoo! in or around August 2015, Defendants used headlines such as “USCIS Forms – Easy Online Forms for Green Card & Citizenship,” “USCIS Immigration Service – US Citizenship, Green Card & Visas,” “USCIS Forms & Services – USCIS Forms Online,” and “USCIS Forms & Immigration” to advertise their Sales Websites. All four of these search engine advertisements also relied on the prominent display of the U.S. immigration government agency name USCIS. (See Figure 2 below.)

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YAHOO! uscis Search

Web Images Video News More Anytime

Ads related to uscis

[USCIS Forms - Easy Online Forms For Green Card & Citizenship.](#)
www.US-Immigration.com Ad
Easy Online Forms For Green Card & Citizenship. Get Started Now!
[Apply for US Citizenship](#) [Renew Your Green Card](#)
[US Immigration Forms](#) [US Visa Applications](#)
[Citizenship Certificate](#) [Green Card Through Family](#)

[USCIS Immigration Service - US Citizenship, Green Card & Visas.](#)
www.USCitizenship.info/USCIS Ad
US Citizenship, Green Card & Visas. Prepare Your Application Online!
INS | US Citizenship and Immigration Services Online
[US Citizenship](#) [Green Card Renewal or Replacement](#)
[US Immigration Forms](#)

[USCIS Forms & Services - USCIS Forms Online.](#)
www.USImmigration.us Ad
USCIS Forms Online. Green Card, Citizenship & Visa. Prepare Online Now!
[Renew Green Card Form I90](#) [Citizenship Form N400](#)
[Green Card Forms](#) [US Immigration Forms](#)

[USCIS Forms & Immigration | immigrationdirect.com](#)
www.immigrationdirect.com/USCIS Ad
Green Card, Citizenship, Visa Forms. Get Immigration Forms Online Now!
U.S. Immigration Online | Immigration Direct
[USCIS Forms Online](#) - [US Immigration](#) - [Green Card Renewal](#)

See more ads for:

[uscis](#)
[uscis case status](#)
[www.uscis.gov](#)
[uscis forms](#)

Ads

[US Auto \(Free Quote\)](#)
[US.InsuranceStep.com/Quote](#) Ad
Cheapest US Auto Insurance. Save 75% on Auto Insurance Qu

[Check Case Status Uscis](#)
www.com/Check Case Status Uscis Ad
Search for Check Case Status Uscis Look Up Quick Results No

[Check Case Status Uscis](#)
[Get.Smarter.com/case status uscis](#) Ad
Check Case Status Uscis. Discover Facts - Get Smarter.

Ads

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Figure 2: search results for keyword “uscis” on Yahoo! search platform on August 17, 2015.

23. Defendants’ search engine advertisements, including those depicted in Figures 1 and 2, have conveyed the impression that the advertisements will direct consumers to a website owned, operated by, or affiliated with the U.S. government.

24. Defendants have made no clear and conspicuous statement in their search engine advertisements to correct the false impression that the advertisement will direct consumers to a website owned, operated by, or affiliated with the U.S. government.

25. In placing most of their search engine advertisements, Defendants have typically targeted consumers searching for immigration and naturalization services provided by the U.S. government. To increase the likelihood that such consumers would see their ads, Defendants have submitted bids on immigration- and government-related keywords to place their ads at the top of the search engine’s results page that appears after a consumer completes a search using those keywords. These immigration- and government-related keywords have included terms such as “USCIS,” “USCIS.gov,” “USCIS forms,” “US Immigration,” “INS,” “department of homeland security,” and “travel.state.gov.”

1 26. A consumer searching for the keyword “USCIS.gov” on Bing’s search platform in
2 August 2015, for example, would have seen the search advertisements described in paragraph 21.
3 (See Figure 1 above.) Similarly, a consumer searching for the keyword “USCIS” on Yahoo!’s
4 search platform in August 2015 would have seen the search advertisements described in
5 paragraph 22. (See Figure 2 above.)

6 27. When consumers have clicked on a link in Defendants’ search engine ads, the
7 advertisement has typically directed consumers to one of the Sales Websites.

8 **DEFENDANTS’ MISLEADING SALES WEBSITES**

9 28. The majority of consumers have reached the Sales Websites through Defendants’
10 search engine advertisements as described above. Upon clicking a link in Defendants’ search
11 engine ads, consumers have typically been directed to the Sales Website’s homepage or a
12 webpage of the Sales Website that describes a particular product (“Product Page”) such as the
13 Citizenship Application or Form N-400 product webpage.

