

CONTEMPORARY CHALLENGES OF STATE SECURITY: ILLEGAL MIGRATION AS POSSIBLE TERRORIST THREAT

Irina E Nikitina, The Russian Federal Center of Forensic Science of the Ministry of Justice (RFCFS)

Elena V Chesnokova, The Russian Federal Center of Forensic Science of the Ministry of Justice (RFCFS)

ABSTRACT

The article discloses issues about contemporary migration policy of the European states and its influence that is exerted on social and economic situation in the society. At present, many European countries are threatened of the terrorist attacks. The current situation convincingly confirms the need to unite the efforts of states in countering the challenges of an extremist nature and immediate threats. The problems of uncontrolled migration are considered as one of the most important aspects of national security, because they represent a potential terrorist threat. The need to counter terrorism is realized not only by individual states, but also by the international community as a whole. The problem of illegal migration also belongs to the reasons that influence the criminalization of society, as it leads to an increase in social tension in the society, xenophobia and hatred on ethnic and ethnic grounds, deterioration of the criminal situation and increased corruption.

Keywords: Migration, Immigration Security, Immigration Policy.

INTRODUCTION

Now many European countries appeared in the centre of terrorist attacks. Only for the last decade's terrorism from local threat turned into global threat of existence of human society and a civilization. He constantly changes, adapts to realities of the modern world, incorporates the last achievements of science and technology and actively operates the religious and other ideological concepts which were widely adopted in society. The terrorist organizations, possessing potent resources, today work in transnational scales, using the common information space, globalization of trade and economic, political and social connections.

The situation which developed today convincingly confirms need of combination of efforts of the states for counteraction to calls of extremist character and to immediate threats to which activity of such international extremist and terrorist organizations as "Hizb of Ut-Tahrir of al-Islami" ("HTI"), "Islamic party of Turkestan" ("Islamic driving of Uzbekistan"), Islamic State, etc. belongs. The listed organizations are forbidden in the Russian Federation.

Need of counteraction to terrorism is realized not only the certain states, but also in general the world community. The problem of pirate migration as it leads to body height of social tension in society, to manifestation of xenophobia and hatred on the national and ethnic soil, to

deterioration in a criminogenic situation and strengthening of corruption also belongs to the reasons affecting on criminalization of society. Elimination of dysfunctional manifestations of pirate migration is one of problems of migration policy in the countries of the world community, in particular the Russian Federation and the European states. Migration represents the composite public phenomenon, one of the most adequate indicators of social and economic welfare of society (Kargina, 2015).

Migratory processes from the second half of the twentieth century gained global character, the countries covering everything, social groups of the population, find reflection in various spheres of public life (Ryazantsev, 2007). In this connection, migration as one of the most important problems of the modern society affects in different degree practically all countries and influences their economy. The international migratory processes of the population in the conditions of expansion of world economic communications take more and more the important place in development of society (Information statistical forms of PKU "MIAC" Russian interior Ministry).

The most developed states act in this process as the centres of gravity of the migrants certainly expecting to find on the new place of residence worthy working conditions and lives in general. The modern migration policy is the indicator of stability and wellbeing of the political and ideological making life of society (Final report on the migration situation..., 2015). The main potential of migration consists in its significance for economic development of the country. In particular conditions the large role is played also by cultural, ethnic, political aspects of migration (The resolution of the European Court of Human Rights..., 2015).

LITERATURE REVIEW

Now a problem of population shift and in the modern Russia is urgent. Population shift is understood as movement of people from one region (country) in another, in some cases by larger groups and on long distances (Khromov, 2008). At the same time the Russian Federation is one of the main centres of gravity of migrants practically from all countries of the world, especially it is necessary to allocate migration flows from the CIS countries.

As a result of disintegration of the Soviet Union in the former socialist republics transition to market economy which was followed by destruction of the industry and a high level of unemployment began. The huge flow of labour migrants whose larger number was the share of citizens of the CIS countries, including Ukraine fell on the territory of the Russian Federation (The resolution 68/4..., 2013).

