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IRB – Immigration and Refugee Board of Canada (Author)

Colombia: Availability and prevalence of fraudulent civil documents, including methods for obtaining them, and connections with criminal groups; incidents of genuine documents being obtained using false information (2022–June 2024) [COL201940.E]

Research Directorate, Immigration and Refugee Board of Canada

1. Overview

Colombia's National Registry of Civil Status (Registraduría Nacional del Estado Civil) website states that there are three types of civil records: the birth, marriage, and death registries (Colombia n.d.).

In an interview with the Research Directorate, an assistant professor in the Professional Security Studies Department at New Jersey City University in the US, whose research focuses on drug trafficking, organized crime, and security in Latin America, stated that "corruption is prevalent" in Colombia and "impunity seen at all levels poses significant challenges" (Assistant Professor 2024-06-05). The same source noted that though documentation fraud does exist, "it is not reported on extensively or often goes underreported"; and the issue of falsified documents remains "largely under the radar," with "no comprehensive statistics available to track its prevalence" (Assistant Professor 2024-06-05). The Assistant Professor added that the extent of documentation fraud is not "fully documented or studied"; however, local media "frequently" report on instances of criminal groups involved in document falsification (2024-06-05).

1.1 Legislation

Law 599 of 2000, the Criminal Code of Colombia (*Ley 599 de 2000 (julio 24), por la cual se expide el Código Penal*), provides the following on fraudulent documents:

[translation]

Article 286. *Public document tampering* (*Falsedad ideológica en documento público*). A public servant who, in the exercise of his/her functions, and in issuing a public document that may serve as evidence, enters a falsehood or omits all or part of the truth, shall be subject to four (4) to eight (8) years in prison and shall be barred from exercising rights and from holding public office for five (5) to ten (10) years.

Article 287. *Forgery of a public document* (*Falsedad material en documento público*). A person who forges a public document that may serve as evidence shall be subject to three (3) to six (6) years in prison.

If the conduct is carried out by a public servant in the exercise of his/her functions, the penalty shall be from four (4) to eight (8) years in prison and he/she shall be barred from exercising rights and from holding public office for five (5) to ten (10) years.

Article 288. *Obtaining a false public document.* A person who, in order to obtain a public document that may serve as evidence, misleads a public servant in the exercise of his/her functions by having him/her enter a false statement or omit all or part of the truth, shall be subject to three (3) to six (6) years in prison.

Article 289. *Forgery of a private document*. A person who forges a private document that may serve as evidence shall be subject, if he or she uses that document, to one (1) to six (6) years in prison.

Article 291. *Use of a forged document*. Amended by Art. 54, Law 1142 of 2007. A person who, without having taken part in the forgery, makes use of a forged public document that may serve as evidence shall be subject to two (2) to eight (8) years in prison.

Article 292. *Destruction, deletion or concealment of a public document*. A person who destroys, deletes or conceals all or part of a public document that may serve as evidence shall be subject to two (2) to eight (8) years in prison.

If the conduct is carried out by a public servant in the exercise of his/her functions, he/she shall be subject to three (3) to ten (10) years in prison and shall be barred from exercising rights and from holding public office for that same period.

In the case of a document that is an exhibit for court, the penalty shall be increased by one-third to one-half.

Article 293. *Destruction, deletion or concealment of a private document*. A person who destroys, deletes or conceals, in whole or in part, a private document that may serve as evidence shall be subject to one (1) to six (6) years in prison.

Article 294. *Document*. For the purposes of criminal law, a document is any statement by a known or recognizable person that is collected in writing or by way of any mechanically or technically printed medium, a material support that expresses or incorporates data or facts that have evidentiary capacity. (Colombia 2000)

2. Availability and Prevalence of Fraudulent Civil Documents, Including Methods for Obtaining Them

According to a 2019 article by InSight Crime, a think tank and media organization that studies organized crime in the Americas (Insight Crime n.d.), fraudulent identity cards (*cédulas*) can be acquired from either "corrupt officials" working at ID-issuing agencies, or from "dedicated fabricators of IDs" (2019-11-21). Similarly, in correspondence with the Research Directorate, an independent consultant and researcher on migration issues stated that there are [translation] "dedicated" organizations that produce fraudulent documentation (Researcher 2024-06-02).

The Assistant Professor stated that it is possible to falsify a document for the "right price," and added that people can use their connections, including with criminal groups, and financial resources to obtain fraudulent documents (2024-06-05). According to the Assistant Professor, large criminal networks have "easy access to forged documents" but not all individuals involved in this illicit activity are from big cartels (2024-06-05).

3. Incidents of Fraudulent Documents in Connection to Criminal Networks, Including Obtaining Genuine Documents Using False Information

3.1 Civil Documents

Sources report that according to Colombia's Directorate of Criminal Investigation and INTERPOL (Dirección de Investigación Criminal e INTERPOL, DIJIN), authorities uncovered a criminal network that falsified civil records, citizenship cards (*cédulas de ciudadanía*), and passports by using the identities of deceased Colombian citizens in March 2024 (Bogotá 2024-03-25; *El Tiempo* 2024-03-25). According to the same sources, the network falsified the support documents necessary to issue Colombian birth certificates of the parents of migrants, and forged, among other documentation, seals of the Ministry of Foreign Affairs or consulates and apostilles (Bogotá 2024-03-25; *El Tiempo* 2024-03-25). The sources also state that [translation] "more than 20,000" civil birth certificates were issued by this organization (Bogotá 2024-03-25; *El Tiempo* 2024-03-25).