14 29. The Sales Websites’ designs have implied that the websites are owned, operated
15 by, or affiliated with the U.S. government.

16 30. In some instances, the Sales Websites’ web addresses or URLs have used
17 variations of “U.S.” and general immigration terms that have contributed to consumers’
18 impression that the websites are owned, operated by, or affiliated with the U.S. government.
19 These URLs have included usimmigration.us, us-immigration.com, uscitizenship.info, and
20 usimmigrationcitizenship.com.

21 31. In many instances, the Sales Websites have used variations of two titles at the top
22 of their webpages: “U.S. Immigration” and “United States Citizenship.” For example, from
23 approximately 2010 to 2015, us-immigration.com has used “U.S. Immigration” as the title of its
24 website. Similarly, in or around 2014 to 2015, immigrationdirect.com and usimmigration.us have
25 also used “U.S. Immigration” as the title on their websites. In another instance, in or around 2012
26 to 2017, uscitizenship.info has used “United States Citizenship” as the title of its website. In
27 2017, usimmigrationcitizenship.com has used “US Immigration Citizenship Online” as the title of
28 its website.

1 32. The Sales Websites have also used images and color schemes that contribute to the
2 net impression that the websites are owned, operated by, or affiliated with the U.S. government.
3 The images used have included depictions of the Statue of Liberty, the American flag, a U.S.
4 passport, a U.S. green card, then-President Obama, the U.S. Capitol building, and an image that
5 resembles a government seal with the Statue of Liberty in the center. The Sales Websites have
6 also typically utilized color schemes that emphasize the colors red, white, and blue.

7 33. The Sales Websites have referred to Defendants' online software wizard products
8 by the corresponding USCIS form number or an abbreviated version of its form name. For
9 example, from approximately 2012 through 2017, us-immigration.com has generally referred to
10 its online software product—that it contends will assist consumers to fill out USCIS's
11 “Application to Replace Permanent Resident Card” or “Form I-90”—simply as “Green card
12 Renewal Form I-90.” The Sales Websites have not provided any clear and conspicuous statement
13 that “Green card Renewal Form I-90” and Defendants' other products are software wizard
14 products to help consumers fill out the form rather than the relevant USCIS forms.

15 34. The Sales Websites have not provided any clear and conspicuous statement
16 regarding the identity of the Defendants who own and operate the Sales Websites or that the
17 Defendants are not affiliated with the U.S. government. Instead, the only place where the
18 corporate entity name has generally appeared on the homepage or Product Page of the Sales
19 Websites is in small font within the circle of the government-like seal that appears next to the title
20 of the Sales Websites.

21 35. None of the Sales Websites has provided any clear and conspicuous statement
22 regarding the cost of the Defendants' products or services on their homepages or Product Pages or
23 that their fees have not included any applicable USCIS Fee. In fact, the Sales Websites have
24 generally lacked any prominent pricing information regarding the costs of the Defendants'
25 products or services on the majority of their webpages.

26 36. From approximately 2014 to 2015, the portion of the Product Pages that
27 consumers likely saw without scrolling down the webpage (i.e., the “Top Portion”)¹ for the

28 _____
¹ What portions of a webpage display without requiring a consumer to scroll down the page, i.e. “above the fold,”

1 Citizenship Application software product for us-immigration.com, uscitizenship.info,
 2 immigrationdirect.com, and usimmigration.us has appeared at times as depicted below in Figures
 3 3-6. (See Attachment A for complete versions of the Product Pages depicted in Figures 3-6.)



Figure 3: Top Portion of the Citizenship Application Product Page for us-immigration.com captured on May 31, 2014.

will vary depending on many technological factors including the type of browser used, the device used, and the resolution of that device.

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The screenshot shows the top portion of the United States Citizenship website. The header is dark blue with the USCIS logo and the text "United States CITIZENSHIP Making Immigration & Naturalization Forms Easy". There is a search bar for USCIS forms and links for "Member Sign In" and "New user?". Below the header is a navigation menu with links for "INS Forms", "US Citizenship", "Green Card", "US Visas", "US Citizenship Test", and "Resources". The main content area features a large heading "US Citizenship Application Form N-400" followed by a sub-heading "Become a U.S. Citizen Today!" and a prominent red button labeled "Start My Application Online". To the right of the button is an image of a "US CITIZENSHIP APPLICATION" form and the Statue of Liberty. Below this is a horizontal menu with tabs for "Requirements", "Process", "Benefits", and "Test".