It is specified in the strategy of national security of Russia that threats, the bound to uncontrollable and pirate migration escalate. By estimates of GUVM Ministry of Internal Affairs of Russia (FMS of Russia) in the territory of the country for the beginning of 2016 there were about 3.3 million illegal migrants of whom 95,4% citizens of the CIS, 1.3% – EU countries make, 3.3% – other countries (Aslakhanova et al., 2015).

Depending on subject to criminal encroachment it crimes against: life and health of the person (+9, 2%, all-4432), a family and minors (+16, 4%, all-305), property (+14, 9%, all-15526), in the sphere of economic activity (+49, 1%, all-419), public safety (+11, 7%, all-486). In 2015 body height not only the crimes committed by migrants but also concerning their (+17, 5%, all-16476) was noted (Agafonov & Maslennikova, 2014).

Our country and the European states are faced by not prime task to find opportunities for unity of the European community which ethnic and cultural diversity increases because of mass migration.

The states according to the principle of sovereignty for ensuring the national interests have the right for border control and denial of entry to any persons. At the same time, Convention of the UN of 1951, "about refugees" the rights of the refugees and persons who are looking for shelters are provided. According to the Convention though behind the states there is also a right to interfere with illegal migration, it is possible to return illegal immigrants home only if there their life and health is not threatened by danger (Bormotova, 2016).

The European Court of Human Rights promoted a little further, having specified that the extradition of pirate migrants is not possible even if there is a potential threat of their life and to health.

So, in business "Tadzhibayev against Russia" court came to a conclusion that ...if the applicant declares the belonging to a group of persons to which ill treatment, then in case of representation by the applicant of the serious reasons allowing to be convinced available such practice and his belonging to such group is systematically applied, the applicant gets under protection of article 3 of the European Convention on human rights (Information statistical forms of PKU "MIAC Russian interior Ministry", item 44 of the resolution). Therefore, ...taking into account the proved widespread and daily application concerning terms of the Uzbek diaspora to which the applicant belongs, tortures and other cruel types of the address from law enforcement agencies in the south of Kyrgyzstan and also taking into account impunity of law enforcement officers and lack of sufficient protection for the applicant in the requesting country...[reasonable] existence of actual threat of application concerning the applicant of the address forbidden by article 3 of the European Convention on human rights in case of its return to Kyrgyzstan (Information statistical forms of PKU "MIAC Russian interior Ministry", item 48 of the resolution).

Meanwhile, in connection with events on January 4, 2016 in Cologne (when hundreds of women became the victims of sexual harassments of migrants), the serious loss was caused to the rating of national policy in the field of ensuring internal security and law and order of the European states. As it became clear later, concealment of the crimes committed by migrants was targeted policy of the authorities in order to avoid excesses with local population (Medvedev 2014), kindling of international hostility and also not to give "excess trumps" in hands of the opposition movements of the right sense like "Alternative for Germany" and Pegid, as well as to neo-Nazis (Vorobyova, 2003).

MATERIALS AND METHODS

Widely lit scale police operation performed the other day in mass media in the African quarter of Düsseldorf (during which 40 natives of Morocco, Algeria and Tunisia on suspicion of illegal drug trafficking, commission of thefts, robberies and also were arrested for illegal stay in the country) elicited the negative fact that the management of law enforcement agencies knew of this criminal enclave in 2014 (Mikhaylov, 2016). Then the subject of commission of illegal actions by migrants became a subject of discussion of a permanent Conference of Ministers of Internal Affairs and senators on internal affairs, however as a result of "special sharpness of a problem of respect for the rights of migrants" was decided not to make any information public.

According to survey conducted by the German news agency DPA in land the Ministry of Internal Affairs published orders which forbid calling a national identity suspected of police reports and also are instructed police officers very with care to handle with information concerning refugees (Bormotova & Yudina, 2016).

