

Office of the Attorney General

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Attorney General Abbott Halts Fraudulent Houston Immigration Consulting Operation Elvia Diaz must pay \$1.6 million in restitution, penalties, fees for duping 700 consumers

HOUSTON - Texas Attorney General Greg Abbott today announced his Consumer Protection Division has permanently shut down a Houston business operation that defrauded almost 700 primarily Hispanic consumers by providing unauthorized immigration-related consulting services.

The default judgment against Elvia Diaz and her businesses, Diaz Income Tax and Centro Documental, orders them to stop advertising, charging for or providing legal advice or other immigration-related services. It also requires Diaz to pay \$683,000 in restitution, \$683,000 in fines and penalties, and \$224,000 in attorneys' fees and court costs.

"I am pleased we have put an end to this woman's deception and exploitation of people who simply want to call Texas their home," Attorney General Abbott said. "Texas law is clear about the qualifications for providing legal advice and other services on immigration matters, and I will vigorously pursue anyone who ignores those requirements."

The judgment, filed in the 113th District Court in Harris County, also prohibits Diaz from continuing to operate as a notary public and orders her to stop using the phrase "notario" or "notario público" in her advertisements. In Texas, a notary public is an official witness during the signing of certain documents, but in Mexico the term "notario público" is used to address certain highly experienced attorneys. Scam artists in Texas have long exploited this mistranslation to give Spanish-speaking clients the mistaken impression they are dealing with an attorney.

According to the Attorney General's lawsuit, which alleges violations of the Texas Deceptive Trade Practices Act, Diaz advertised in church bulletins and flyers and told clients she could get them work permits and other documents in as little as three months. Instead, she frequently filed applications incorrectly, causing her clients to miss critical deadlines and putting them in danger of deportation.

Diaz charged clients between \$400 and \$1,500 per person for immigration services she was not authorized to provide. In Texas, only licensed attorneys and nonprofit organizations specifically accredited by the U.S. Department of Justice's Board of Immigration Appeals (BIA) can charge fees to advise and represent clients in immigration matters.

Diaz charged a Jefferson County woman \$2,000 to fill out immigration paperwork for her and her five children. She continually addressed the woman's petition to the wrong location, causing it to be returned at least 13 times. When the woman received a letter denying her application for permanent residency, she tried to seek advice from Diaz, but found her office closed and was unable to contact her by phone.

"I wish Ms. Diaz could feel the heartache, suffering and stress I have had to feel as a result of doing business with her and the fear of having myself and my family deported - not to mention all the money she charged me to do things that were not necessary or correct," the woman said in her affidavit filed with the lawsuit.

A Houston man paid Diaz \$800 to file immigration papers for himself, his wife and his daughter. The paperwork was returned by federal officials about 20 times over a two-year period before the man was informed he and his family members' permanent residency applications had been denied.

"I wish I had never trusted Ms. Diaz with my family's future, but because I did, I do not know whether we will be able to stay in the United States or have to return to Mexico," the man said in his affidavit.

Former or current clients of Diaz who are interested in obtaining their files can contact the Office of the Attorney General at 1-800-252-8011. They should also seek assistance from an authorized nonprofit organization or private attorney.

Since assuming office, Attorney General Abbott has shut down more than two dozen businesses that are not authorized to provide legal advice regarding immigration matters. For additional information or to file a complaint against a suspected unauthorized immigration consulting operation, consumers can contact the Office of the Attorney General at 1-800-252-8011. Assistance is available in Spanish and English.