Figure 4: Top Portion of the Citizenship Application Product Page for uscitizenship.info captured on June 6, 2014.

The screenshot shows the top portion of the U.S. Immigration website. The header is dark blue with the USCIS logo and the text "U.S. IMMIGRATION Form Services - Simplifying Immigration". There is a search bar and a "Sign In" button. Below the header is a navigation menu with links for "US Citizenship", "Green Card", "Forms", "Green Card Renewal", "Visas", "Immigration Reform", and "Español". The main content area features a large heading "U.S. Citizenship Application (Form N-400)" next to an image of the Statue of Liberty. Below the heading is a list of bullet points: "Complete your application online, in plain English", "Step-by-step guidance leads you through each question", "Get detailed filing instructions, customized just for you", and "Free Eligibility Quiz Included!". A prominent red button labeled "START YOUR CITIZENSHIP APPLICATION" is positioned below the list. Below this is a horizontal menu with tabs for "Citizenship Application", "Applying for U.S. Citizenship", and "N-400 Eligibility Requirements". To the right of the main content area are three boxes: "Immigration Learning Center" with links for "Advantages of U.S. Citizenship", "How to Obtain U.S. Citizenship", and "How to Get Proof of U.S. Citizenship"; "Instructional DVD" with a link for "Pass the U.S. Citizenship Test"; and "Most Searched USCIS Forms" with links for "Replace My Citizenship Certificate (Form N-565)", "Apply for Citizenship Certificate (Form N-600)", "Apply for a Green Card (Form I-485)", and "Sponsor My Relative for a Green Card (Form I-130)".

Figure 5: Top Portion of the Citizenship Application Product Page for immigrationdirect.com captured on Dec. 11, 2014.



Figure 6: Top Portion of the Citizenship Application Product Page for usimmigration.us captured on March 20, 2015.

37. The most prominent features on the Product Pages have generally been the title at the top of the page, the government-like seal next to the title, and the images and text below the title. For example, the most prominent features on us-immigration.com's Citizenship Application Product Page have been: (1) the title "U.S. Immigration;" (2) the image of the government-like seal with the Statue of Liberty in the middle placed to the left of the title; (3) the images of the American flag, a U.S. passport, and a U.S. social security card; and (4) the tag line "Click below to start your Citizenship application" with a large red button with "Start Your Application" below the tag line. (See Figure 3 above.)

38. The mobile versions of the Sales Websites have used the same design schemes that create the net impression that the websites are owned, operated by, or affiliated with the U.S. government. For example, the most prominent features in the mobile version of us-immigration.com's Citizenship Application Product Page have been: (1) the title "United States Immigration;" (2) the image of the government-like seal with the Statue of Liberty in the middle placed to the left of the title; (3) the images of the American flag and Statue of Liberty; and (4)

1 the tag line “U.S. Citizenship Application” with a large red button with “Start Your Application”
 2 below the tag line (see Figure 7 below).



Figure 7: Citizenship Application Product Page for mobile version of us-immigration.com captured on August 10, 2015.

18 39. Once consumers have clicked on the “Start My Application” button on a Product
 19 Page of a Sales Website, consumers typically have the option of completing a “Qualification
 20 Quiz” that asks a series of questions to determine if the consumer is eligible to submit that
 21 particular immigration or naturalization application. Once a consumer has either skipped or
 22 completed the Qualification Quiz, the Sales Website has usually directed consumers to create an
 23 account. To create an account, consumers have been required to provide personal information
 24 such as full name, email address, and phone number.

25 40. After creating an account, the consumer usually has been directed to an order page.
 26 In some instances, the order page has been the first webpage of the Sales Website that provided
 27 consumers with any pricing information on the cost of Defendants’ products and services. The
 28 order page has typically referenced the product by the general application name. Typically, the

1 order page has not stated that Defendants’ product is an online software wizard that helps
 2 consumers fill out the relevant government form. For example, in or around 2013, the website us-
 3 immigration.com has referenced the U.S. Citizenship Application or Form N-400 software
 4 product as “Application for Naturalization” (See Figure 8 below).