Tragic events in France also caused the most powerful public response and, at the same time, aggravated a discussion concerning terrorism and extremism and fight against them and also on problems of integration and social adaptation of immigrant segments of the population. Representatives of extremely right political forces draw public attention to extremely negative impact of mass inflow of immigrants, in particular from the countries of North Africa. Left-hand traditionally urged not to draw hasty conclusions and not to accuse Muslim community of the country of distribution of the extremist ideas. Thus, it is possible to note that the French model of integration of immigrants if works, then it is not efficient as is not able to solve more and more increasing problems in this sphere (Final report on the migration situation..., 2015).

In international law there is no universal agreement on fight against illegal migration as well as there is no responsibility for it. In Article 6 of the Convention of the ILO No. 143 on abuse in the field of migration and about providing (Geneva, on June 4, 1975) it is noted to migrant workers of equal opportunities and the address that only within the national legislation measures of efficient application of administrative, civil and criminal penalty, including imprisonment, concerning the organization of migration of workers for the purpose of receiving work are provided. It is provided in appendices 1 and 2 to the Convention of the ILO No. 97 on migrant workers of 1949 that “any person promoting secret or pirate immigration is subject to the corresponding punishment” (The resolution of the European Court of Human Rights..., 2015).

Migration is capable to affect dynamics of changes of population of the region/country, to change gender and age structure of the population, to increase a homo-or heterogeneity of this or that region/country, to level or aggravate regional disproportions, to change a situation in labour markets and, in particular, to improve/worsen qualification structure of labour market, to operate processes of development of territories, to change or support (to accompany) change of economic specialization of the territory, to realize large transport projects, to ensure sociocultural and military-political safety of this or that territory (Sulyagina, 2015).

The modern migration policy is the indicator of stability and wellbeing of the political and ideological making life of society. At a meeting of the United Nations General Assembly in October, 2013 following the results of dialogue at a high level on the issue of the international migration and development the State Parties unanimously supported the Declaration (Fedorov, 2015) on inclusion of the solution of problems of migration in number of the purposes of development after 2015. The international community undertook to concentrate programs after 2015 on a humanitarian perspective.

RESULTS AND DISCUSSION

The new agenda has to create a basis for long-term and full international cooperation in questions of migration to force the modern technologies to work for humanitarian development. All this demonstrates recognition of migration policy by one of the potent factors influencing development of many public social institutes. By means of efficient migration policy regulation

of particular spheres and branches of economy not only the certain countries, but also the whole world in general is carried out (Poznyak, 2010).

Due to the migratory crisis which struck Europe and more Germany, the public criticism of policy of the states as a result of which the numerical structure of law enforcement agencies was reduced even more often sounds. As a result of the taken measures presence of police squads on streets considerably decreased, the latency period of police on urgent calls increased, crime rate grew, as a result at the population appeared feeling of uncertainty in characteristic safety. Now the authorities of the country quickly compensate the caused damage, introducing amendments in the budget for 2016-2020. In December, 2015, the Bundestag supported the offer of the government on increase in budgetary appropriations of FMVD of Germany for 1 billion euros. Thus, the common figure of the budget of the ministry for 2016 made 7.8 billion euros that is an absolute record for all times. In 2016 the staff of FMVD of Germany will be increased on 5.453 units. The largest growth of personnel is planned in Federal department for migration and refugees for 2.700 units, Federal police on 1.000 persons. Federal department of criminal police (BKA) will increase by the 317th persons. By 2018, the federal police will be added 2.000 more persons.

Thus, at the present stage of development we observe "migratory crisis" which spread over the European countries, in particular, entering the European Union (further-the EU). Body height of the crimes committed by migrants from the countries of the Middle East or directed against them resulted in strength and split in the EU and the first to it the proof-escaping of the European Union of Great Britain (Brexit). In our country the Ministry of Internal Affairs of Russia left with an initiative to turn out the citizens who arrived to Russia for work from the countries of the Eurasian Economic Union (EEU), except for Belarus, for lack of the employment contract (Polonsky, 2015). The relevant bill is published on the portal of government information www.regulation.gov.ru.

