

# Immigration and Refugee Board of Canada

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## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website.

3 December 2012

### UKR104123.E

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Ukraine: Fraudulent documentation, including types of fraudulent documents available and their prevalence; how they are obtained; who is producing and distributing them; how documents are falsified; state efforts to counter their usage

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

### 1. Fraudulent Documentation, Overview

In correspondence with the Research Directorate, an official of the Canada Border Services Agency (CBSA) Document Integrity Unit indicated that fraudulent documents, which are common in Ukraine, include police certificates and education certificates (Canada 19 Oct. 2012). *Kyiv Post*, a Kyiv-based English language newspaper, reported in 2009 that fake university diplomas, driver's licences, and marriage and health certificates were becoming common in Ukraine (19 Nov. 2009). *Kyiv Post* notes that businesses that issue fake diplomas and certificates were reporting a "booming trade" (*Kyiv Post* 19 Nov. 2009). An organization that has been issuing fake documents for 20 years indicated to *Kyiv Post* that the price of a Ukrainian driver's licence is US\$300, a law degree is US\$900 and a degree qualifying a person to be a police officer or to work in the courts or a prosecutor's office is US\$12,000 (ibid.). Corroborating information could not be found among sources consulted by the Research Directorate within the time constraints of this Response.

In an interview with the Ukrainian Internet newspaper *ForUm*, a member of parliament in Ukraine stated that a large number of Ukrainians use forged documents to support their visa applications (20 Apr. 2012). Media sources report that various Ukrainian agencies offer to sell Schengen visas (*Ukrainian Pravda* 24 July 2012; *ForUm* 20 Apr. 2012). According to *ForUm*, services provided by these agencies involve forgery of documents (ibid.). *Ukrainian Pravda*, a Kyiv-based Ukrainian newspaper, also reports that agencies offer services in obtaining Schengen visas by providing fake documents (24 July 2012). For example, an employee of one of the agencies explained to a reporter that, if an individual is unemployed, the agency can offer that individual a fake employment certificate for 60 euros [C\$76 (XE 5 Nov. 2012)] (*Ukrainian Pravda* 24 July 2012).

Information on how documents are falsified could not be found among sources consulted by the Research Directorate within the time constraints of this Response.

### 2. Legislation

Article 358 of the Ukrainian Criminal Code stipulates punishments for forgery of documents, stamps, seals, letterheads and sale or use of forged documents as follows:

[translation]

1. Forgery of an identification card or any other document issued or certified by an enterprise, institution, organization, individual entrepreneur, private notary, auditor or any other person authorized to issue or certify such documents, or any document that grants any rights or discharges from any obligations, for the purpose of using it by the forger or any other person, or sale of any such document, and also making of forged stamps, seals or letterheads of enterprises, institutions or organizations of any type of ownership, and any other official stamps, seals and letterheads for the same purpose, and sale of the same, shall be punishable by a fine up to 70 tax-free minimum incomes, or arrest for a term up to

six months, or restraint of liberty for a term up to three years.

2. Any such actions as provided for by paragraph 1 of this Article, if repeated, or committed by a group of persons upon their prior conspiracy, shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term. (Ukraine 2001, Art. 358)

Article 358 also states that

[translation]

[t]he use of a knowingly forged document, shall be punishable by a fine up to 50 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to two years. (ibid.)

Further information on the effectiveness and implementation of the legislation could not be found among sources consulted by the Research Directorate within the time constraints of this Response.

### 3. State Efforts

In 2009, the *Kyiv Post* reported that law enforcement officials were not doing enough to deal with issues of fake diplomas (19 Nov. 2009). According to the newspaper, only a few perpetrators were punished for selling or buying fake diplomas (*Kyiv Post* 19 Nov. 2009). For instance, in 2008, the General Prosecutor's Office opened 300 criminal cases against people who issued fake diplomas, but only 17 of those resulted in prosecution (ibid.). In 2011, nine Ukrainian border guards were fired for using fake university diplomas to gain employment (*Ukrainian Pravda* 17 Feb. 2011). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

*Kyiv Post* reports that, in 2009, Ukrainian and US authorities uncovered a ring of five people in Ukraine and 20 people in the US that reportedly helped Ukrainians to illegally obtain US visas using fake or forged application documents (5 Nov. 2009). Sources report that the group allegedly relied on a Ukrainian national employed by the US Embassy in Kyiv (*Kyiv Post* 5 Nov. 2009; US 6 Jan. 2012). According to a press release of the US Federal Bureau of Investigation, the group charged US\$12,000 per visa (ibid. 19 Aug. 2010). Further information on the results of the investigations could not be found among sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

## References

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XE. 5 November 2012. "Currency Converter Widget." <<http://www.xe.com/ucc/convert/?Amount=60&From=EUR&To=CAD>> [Accessed 5 Nov. 2012]

## Additional Sources Consulted

**Oral Sources:** Attempts to contact lawyers in Ukraine and professors at the University of Toronto and Harvard University were unsuccessful.

Attempts to contact representatives of the following organizations were unsuccessful: Council of Europe in Kyiv; Interpol in Kyiv; Kharkiv Human Rights Protection Group; Organization for Economic Cooperation and Development; Taras Shevchenko National University; Ukraine – Embassy of Ukraine in Canada, Ministry of Interior Affairs, Prosecutor General's Office of Ukraine; Ukrainian Helsinki Human Rights Union; Vinnytsya Human Rights Group.

**Internet sites, including:** Academy of Legal Science of Ukraine; Alpina Consult; American Chamber of Commerce in Ukraine; Amnesty International; *Delo*; EU – Council of Europe; ecoinet; Factiva; Frontex; Harvard Ukrainian Research Institute; Interpol; Interpol Ukraine; *Jane's Intelligence Review*; Jean Monnet Advanced Study Institute; Kharkiv Human Rights Protection Group; Kupit-diplom; La Strada Ukraine; Law Net; Law.edu.ru; Liga News; Media Law Institute; Newsru.ua; Office for Democratic Institutions and Human Rights; Organization for Economic Cooperation and Development; Political Handbook of the World; Privacy International; Quaker Council for European Affairs; Radio Free Europe/Radio Liberty; Reporters without Border; Softpedia; Transitions online; Ukraine – Consulate General of Ukraine in Chicago, Consulate General of Ukraine in New York, Embassy of Ukraine in Ottawa, Embassy of Ukraine in Moscow, Embassy of Ukraine in London, General Prosecutor of Ukraine, Government Portal, Ministry of Defence, Ministry of Foreign Affairs, Ministry of Internal Affairs, Parliament of Ukraine, President of Ukraine, Verkhovna Rada of Ukraine; *Ukrainian Digest*; UN – Refworld; US – Department of State Bureau of Diplomatic Security, Embassy of the United States in Ukraine.

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