Figure 8: order page for U.S. Citizenship Application software product of us-immigration.com in 2013.

41. Once a consumer has clicked on the submit button on the order page, Defendants
 have charged the consumer’s credit card. Then, Defendants have directed the consumer to
 answer a series of questions to obtain the information necessary to populate the applicable

1 government form. At the end of the questions, Defendants generally have directed consumers to
2 print and sign their applications.

3 42. In some instances, the Sales Websites have provided consumers with instructions
4 directing them to mail their applications to the relevant government agency along with any
5 applicable government fees. In those cases, upon receiving these instructions, many consumers
6 have discovered for the first time that the Defendants' websites are not owned, operated by, or
7 affiliated with the U.S. government and that the fees they paid do not include the USCIS Fee.

8 43. In those instances, Defendants' refund policy has stated that consumers who have
9 "printed" their applications are not eligible to receive a refund. Consumers, however, have not
10 discovered the Defendants' deception until after they have already "printed" their applications.

11 44. In other instances, Defendants have filed the consumer's immigration application
12 on his or her behalf with USCIS. In those cases, some consumers have only discovered that the
13 Defendants' websites were not owned, operated by, or affiliated with the U.S. government when
14 they noticed two separate charges on their credit card statements. The first credit card charge has
15 reflected the Defendants' fee for their service, while the second charge has reflected the USCIS
16 Fee.

17 **DEFENDANTS' DISCLOSURES ARE NOT CLEAR AND CONSPICUOUS**

18 45. At times, Defendants have included language on the Sales Websites that addressed
19 the fact that the Sales Websites are not owned by a government agency or affiliated with the U.S.
20 government and that the fees they charge do not include the USCIS Fee. Defendants typically
21 have placed their purported disclosures on the Sales Websites such that consumers have stated
22 they do not see them. In some instances, Defendants have directed consumers through their
23 search advertisements to webpages of the Sales Websites that only displayed a purported
24 disclosure at the bottom of the webpage, requiring consumers to scroll down the webpage before
25 they could see it. In other instances, Defendants have directed consumers to webpages of the
26 Sales Websites that displayed the purported disclosure below more prominent features on the
27 Sales Websites. In either case, consumers have reported that they never saw the disclosures.
28

1 46. In or around 2017, the Top Portion of the usimmigrationcitizenship.com homepage
 2 has appeared at times as depicted below in Figure 9. From approximately 2014 to 2015, the Top
 3 Portion of the immigrationdirect.com, usimmigration.us, and us-immigration.com homepages
 4 have appeared at times as depicted below in Figures 10-12. (See Attachment B for complete
 5 versions of the homepages depicted in Figures 9-12.)