Let's emphasize that the Russian Federation and the European states have many common goals, first of all, on ensuring the rights and freedoms of the person, development of cultural ties and cross-cultural dialogue, cooperation at disclosure and investigation of crimes and others in this connection the countries always sought for combination of efforts in formation of uniform all-European legal space- "Europe without dividing lines" (Bormotova & Nikitina, 2016).

Undoubtedly, further development of cooperation of the states will depend on that, how in due time law enforcement agencies will be able to predict activity and an orientation of actions of crime and by that to be prepared for adequate measures of counteraction. Researches in this direction were conducted, but they were, as a rule, separated and limited to a framework of national jurisdiction and were not always used at the organization of the international cooperation. According to the staff of the Interpol, the Innovative global complex of the Interpol created in Singapore has to correct current situation.

It is advisable to proceed from need of expansion and enhancing cooperation between law enforcement agencies of the states through the Interpol and Europol.

On November 6, 2003 in Rome during the summit Russia the European Union the Cooperation agreement between the Russian Federation and the European police organization (further Europol) which purpose is increase in effectiveness of interaction between EU Member States and the Russian Federation through expert and criminalistics and operational search activity is signed. According to this Agreement of the Ministry of Internal Affairs of Russia it is

defined by the central competent authority through which contacts with Europol are made (Rybakovsky, 2008).

From the point of view of scientific ensuring the international cooperation in the sphere of internal affairs and justice, including through expert and criminalistics and operational search activity, exercise fundamental and scientific applied researches of the most urgent problems and the prospects of fight against crime with engaging of experts and specialists of law enforcement agencies of various states is necessary.

So, during the Operation Phantom in February, 2010 the staff of Europol gave help to police of Germany during detention of five intermediaries in the organization of illegal migration, including three main suspects. 18 real estate objects in Berlin, Brandenburg and Zaksen it was seized. Besides collected material evidences, during operation more than 55.000 cash euros, several computers, firearms and Cocainum were confiscated and also nine illegal migrants from Vietnam are found.

In the field vision of police investigators of Germany and the staff of Europol got 20 suspects who secretly took pirate migrants to EU countries. To pirate migrants, it was guaranteed that they will reach the destination anyway even if the previous attempts failed. The price for services made about 10.000 euros and time at way took from several days to many weeks. Members of the family of illegal migrants often sold the real estate or various securities for the purpose of payment for illegal entry of the relative into the chosen country.

In certain cases, immigrants sold illegal goods, such as cigarettes to pay back future road to Western Europe, especially to France and Great Britain. On polls of illegal immigrants of most of which are made by Vietnamese Great Britain is the country of their dream and therefore they willingly earn money, growing up marijuana plantations.

Liquidation of the criminal network operating across all Europe was a main goal of investigation. Therefore, in Germany, Greece, France, Hungary, Slovakia and Great Britain parallel investigations were conducted. More than 250 investigators only from Federal police of Germany and police of Berlin shared in this big operation.

CONCLUSION

Cooperation of the Russian Federation with the European states in the sphere of internal affairs and justice has positive dynamics of development. At the same time, the primal problem of scientific research of problems of interstate cooperation of law-enforcement structures consists in that on the basis of studying of legal bases and practice of law-enforcement activity in various states to choose the most optimum and effective measures of perfecting of interaction of law enforcement agencies at disclosure and investigation of crimes.

Threats which are posed by pirate migration to the world community of the states, define interest of his members in collateral searching of the most efficient paths of fight against it. Leaders of criminal groups constantly improve activity forms in the sphere of high technologies, drug traffic and people, pirate migration and also interfere with development of mechanisms of interaction of Russia and the European states in spheres of economy, education, science and culture.

