

CRIMINAL COMPLAINT

ORIGINALS

UNITED STATES DISTRICT COURT	CENTRAL DISTRICT OF CALIFORNIA
UNITED STATES OF AMERICA v.	DOCKET NO. <i>2007R257</i>
BENJAMIN CLAUDE ADAMS YULIYA MIKHAILOVNA KALININA	MAGISTRATE'S CASE NO. 07-1636M-1

Complaint for violation of Title 8, United States Code § 1325(c): Marriage Fraud

NAME OF MAGISTRATE JUDGE HON. ANDREW J. WISTRICH	UNITED STATES MAGISTRATE JUDGE	LOCATION Los Angeles, CA
DATE OF OFFENSE February 17, 2006	PLACE OF OFFENSE Los Angeles County	ADDRESS OF ACCUSED (IF KNOWN)

COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION :

On or about February 17, 2006, in Los Angeles County, within the Central District of California, defendants BENJAMIN CLAUDE ADAMS and YULIYA MIKHAILOVNA KALININA, both knowingly entered into a marriage for the purpose of obtaining permanent resident status for KALININA in exchange for leasing a 2006 Ford Mustang for ADAMS, knowing such marriage was fraudulent, and for the purpose of evading provisions of the immigration laws, in violation of Title 8, United States Code, Section 1325(c): Marriage Fraud.

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CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:

(See attached affidavit which is incorporated as part of this Complaint)

MATERIAL WITNESSES IN RELATION TO THIS CHARGE

Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.

SIGNATURE OF COMPLAINANT

WILLIAM JAMES CUNNINGHAM

OFFICIAL TITLE

Special Agent - ICE

Sworn to before me and subscribed in my presence,

SIGNATURE OF MAGISTRATE JUDGE(1)

DATE

October 4, 2007

1) See Federal Rules of Criminal Procedure rules 3 and 54.

A F F I D A V I T

I, William James Cunningham, being duly sworn, do hereby depose and say:

1. I am a Special Agent ("SA") with the United States Department of Homeland Security ("DHS"), Immigration and Customs Enforcement ("ICE"), and have been a SA with ICE, formerly known as the Immigration and Naturalization Service ("INS"), since November of 1987. I am currently assigned to the Benefit Fraud Group located in Los Angeles, California.

2. This affidavit is made in support of complaints against and arrest warrants for BENJAMIN CLAUDE ADAMS ("ADAMS") and YULIYA MIKHAILOVNA KALININA ("KALININA") charging them each with a violation of Title 8, United States Code, Section 1325(c): Marriage Fraud.

3. I learned the facts set forth in this affidavit through personal observation, by reviewing documents described herein, by speaking with witnesses and law enforcement agents mentioned herein, by reviewing reports of law enforcement agents, and by relying on my training and experience and the experience of other agents. Because the purpose of this affidavit is to set forth only the facts necessary to establish probable cause to arrest ADAMS and KALININA, I have not described all of the facts and circumstances of which I am aware. In addition, the documents and statements of others upon which I rely herein are set forth

in substance and pertinent part.

4. Title 8, United States Code, Section 1325(c) states it is unlawful for any individual to knowingly enter into a marriage for the purpose of evading any provision of the immigration laws. A marriage is a sham if the bride and groom do not intend to establish a life together at the time they are married.

SUMMARY OF INVESTIGATION

5. This case involves a female Russian national, KALININA, posting advertisements on the personals section of a popular Internet web site: "www.craigslist.com," commonly referred to as "Craigslist." The ads solicited male U.S. citizens to enter into a fraudulent marriage with KALININA in exchange for up to \$15,000.

6. Investigation revealed that after placing at least eight such marriage fraud advertisements on Craigslist, KALININA married ADAMS, who is a U.S. Citizen, approximately one month after placing her last advertisement on Craigslist. Among other things, both KALININA and her live-in boyfriend admitted that the marriage to ADAMS was a fraudulent marriage designed to obtain lawful permanent residence for KALININA in exchange for leasing a 2006 Ford Mustang for ADAMS.

DESCRIPTION OF CRAIGSLIST.COM

7. According to Craigslist.com and Wikipedia.com,

Craigslist is a centralized network of online urban communities, featuring free classified advertisements with respect to numerous subjects, including the following: jobs, internships, housing, personals, for sale/barter/wanted, services, community, gigs and resumes. To post an advertisement on Craigslist, an individual need only provide his/her email address and create a password.

8. When answering an advertisement on Craigslist, an individual responds by an email that is first sent to the Craigslist server. Craigslist then directs that email response to the email address of the individual who posted the advertisement. This process allows for the email address of the individual posting the advertisement to remain anonymous, unless and until the advertising individual responds directly to the person who answered the advertisement.