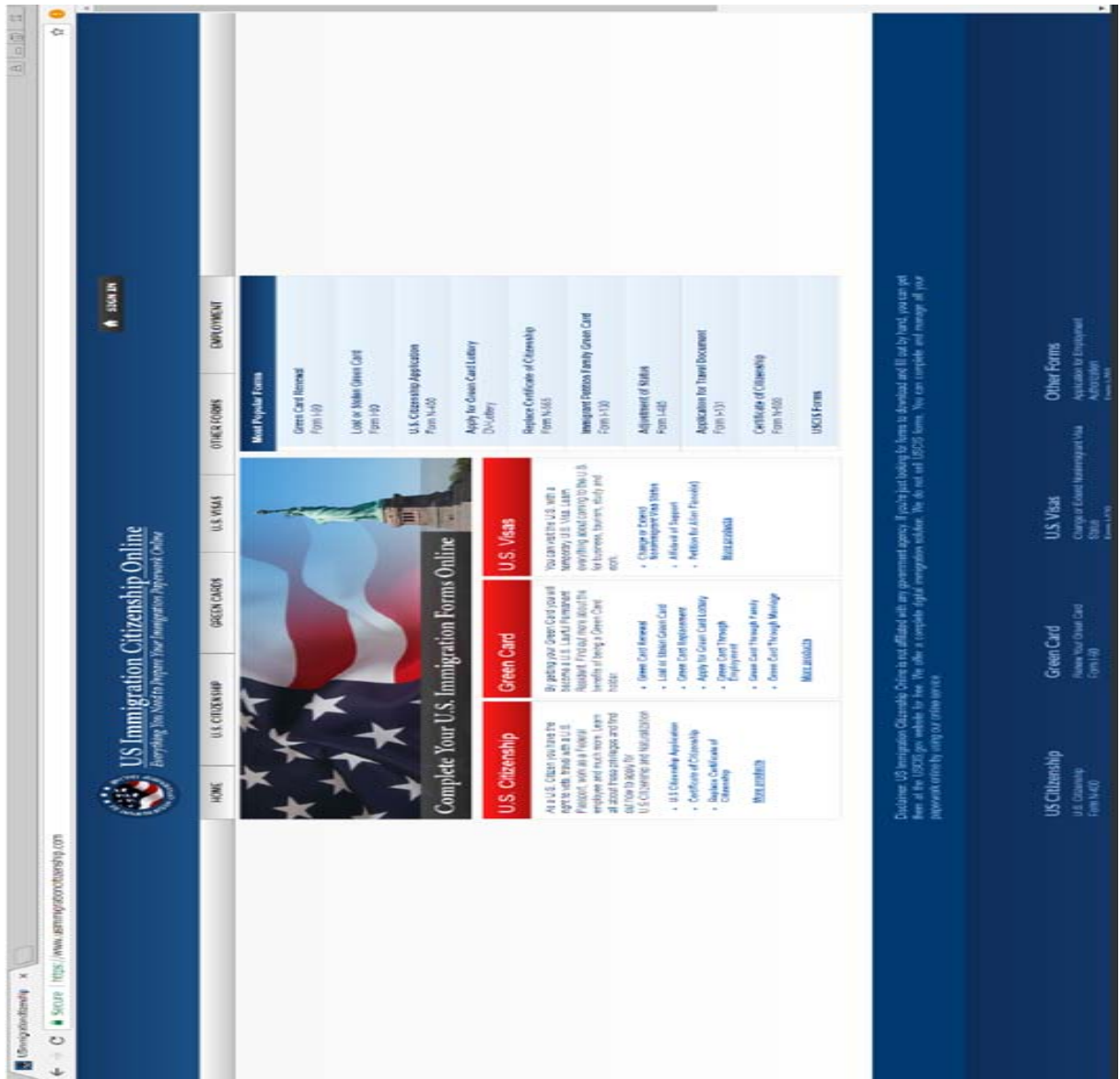


Figure 9: Top Portion of homepage of usimmigrationcitizenship.com captured on November 27, 2017.



Figure 10: Top Portion of homepage of uscitizenship.info captured on November 14, 2014.


U.S. IMMIGRATION
Form Services - Simplifying Immigration®
¡Se Habla Español! [Sign In](#)

[Home](#)
[US Citizenship](#)
[Green Card](#)
[Forms](#)
[Green Card Renewal](#)
[Visas](#)
[Immigration Reform](#)
[Español](#)



Citizenship and Immigration Applications

Prepare your applications online

Immigration Direct is not a government agency and is not affiliated with nor endorsed by any government agency. Immigration Direct is not a law firm nor a substitute for the advice of an attorney. Customer support is for technical and billing issues. Customer support will not answer legal questions. Our refund policy can be found in our [Terms of Use](#). All forms that can be completed online through Immigration Direct are available as blank forms with written instructions for free from the USCIS. Purchase price does not include any applicable government filing fees. Immigration Direct helps you complete your application quickly and accurately, provides 24/7 customer support, and automatically generates all the forms you need for your application - ready for you to submit to the USCIS.

Be Prepared For Obama's Executive Order On Immigration!
Get Your FREE Undocumented Immigrants: Prepare for Action Guide

Most Searched Forms

- Green Card Renewal
I-90
- Apply for Citizenship
N-400
- Green Card for Family
I-130
- Replace Citizenship Certificate
N-565
- Apply for a Green Card
I-485
- Certificate of Citizenship
N-600
- Application for Travel Document
I-131
- Visitor Visa

[More Forms Below](#)

Citizenship



- Apply for U.S. Citizenship
- Replace your Certificate of Citizenship
- Apply for Citizenship Certificate
- How to Pass the Citizenship Test & Interview

Green Card



- Renew or Replace Green Card
- Remove Conditions on my Green Card
- Green Card Lottery
- Green Card Through Employment
- Green Card Application

Family



- Fiancé Visa
- Get Green Card for Family Member
- Apply for Deferred Action for Childhood Arrivals - DACA

Inmigracion en Español



- Renovación de Green Card
- Obtener Ciudadanía Americana
- Acción Diferida

Visit the U.S.



