



## News Releases



JUNE 4, 2010 MIAMI, FL

### Owner/operator and employee of Miami-based school pleads guilty to immigration-related fraud

MIAMI - The owner/operator of a Miami-based foreign language school and one of its employees pleaded guilty earlier today in a student visa fraud case that also resulted in the arrest of 113 student visa violators, following an investigation by U.S. Immigration and Customs Enforcement (ICE).

Lydia Menocal, 58, of Miami, owner and operator of the Florida Language Institute (FLI), pleaded guilty to conspiring to make false statements on immigration documents. As part of her plea, Menocal agreed to pay to the United States money she made from the conspiracy, totaling \$600,000. Menocal's co-defendant, Ofelia Macia, 75, also of Miami, pleaded guilty to failure to report a felony.

Menocal faces up to five years in prison and Macia faces up to three years in prison at their sentencing scheduled for Aug. 27 at 1:30 p.m. before U.S. District Judge Ursula Ungaro.

"This school was fraudulently facilitating the issuance of student visas, as well as allowing foreign nationals to fraudulently maintain their student status and remain in the United States," said Anthony V. Mangione, special agent in charge of the ICE Office of Investigations in Miami. "One of the lessons learned from the September 11 attacks is that the U.S. government must be vigilant and aggressive in conducting investigations into organizations and persons who seek to exploit and corrupt America's legal immigration system for personal gain."

In November 2007, ICE special agents assigned to the ICE Office of Investigations in Miami Compliance Enforcement Group initiated a criminal investigation dubbed, "Operation Class Dismissed," focused on Menocal and the FLI after they received information that the school was allegedly engaged in fraudulently sponsoring foreign students by issuing I-20 AB (Certificates of Eligibility for non-immigrant, F-1, student status for academics and language students) without requiring the students to attend at least 18 hours of classes per week, as they had agreed to do under federal regulations.

On March 2 pursuant to a federal indictment, ICE special agents arrested Menocal and Macia on the criminal charges. Additionally, ICE special agents administratively arrested 113 student visa violators, who are currently facing immigration removal proceedings or have been ordered removed from the United States. Approximately 33 of those students had turned themselves into ICE following the March 2 enforcement action. More than 20 additional students that were alleged to be attending FLI, departed the United States after learning about the March 2 ICE arrests.

According to the statement of facts filed with the court during the plea hearing, Menocal was the director and sole shareholder of FLI, a language school in a strip mall located at 947 Southwest 87th Avenue in Miami. In 2002, Menocal and Macia, on FLI's behalf, applied with the Department of Homeland Security (DHS) to have the school authorized to issue Forms I-20 (certificates of eligibility for non-immigrant, F-1, student status for academic and language students) directly to foreign nationals wishing to enter or remain in the United States as full-time language students. The Forms I-20 were necessary for potential foreign national students to get their F-1 student visas. As part of the application, the defendants stated that they had read and understood all the pertinent federal regulations governing DHS-approved schools, including the regulations requiring students to attend class at least 18 hours per week and requiring school officials to report students who were not attending regularly. Based on the defendants' representations that they had read, understood and agreed to abide by these regulations, DHS approved FLI's application to issue Forms I-20 to foreign nationals wishing to enter or remain in the United States as full-time language students.

According to the statement of facts, between July 2007 and March 2010, Menocal issued and signed hundreds of Forms I-20s for foreign nationals wishing to attend FLI. On each form, Menocal swore under penalty of perjury that each student would be required to attend FLI for a full course of study, i.e., 18 hours a week. In fact, none of the hundreds of foreign nationals that Menocal issued Forms I-20 to were required to attend classes, and Menocal did not report to DHS that these students were not attending class for the required 18 hours a week.

In November 2007, DHS officials conducted a site visit at FLI while the school was supposed to be conducting classes (230 students were registered for the semester). Indeed, some students had signed in as if they had attended. But when the DHS officials went to the school, there was no one there, except for Menocal, Macia and some other employees of the school. The DHS officials came back for a second site visit later that day, and found only three students at the school, even though 13 had signed in. Menocal lied to the DHS officials and said that 150 students attended class daily.

In 2007, two students in particular were issued Forms I-20 by Menocal, and were signed up to take classes, but almost never attended. Attendance records from 2007 show that neither student attended classes. When both students applied again to attend FLI in the fall of 2009, Menocal issued them Forms I-20 and swore on the forms that they would be required to attend class 18 hours a week, knowing that they would not attend. For the second time, neither student attended the required classes. Indeed, Menocal allowed one of the students to take the midterm and the final examination for the Fall 2009 semester on the same day, in January 2010, after the semester had ended. Menocal did not report to DHS that the students were not attending classes.

According to the statement of facts, from July 2007 to March 2010, Menocal made at least \$600,000 by charging the foreign nationals for the Forms I-20, but not requiring that they attend class. This \$600,000 represents the proceeds of her fraud.

As for Macia, court records show that as the school's office manager she was at the school daily and managed many of the school's operations, including the collection of payments. According to the statement of facts, she knew that the foreign national students signed up to attend classes were required to go to class at least 18 hours a week. Macia also knew that she had a duty to report to DHS students that were not meeting the attendance requirements. In addition, Macia knew that the foreign national students who had been issued Forms I-20 by FLI were not attending class 18 hours a week. Macia did not report to DHS that these students were not attending class.

The investigation was conducted by ICE's Office of Investigations in Miami.

This case is being prosecuted by Assistant U.S. Attorneys Roy K. Altman and Robert J. Luck.

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