9. A person answering an advertisement on Craigslist does not provide any information to Craigslist. However, an IP (Internet Protocol) address of the advertising individual is identified and maintained by Craigslist. An IP address is a unique address that certain electronic devices use in order to identify and communicate with each other on a computer network. Just as each street address and phone number uniquely identifies a building or telephone, an IP address can uniquely identify a specific computer or other network device on a network.

OBTAINING IMMIGRATION BENEFITS BASED ON MARRIAGE TO A UNITED STATES CITIZEN

10. Based on my training and experience, I know that, in order to petition for conditional legal status in the United States based on marriage, an alien must first enter into a marriage with a citizen and comply with all of the laws and requirements of the jurisdiction of the marriage.

11. The alien must then complete and file an I-485 form, "Application to Register Permanent Residence or Adjust Status," with the United States Citizenship and Immigration Services ("USCIS").

12. On the I-485 form, the alien must identify herself, her nationality, her current immigration status, and her grounds for adjusting her status to permanent residency, (i.e., her marriage to a United States citizen).

13. Her citizen-spouse must concurrently file with USCIS an I-130 form, "Petition for Alien Relative," on which the citizen-spouse confirms that the marriage has taken place, and provides personal information about the marital union, including the address at which the couple intends to reside.

14. In addition to these forms, the alien must provide to USCIS, biographical data (Form G-325A), an affidavit of support (Form I-864), the marriage certificate, results of a recent

medical examination, photographs of her and her spouse, her birth certificate with translation, and requisite filing fees.

15. The alien must also be fingerprinted and provide a copy of any nonimmigrant visa obtained from an American consulate abroad.

16. Upon meeting these filing requirements, the alien is entitled to a conditional work authorization card and a conditional "green card," denoting her conditional permanent residency.

a. Within ninety days before the expiration of the conditional two-year period, the alien and spouse must file with USCIS form I-751: "Joint Petition to Remove Conditional Basis of Alien's Permanent Residency Status." The petition must verify that the marriage is legitimate, that it remains intact, and that it was not entered into for payment. A representative of USCIS conducts a final interview of the alien and citizen spouse prior to the conclusion of the conditional period, and if satisfied, approves the petition and lift the alien's conditional status, thus making her a permanent resident of the United States. If the couple fails to file the I-751 form before the expiration of the two-year conditional period, the alien's status expires, and the alien is subject to deportation.

DETAILS OF INVESTIGATION

17. On November 17, 2005, ICE SA Michael Godfrey, Cyber Crimes Center, Fairfax, Virginia, received a marriage fraud investigative referral from Don Crocetti, Director of USCIS, Office of Fraud Detection and National Security.

18. The referral provided information regarding a female Russian national posting advertisements on the personals section of Craigslist.

19. In the advertisements, the Russian national offered fifteen thousand dollars (\$15,000) to any United States citizen willing to enter into a fraudulent marriage so that she could obtain permanent resident status.

20. One of the advertisements posted on Craigslist was included with the investigative referral.

21. The advertisements on Craigslist soliciting marriage fraud were identified through unique message identification numbers. SA Godfrey subsequently obtained from Craigslist account information associated with the user who posted the advertisements.

22. Among other things, Craigslist provided SA Godfrey with a file containing copies of the advertisements in HTML format (hyper-text markup language) along with the user's email addresses, kalinka5@gmail.com and euromontres@gmail.com, and the

unique Internet protocol (IP) addresses for the users who posted the messages. Both email addresses used an IP address of 70.36.216.166 to post the advertisements to Craigslist.

23. On December 1, 2005, SA Godfrey received from Adelphia Communications Cable account information relating to IP address 70.36.216.166. According to Adelphia Communications records, IP address 70.36.216.166 relates to subscriber Yuliya KALININA with a service address of 6637 Franklin Ave., Apt 7, Los Angeles, CA 90028.

24. On November 28, 2005, Google provided account and login information for kalinka5@gmail.com. Kalinka5@gmail.com is registered to Yuliya KALININA. The user of this email account logged into their account from the IP address registered to KALININA's residence 221 times between October 31, 2005, and November 27, 2005.

25. On January 6, 2006, Google provided account and login information for euromontres@gmail.com. Euromontres@gmail.com is registered to first name "Euro," last name "Montres." The user of this email account logged into their account from the IP address registered to KALININA's residence 329 times between December 7, 2005, and January 3, 2006.

26. SA Godfrey determined that beginning October 10, 2005, through January 9, 2006, KALININA posted a total of eight

advertisements on Craigslist, in which she was seeking to marry a United States citizen for the purpose of obtaining permanent resident status. KALININA titled the majority of her advertisements "Green Card Marriage - Will pay \$300/month Total \$15,000."

27. On January 10, 2006, SA Godfrey, while pretending to be a U.S. citizen interested in KALININA's Craigslist advertisement for a marriage of convenience, sent KALININA an email message purporting to be interested. KALININA responded to SA Godfrey the same day from her personal email account, kalinka5@gmail.com, with her continued interest in the marriage fraud scheme.