- Apply for B-2 Visitor Visa
- Change or Extend Visa Status
- Replace my I-94 Card
- U.S. Visa Options

Working in the USA



- Apply for B-1 Business Visa
- Get your Work Authorization in the U.S.
- Get an H1B Visa

Figure 11: Top Portion of homepage of immigrationdirect.com captured on December 10, 2014.



Figure 12: Top Portion of homepage of us-immigration.com captured on August 6, 2015.

47. Similar to the Product Pages (Figures 3-6), the most prominent features of the Sales Websites' homepages generally have been the title at the top of the page and the image of a government-like seal next to the title, the image(s) and text in the box directly below the title, and the navigation menu bars next to the box. For example, in Figure 9, the most prominent features of the usimmigrationcitizenship.com's home page have been: (1) the title on the webpage, "U.S. Immigration Citizenship Online;" (2) the image of the government-like seal depicting the American Flag placed to the left of the title; (3) the images of the Statute of Liberty and the American flag, with the tag line "Complete Your Immigration Forms Online;" and (4) the list of forms in the navigation bar to the right of the box entitled "Most Popular Forms."

1 48. The Sales Websites have not provided any clear and conspicuous statement to
 2 correct the false impression that the Sales Websites are owned, operated by, or affiliated with the
 3 U.S. government. Instead, consumers have typically clicked on one of the links in the navigation
 4 bar on the homepages, which has directed them to the Sales Websites’ applicable Product Page,
 5 believing that the Sales Websites are owned, operated by, or affiliated with the U.S. government.
 6 Indeed, over a thousand consumers have reported that they believed the Sales Websites were
 7 owned, operated by, or affiliated with the U.S. government.

8 **PRIOR STATE ENFORCEMENT ACTIONS**

9 49. In or around March 2013, the Attorney General of Texas (“Texas AG”) initiated
 10 an investigation of two of Defendants’ Sales Websites—us-immigration.com and
 11 immigrationdirect.com. Defendant Alessandrini had knowledge of, and was responsible for
 12 providing information in response to, this investigation. On June 2, 2014, the Texas AG filed suit
 13 against now-dissolved entity AIC alleging that us-immigration.com led consumers “to think that
 14 Defendant is affiliated with or endorsed by the United States government due to the lack of
 15 adequate disclosures listed on its website.” The complaint also alleged that Defendants failed to
 16 “make clear and conspicuous disclosures regarding consumers’ ability to obtain the immigration
 17 forms and instructions for free from USCIS.” It further alleged that Defendants failed to “make
 18 clear and conspicuous disclosures regarding cancellation and refund policies.”

19 50. On June 12, 2014, a Texas court entered a stipulated final judgment and
 20 permanent injunction under which AIC agreed to pay civil penalties and state attorneys’ fees.
 21 The permanent injunction prohibits Defendants from, among other activities: (1) “[m]aking
 22 deceptive or misleading representations, in any manner, on their website or on any other format
 23 that is accessible by consumers which could reasonably lead consumers to believe that
 24 [Defendants] are affiliated with or endorsed by the United States Citizenship and Immigration
 25 Services;” (2) “[m]aking deceptive or misleading representations, in any manner, on their website
 26 or on any other format that is accessible by consumers which could reasonably lead consumers to
 27 believe that [Defendants] are affiliated with or endorsed by any United States or State
 28 governmental entity unless such affiliation or endorsement actually exists;” (3) “[f]ailing to make

1 clear and conspicuous disclosure that all forms which may be completed using [Defendants']
2 services for a fee are available *and* come with written instructions *for free* from USCIS; and (4)
3 “[f]ailing to make clear and conspicuous statement of cancellation, termination or refund/return
4 policies available to consumers before consumers purchase [Defendants'] services.”

