

FORMER INS OFFICIAL SENTENCED IN SCAM

By Henry K. Lee, Chronicle Staff Writer

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He had charged immigrants for fake services

Fremont -- A former official of the Immigration and Naturalization Service in San Francisco has been sentenced to six months in a halfway house and six months' home detention for fleecing undocumented workers of nearly \$5,000 in bogus fees.

Ruben B. Banda, 55, of Fremont was placed on four years' probation Wednesday by U.S. District Judge Phyllis Hamilton in San Francisco and ordered to pay a \$12,000 fine and \$4,711 in restitution to eight victims.

Banda was found guilty by a jury on June 3 of willfully receiving supplements to his salary as a federal employee, a felony.

"My thoughts are mixed," San Francisco INS district director Chuck DeMore said Thursday. "I'm very disappointed that we had an officer who crossed the line. I'm also very pleased that the safeguards that are built into this process worked. Obviously, we have a great degree of confidence in our people to do the right thing."

Banda's attorney, Robert Sheridan of Daly City, said his client was sorry for his "lapse in judgment" but denied he had taken money under false pretenses.

In all cases, the victims in question got what they were seeking from the INS, Sheridan said.

Banda was the acting assistant director for the INS in San Francisco until he retired in October, a month before he was indicted by a federal grand jury. Before holding that position, he was the deputy assistant district director, helping to oversee the processing of INS applications.

According to federal prosecutors, Banda took unauthorized payments from immigrants seeking action from the INS. He went to local churches on the pretext of providing INS outreach services and invited churchgoers to meet with him in his office about their pending INS claims.

At his office, Banda told the immigrants to make payments to him for fabricated INS fees and services, when no fees were required, prosecutors said.

One of the victims testified at the trial that he paid \$950 to Banda to transfer his immigration file so Banda could review it. The INS charges no such fee. Victims also said Banda had told them that he would help them only if they were not represented by attorneys.

In another case, Banda told an immigrant that he would be required to pay for a pardon from the INS. The man paid \$300 to Banda in cash and was given a fake receipt in return, authorities said.

Banda told another woman that her sister needed to pay \$250 for a waiver on her citizenship form when the application had already been approved days before, prosecutors said.

Mark Silverman, director of immigration policy at the Immigrant Legal Resource Center in San Francisco, said the case "does not typify INS conduct. It's clearly the exception."

Silverman said that he knew Banda and that he had a reputation for fair-mindedness. "It's a shame that he fell victim to human nature and committed these acts," Silverman said.

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