28. On July 30, 2007, Google provided emails from KALININA's account, kalinka5@gmail.com. On January 9, 2006, ADAMS asked KALININA about the process of the Business Marriage. Specifically, he asked "[h]ow long does it have to last for?" KALININA replied the same day and explained that the "[m]arriage will take 2-3 years (most likely 2)."

29. On January 10, 2006, KALININA told ADAMS that she has a boyfriend. ADAMS replied the same day and asked KALININA why she did not want to marry her boyfriend. KALININA replied the same day and explained that her boyfriend is not a U.S. citizen.

30. Investigation of Kalinina's cellular telephone records revealed that there was no contact between Kalinina and Adams

before February 7, 2006.

31. On February 17, 2006, approximately one month after posting her last advertisement on Craigslist, Kalinina married United States citizen Benjamin C. Adams.

32. Investigation revealed that ADAMS was employed at Disneyland from December 16, 2006, to June 16, 2007. At the time of his hiring, ADAMS indicated that he was single.

33. I have received and reviewed the following records SA Godfrey obtained from Craigslist:

a. Copies of the following eight advertisements posted by KALININA in connection with marriage fraud.

i. 10/10/2005. Titled "Business Marriage (Green Card) - Will pay \$300/month Total \$15,000."

ii. 10/11/2005. Titled "GREEN CARD MARRIAGE - Will pay \$300 /month Total \$15,000."

iii. 10/26/2005. Titled "Green Card Marriage - Will pay \$300 /month Total \$15,000."

iv. 10/27/2005. Titled "Green Card Marriage - Will pay \$300 /month Total \$15,000."

v. 11/16/2005. Titled "Green Card Marriage - Will pay \$300 /month Total \$15,000."

vi. 11/22/2005. Titled "GREEN CARD MARRIAGE - Will pay \$15,000."

vii. 11/22/2005. Titled "GREEN CARD MARRIAGE - Will pay \$15,000." The body of the message read "This is strictly platonic business offer, sex not involved. NOT required to live together."

viii. 01/09/2006. Titled "Marriage of Convenience (Green Card) will pay \$15,000." The body of the message read "This is strictly platonic business offer, sex not involved. NOT required to live together."

b. Copies of photographs of KALININA that were attached to her Craigslist advertisements. As discussed below, I personally observed KALININA when I interviewed her on September 21, 2006, and have concluded that she is the person in the photographs.

ICE RECORDS RELATING TO THE FRAUDULENT MARRIAGE

34. Beginning in January 2006, USCIS Officer Michael E. Freeman and I began to monitor the USCIS Computer Linked Application Information Management System, "CLAIMS," database for any immigration petitions filed by or on behalf of KALININA. Based on that monitoring, I learned that on February 17, 2006, approximately one month after her last advertisement on Craigslist, KALININA married ADAMS, a U.S. citizen.

35. In May 2006, USCIS Officer Freeman informed me that after searching the CLAIMS database, he discovered that on April

30, 2006, ADAMS filed an I-130 form "Petition for Alien Relative" on behalf of KALININA with USCIS. The CLAIMS database also indicated that on April 30, 2006, KALININA concurrently filed an I-485 form "Application to Register Permanent Residence or Adjust Status" with USCIS.

THE INTERVIEWS OF KALININA AND HER LIVE-IN BOYFRIEND

36. On September 21, 2006, ICE Supervisory SA Brian M. DeMore and I interviewed KALININA and Dmitri Chavkerov ("Chavkerov") inside their residence located at 6637 Franklin Avenue apartment No.7, Los Angeles, California 90028. During the course of the interview, among other things, I showed KALININA two different Craigslist advertisements titled "Marriage of Convenience (Green Card)." After viewing the advertisements, KALININA stated the following:

a. KALININA entered into a fraudulent marriage with ADAMS solely for the purpose of obtaining permanent resident status. KALININA admitted that ADAMS did not reside with her and that Chavkerov was actually her live-in boyfriend. KALININA stated that in January 2006, she met ADAMS through one of the advertisements that she had posted on Craigslist. KALININA stated that she currently has a pending asylum application with USCIS. KALININA admitted that she entered the marriage fraud scheme with ADAMS as a back-up plan, in the event that her asylum application

was denied.

b. After KALININA met ADAMS on the Internet, she explained the marriage fraud scheme to him. KALININA informed ADAMS that after the couple got married, he would then file a Form I-130 'Petition for Alien Relative' on her behalf with the USCIS.

c. After ADAMS agreed to enter the scheme with KALININA, he told her that he had bad credit, and needed a new car.

d. ADAMS suggested to KALININA that she lease him a new automobile as payment for entering the marriage fraud scheme with her.

e. After KALININA agreed to ADAMS's offer to lease him a new automobile in exchange for marriage, the couple married on February 17, 2006.

f. KALININA and ADAMS completed and signed the necessary immigration forms required for KALININA's application for permanent resident status and sent them to the USCIS.

g. In March 2006, KALININA leased a 2006, Ford Mustang, License No. (5TKR646) for ADAMS, as payment for entering into the marriage fraud scheme with her. KALININA receives and pays the monthly bills for the leasing of the vehicle.

h. KALININA stated that the California Department of

Motor Vehicles records erroneously have the vehicle registered under the name Puliya M. KALININA.

