

The Salt Lake Tribune

Feds accuse Salt Lake City law firm of helping undocumented immigrants get jobs

By Pamela Manson

07/28/2009

Attorney James Hector Alcala told attendees at the grand reopening of his Glendale law firm in 2007 his reason for specializing in immigration law was personal -- his parents had entered the United States illegally.

"The purpose of this firm from the very beginning was to help immigrants, like my parents, like myself, to obtain the documents needed to live here in America," Alcala said at the time.

Now federal authorities claim Alcala and seven of his employees lied on work visa applications in what is being called the largest fraud operation of its kind to be uncovered in Utah.

An indictment unsealed Tuesday accuses Alcala and seven others of helping 10 companies in Salt Lake, Davis and Utah counties get work visas for ineligible foreign workers.

Investigators believe The Alcala Law Firm filed more than 700 petitions that led to the issuance of more than 5,000 work visas, the majority of which were allegedly fraudulent. The scheme also "led to untold number of U.S. citizens and legal workers being refused jobs or discouraged from applying at all," said Paul Maldonado, deputy special agent in charge of the Immigration and Customs Enforcement Office of Investigations over Utah.

The companies -- which may not have known they were getting bad legal advice -- included landscaping, construction, painting, roofing, steel and property-maintenance businesses. The number of foreign workers who received a visa is not yet known because some might have gotten more than one.

The conspiracy operated from July 2005 to June 2009, the indictment alleges. The defendants are charged with various counts of conspiracy, visa fraud and encouraging or

inducing undocumented aliens to reside in the United States illegally.

The alleged conspiracy involved the H-2B visa program, under which employers petition for permits that allow foreign nationals to work temporarily in the United States. Employers must demonstrate there are not enough U.S. citizens who are willing and qualified to fill vacant positions. There is a limit of 66,000 H-2B visas issued each year that allow unskilled non-agricultural laborers to stay a maximum of 10 months.

If the foreign national is already in the United States, the employers must show that the worker is in the country legally. Those living in other countries are required to have been physically outside the United States for at least six months prior to receiving the visa.

The indictment claims the defendants gave employers and their employees instructions on how to use the H-2B program, even if the workers were living in the United States illegally and already working for the company. Sometimes, the workers allegedly were told to go back to Mexico and not tell U.S. consular personnel who interviewed them that they had been in the United States recently.

In addition, the law firm employees encouraged companies -- which paid thousands of dollars for legal help -- to apply for more visas than needed so they could illegally "swap" foreign-national workers among employers, according to the indictment.

The investigation began in February 2008 after the U.S. Department of State's Bureau of Diplomatic Security received a tip about the law firm. Ed Moreno, the agency's assistant director for domestic operations, said the alleged crimes are "particularly reprehensible" because they involve a law firm and former federal employees: a former border agent and a former consulate visa assistant.

David Littlefield, a University of Utah immigration law professor, said some attorneys are paid by the visa and might have incentive to cut corners.

"I think there are probably many innocent victims here, if in fact this did occur," Littlefield said. "In my experience it's certainly not representative of immigration lawyers."

Attorney Marlene Gonzalez, executive director of the Multi Cultural Legal Center, said the allegations reflect badly on immigration attorneys.

"We're in business to do law -- what is legal," she said. "Most of us care about our clients; it's not about just making money."

U.S. Attorney Brett Tolman said some companies who hired the law firm believed they were given correct legal advice. Some, though, might have seen red flags, such as being asked to fabricate or fudge information, he said.

The investigation is continuing with interviews of the employer-clients. Utah State Bar officials have initiated disciplinary proceedings against Alcalá in 3rd District Court. The case is pending.

The maximum prison term for conspiracy is five years. Visa fraud and encouraging illegal immigrants to remain in the United States carry punishments of up to 10 years behind bars.

Attempts to contact Alcalá's wife, Janet, were unsuccessful Tuesday. Utah Attorney General Mark Shurtleff, who spoke at the 2007 grand reopening, said Tuesday he went to the ceremony at the invitation of Janet Alcalá. James Alcalá, a 1997 graduate of the U. law school, was a law clerk at the AG's Office in the 1990s, when Shurtleff was an assistant attorney general.

"Everything I was hearing from the community was that this was a great story about a successful young lawyer," Shurtleff said.

pmanson@sltrib.com

Reporters Cathy McKittrick, María Villaseñor and Nate Carlisle contributed to this article.

Box head

Defendants in a federal indictment alleging visa fraud are:

- » The Alcalá Law Firm, 1380 W. Indiana Ave., Salt Lake City.
- » James Hector Alcalá, 41, of Salt Lake City.
- » Carlos Enrique Gomez-Alvarez, 41, formerly of Salt Lake City and now living in Houston. Gomez-Alvarez, who allegedly described himself as an in-house counsel for the firm, was arrested while taking the New York bar exam in Buffalo.
- » Carlos Manuel Vorher, 43, a firm paralegal and former U.S. Border Patrol agent, Salt Lake City.
- » Andres Lorenzo Acosta Parra, 31, a firm employee who had worked as a visa assistant at the U.S. Consulate in Ciudad Juarez, Mexico, from April 1, 1998, to October 24, 2007, Salt Lake City.
- » Daniel Trigo Villavicencio, 30, who allegedly described himself as in-house counsel for the firm, Orem.
- » Gustavo Ballesteros-Munoz, 45, accountant for the firm, West Jordan.

» Florentino Jose Ayala Villarreal, 39, a firm employee, Mexico.

» Olga Adriana Garza Muniz, 47, a firm employee, Mexico.

» Westside Property Management, a Salt Lake City company that lists Alcalá's wife, Janet, as its managing member.

Most of the defendants were arrested Tuesday. Avala Villarreal, Garza Muniz and Trigo Villavicencio were not in custody as of late Tuesday.

What's next

Four of the defendants -- Alcalá, Vorher, Acosta Parra and Ballesteros-Munoz -- are scheduled for an initial appearance today in U.S. District Court in Salt Lake City.