Radio Nacional de Colombia, a government-owned radio network in Colombia (CDAC 2022-03, 21), reports that authorities arrested 31 people belonging to a [translation] "migrant smuggling network that offered fraudulent identity documents" (2024-05-16). According to sources, former employees of the National Registry of Civil Status and the Foreign Ministry (Radio Nacional de Colombia 2024-05-16) or the immigration department (Bogotá 2024-03-25) were among the members of the network, which had been delivering civil records and fraudulent passports to migrants heading for places such as the US and Europe (Radio Nacional de Colombia 2024-05-16; Bogotá 2024-03-25). Radio Nacional de Colombia adds that 11 people were responsible for seeking out migrants and offering them forged documents (2024-05-16). The same source, citing the DIJIN, provided the following information regarding how the network functioned in practice:

[translation]

"[T]hree employees and six former officials of the Registry Office would be in charge of locating civil records of people without ID cards to impersonate them, while three employees and five former employees of the Foreign Ministry would be in charge of 'formalizing' the false identities in passports." (Radio Nacional de Colombia 2024-05-16)

The same article notes that 304 fraudulent passports had been issued, 344 citizenship cards have been annulled, and ongoing measures are being taken to cancel over 800 fraudulent citizenship cards and to review 180 [translation] "'fraudulently obtained'" civil records (Radio Nacional de Colombia 2024-05-16).

El Tiempo, a Colombian newspaper, reports that a criminal network that provided falsified documents facilitated irregular migration from Colombia's Atlantic coast to the US, Europe, and South America (2022-10-05). In October 2022, nine people were arrested in connection with this network (*El Tiempo* 2022-10-05). The same source indicates that this network, which included Colombian immigration officials, was led by an officer employed in Paraguachón, La Guajira, who would contact foreigners to offer Colombian identity documents or [translation] "extensions in their passports" which would allow them to leave through the airports in Cartagena and Soledad (*El Tiempo* 2022-10-05). The article reports that another immigration official is [translation] "accused" of stamping passports and ensuring migrants passed through the Barranquilla airport's immigration; the other members arrested played roles as "forgers, expediters, or intermediaries to obtain civil records from various notaries and registry offices on the Atlantic coast" (*El Tiempo* 2022-10-05).

An article by Infobae, a Spanish-language news source from Argentina (*The Washington Post* 2016-06-08), reports that the Attorney General of Colombia [Office of the Prosecutor General] (Fiscalía General de la Nación) uncovered a criminal network which [translation] "specialized in identity theft to commit bank fraud" and arrested two people (2024-05-02). The same source adds that the group is accused of committing bank fraud by [translation] "falsifying citizenship cards and copying fingerprints to impersonate people" (Infobae 2024-05-02). According to Colombian authorities, as cited by the same source, the accused [translation] "illegally accessed" the databases of the National Registry of Civil Status and obtained documents such as fingerprint records; they then used this information to alter the identity documents of criminal gang members, who then "requested loans, credit cards, and lines of credits, posing as legitimate citizens" (Infobae 2024-05-02).

3.2 Other Fraudulent Documents

Information on the prevalence and availability of other fraudulent documents, such as fraudulent medical records, and letters from unions, employers, and community organizations, was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

The Associated Press (AP) reports that three people involved in a group [translation] "dedicated to migrant trafficking and falsifying documents" were arrested by Colombian authorities (2023-11-08). The article notes that a press release issued by the prosecutor's office states that the group goes by the name "Los Hunter," and that the group [translation] "falsified" medical records and other documents that "faked high-cost diseases that required urgent medical treatment in the United States"; the falsified documents were then used successfully to expedite "appointments at the US embassy that were scheduled for 2027" (AP 2023-11-08). The AP article adds that other available fraudulent documents included bank documents, which would lead US embassy officials to believe that the applicants had the means to fund their medical treatment (2023-11-08). The same source notes that these fraudulent documents could cost [translation] "up to" US$3,000 (AP 2023-11-08).

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.

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The Washington Post. 2016-06-08. "Infobae Now Powered by the Washington Post's Arc Technology." [Accessed 2024-06-10]

Additional Sources Consulted

Oral sources: Associate professor with a focus on global studies and violence in Colombia at a Colombia university; Bogotá – Salud Digital; clinic in Cali; Colombia – Ministerio de Salud y Protección Social; Colombian education workers unions (5); coordinator of health administration department of a Colombian university; immigration law firms based in the US (5); InSight Crime; labour lawyers association based in Colombia; labour rights group based in Colombia; labour rights law firm based in Colombia (2); labour rights NGO and think-tank based in Colombia; network of labour rights activists based in Colombia; professors of health administration at Colombian universities (6); professor of health and society at a Colombian university; professor with a focus on security and crime in Latin America and the Caribbean at a US university; public hospital in Bogotá.

Internet sites, including: Austrian Red Cross – ecoi.net; Colombia – Ministerio de Educación, Ministerio de Tecnologías de la Información y las Comunicaciones, Ministerio de Trabajo, Ministerio de Justicia y del Derecho; Edison Travel Documents; EU – Public Register of Authentic Identity and Travel Documents Online; France – Office français de protection des réfugiés et apatrides; Global Organized Crime Index; International Crisis Group; INTERPOL; UK – Home Office; US – Department of State.

Associated documents

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26 June 2024 | IRB – Immigration and Refugee Board of Canada (Author)

Colombia

Query response on Colombia: Availability and prevalence of fraudulent civil documents (2022 - June 2024) (legislation; methods for obtaining such documents; connections with criminal networks)

Colombie : information indiquant si les documents d’état civil frauduleux sont accessibles et répandus, et information sur les moyens de s’en procurer et les liens avec des groupes criminels; information sur des cas où des documents authentiques sont obtenus au moyen de faux renseignements (2022–juin 2024) [COL201940.EF] (Response, French)

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