37. On September 21, 2006, Supervisory SA Brian M. DeMore and I also interviewed Dmitri Chavkerov at KALININA's residence. During the course of the interview, I showed him a copy of KALININA's and ADAMS's Marriage Certificate. Chavkerov stated the following:

a. Chavkerov admitted that he was KALININA's boyfriend and that he has lived with her at the residence since August 2005.

b. Chavkerov has knowledge that KALININA and ADAMS entered into a fraudulent marriage for the purpose of obtaining permanent resident status for KALININA.

c. Chavkerov has knowledge that KALININA leased ADAMS a 2006 Ford Mustang for entering into a fraudulent marriage.

d. In Box 29C of the Marriage Certificate shown to Chavkerov, appears the name Dmitri Chavkerov under Name of Person Solemnizing Marriage. In Box 29D, Official Title, Chavkerov is listed as Minister.

e. Chavkerov verified that it was his name on the document, and that he became a minister simply by registering on an internet site for ministers.

OBSERVATIONS OF THE INSIDE OF KALININA'S RESIDENCE

38. On September 21, 2006, during the interview of KALININA and Chavkerov, SA DeMore and I had the opportunity to observe the inside of KALININA's residence for an extended period of time and observed the following:

a. KALININA's residence consists of a single bedroom, living room, kitchen, and a bathroom.

b. The living room contained a couch and a table. The couch did not appear to be used as a bed by any occupants living inside the apartment. The table appeared to be used as work space which contained a computer and printer.

c. KALININA's residence did not contain any wedding photographs or mementos, or any photographs of ADAMS (whose appearance I am familiar with based on a Michigan Department of Motor Vehicles photo assigned to him).

d. KALININA's residence contained the personal papers belonging to KALININA and Chavkerov.

e. KALININA's residence did not appear to contain any possessions that might belong to ADAMS.

f. The bedroom in KALININA's residence contained only one bed.

INVESTIGATION OF KALININA'S RESIDENCE

39. On October 25, 2006, I interviewed Michael Fanous

("Fanous"), who told me the following:

a. Fanous owns the property located at 6637 Franklin Avenue Los Angeles, California 90028 (KALININA's residence). Fanous maintains the Rental Agreements, Contracts and other records for the tenants that reside at the apartment complex.

b. In July 2005, Fanous began renting an apartment to KALININA and Chavkerov. The residence is located at 6637 Franklin Avenue apartment No. seven (7) Los Angeles, California, 90028. KALININA and Chevkerov are the only individuals who have rented apartment No. seven (7) from July 2005 to the present.

c. Fanous does not know ADAMS, has never met him, has never rented an apartment to him, and has never seen him enter, exit, or stay at KALININA's residence.

THE 2006 FORD MUSTANG

40. On October 30, 2006, I received vehicle records from the Ford Motor Company. A review of the documents revealed the following:

a. On March 1, 2006, KALININA leased a 2006, Ford Mustang, Vehicle Identification Number: (1ZVFT80N265182448), from Galpin Ford located at 15505 Roscoe Boulevard, North Hills, California 91343.

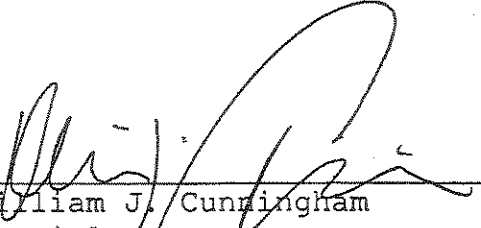
b. The Motor Vehicle Lease Agreement, Credit Application, Certificate of Insurance, and the State of

California Department of Motor Vehicles Application for
Registration of New Vehicle were all signed by KALININA.

CONCLUSION

41. Based on the foregoing facts, I believe that there is probable cause to believe that Yuliya Mikhailovna KALININA and Benjamin C. ADAMS violated Title 8, United States Code, Section 1325(c), Marriage Fraud.

I declare that the foregoing is true and correct to the best of my knowledge and belief.



William J. Cunningham
Special Agent
U.S. Immigration and
Customs Enforcement

Subscribed and sworn before me
this 4 day of October, 2007



UNITED STATES MAGISTRATE JUDGE