5 51. In or around April 2013, the Attorney General of Florida (“Florida AG”) initiated
6 an investigation of Defendants’ website us-immigration.com. Defendant Alessandrini also had
7 knowledge of this investigation. AIC entered into an Assurance of Voluntary Compliance
8 (“AVC”) on September 21, 2013. In the AVC, AIC agreed to: (1) “clearly and conspicuously
9 disclose on [us-immigration.com] that [AIC] is not affiliated with the United States government;”
10 and (2) “clearly and conspicuously disclose on [us-immigration.com] that the immigration and
11 naturalization forms provided on the Website are available free of charge via U.S. Citizenship and
12 Immigration Service.” AIC further agreed to pay state attorneys’ fees.

13 52. Since 2013 and 2014, Defendants’ Sales Websites have continued to create the
14 false impression that they are owned, operated by, or affiliated with the U.S. government.
15 Defendants’ Sales Websites have continued to fail to disclose clearly and conspicuously that the
16 Defendants are not affiliated with the U.S. government, or that the fees they charge do not include
17 the USCIS fee.

18 **VIOLATIONS OF THE FTC ACT**

19 53. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits “unfair or deceptive acts
20 or practices in or affecting commerce.”

21 54. Misrepresentations or deceptive omissions of material fact constitute deceptive
22 acts or practices prohibited by Section 5(a) of the FTC Act.

23 **COUNT I**

24 **Deceptive Marketing in Violation of the FTC Act**

25 55. Through the means described in Paragraphs 20-52, Defendants have represented,
26 directly or indirectly, expressly or by implication, that the Defendants’ Sales Websites are owned,
27 operated by, or affiliated with the United States government.
28

1 56. In truth and fact, the Defendants' Sales Websites are not owned, operated by, or
2 affiliated with the United States government, but are commercial websites that sell immigration
3 and naturalization form preparation services to consumers throughout the United States.

4 57. Therefore, the making of the representations as set forth in Paragraphs 20-52 of
5 this Complaint constitutes a deceptive act or practice in or affecting commerce in violation of
6 Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

7 **COUNT II**

8 **Failure to Disclose or Disclose Adequately Material Terms**

9 58. In numerous instances in connection with the advertising, marketing, promotion,
10 offering for sale, or sale of immigration and naturalization form preparation services, Defendants
11 have represented, directly or indirectly, expressly or by implication, that consumers could apply
12 for citizenship and prepare other immigration-related applications through their Sales Websites.

13 59. In numerous instances in which Defendants have made the representation set forth
14 in Paragraph 58 of this Complaint, Defendants have failed to disclose, or disclose adequately to
15 consumers, that after consumers have used Defendants' form preparation services: 1) consumers
16 must submit their final citizenship and immigration-related applications to the U.S. government,
17 and 2) consumers must pay any applicable government fees to the U.S. government. This
18 additional information would be material to consumers in deciding to purchase the form
19 preparation services that Defendants sell.

20 60. Defendants' failure to disclose, or disclose adequately, the material information
21 described in Paragraph 59, above, in light of the representation described in Paragraph 58, above,
22 constitutes a deceptive act or practice in violation of Section 5(a) of the FTC Act, 15 U.S.C. §
23 45(a).

24 **CONSUMER INJURY**

25 61. Consumers have suffered and will continue to suffer substantial injury as a result
26 of Defendants' violations of the FTC Act. In addition, Defendants have been unjustly enriched as
27 a result of their unlawful acts or practices. Absent injunctive relief by this Court, Defendants are
28 likely to continue to injure consumers, reap unjust enrichment, and harm the public interest.

THIS COURT’S POWER TO GRANT RELIEF

62. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this Court to grant injunctive and such other relief as the Court may deem appropriate to halt and redress violations of any provision of law enforced by the FTC. The Court, in the exercise of its equitable jurisdiction, may award ancillary relief, including rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies, to prevent and remedy any violation of any provision of law enforced by the FTC.

PRAYER FOR RELIEF

63. Wherefore, Plaintiff FTC, pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b) and the Court’s own equitable powers, requests that the Court:

A. Enter a permanent injunction to prevent future violations of the FTC Act by Defendants;

B. Award such relief as the Court finds necessary to redress injury to consumers resulting from Defendants’ violations of the FTC Act, including but not limited to, rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies;

C. Award Plaintiff the costs of bringing this action, as well as such other and additional relief as the Court may determine to be just and proper.

Respectfully submitted,

ALDEN F. ABBOTT
General Counsel

Dated: October 15, 2018

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