REFERENCES

- Agafonov, A.I. & Maslennikova, K.P. (2014). Ukrainian migration and relationship with Russia. PNIPU bulletin. *Social and Economic Sciences*, 2, 170.
- Aslakhanova, S.A., Yalmayev, R.A. & Beksultanova, A.I. (2015). The analysis of a condition of migratory processes in Russia at the present stage. *Young Scientist*, 21, 341-343.
- Bormotova, T.M. (2016). The factors staticizing interaction of various systems in the organization of migration policy. *Collections of conferences of Research Center Sotsiosfera*, 8, 41-45.
- Bormotova, T.M. & Nikitina, I.E. (2016). Problems of rapprochement of national legislations of member countries of the European Union in questions of migration policy. *Etnosotsium and International Culture*, 91(1), 51-54.
- Bormotova, T.M. & Yudina, T.N. (2016). Migration policy as instrument of ensuring national security of the Russian Federation. *Social Policy and Sociology*, 115 (2), 88-95.
- Decree of the President of the Russian Federation. (2007). About the approval of the Concept of population policy of the Russian Federation for the period till 2025.
- Decree the President of the Russian Federation. (2012). About the statement the concept of the state migration policy of the Russian Federation for the period till 2025.
- Federal Law. (2002). About a legal status of foreign citizens in the Russian Federation".
- Federal Law. (1996). About an order of departure from the Russian Federation and entry into the Russian Federation.
- Fedorov, S.M. (2015). Difficult searches of updating of "republican model" of integration of immigrants. In: Migratory problems in Europe and paths of their decision. Moscow: Institute of Europe of the Russian Academy of Sciences. 55-55.
- Federal Migration Service. (2015). *Final report on a migratory situation, results and the main activities. Moscow. Great resettlement. For over a year about 1 million people left Ukraine*. Retrieved on July 18, 2016 from <http://korrespondent.net/ukraine/3576366-velykoe-pereselenye-za-hod-s-nebolshym-ukraynu-pokynuly-okolo-1-mln-chel>
- MIAC Russian interior Ministry. (2014-2015). *Information statistical forms of PKU*. Data of the FKU "GIATs Ministry of Internal Affairs of Russia", statistical form.
- Ivakhnyuk, I.V. (2014). *Prospects of population migration from Ukraine to Russia in the light of the Ukrainian political crisis*. Retrieved on April 16, 2017 from <http://russiancouncil.ru/analytics-and-comments/analytics/perspektivy-migratsii-naseleniya-iz-ukrainy-v-rossiyu-v-svet/>
- Kargina, E.M. (2015). Legal aspects of obtaining the refugee status in Russia (on the example of refugees from the Ukraine). *Herald of the Nizhny Novgorod Academy of Law*, 4(4), 48-52.
- Khromov, I.L. (2008). Legal bases of the international cooperation in fight against crime. *The International Criminal Law and the International Justice*, 1.
- Medvedev, D.A. (2014). Russia and Ukraine: life by new rules. *The Independent Newspaper*. Retrieved on March 30, 2016 from http://www.ng.ru/ideas/2014-12-15/1_medvedev.html
- Mikhaylov, V.P. (2016). *Regulation of migration from Ukraine to Russia in the modern conditions*. Retrieved on March 30, 2016 from <http://www.materik.ru/nationals/smi/problem/detail.php?ID=23862>
- Polonsky, I. (2015). *The Ukrainian migrants in Russia*. Since November 1 illegal immigrants are waited by deportation. Retrieved on May 30, 2016 from <https://topwar.ru/85473-ukrainskie-migranty-v-rossii-s-1-noyabrya-nelegalov-zhdet-deportaciya.html>
- Poznyak, A.V. (2010). *Labour emigration in Ukraine as a labor market development factor*. Retrieved on May 15, 2016 from <http://demoscope.ru/weekly/2010/0405/analit05.php>
- Resolution 68/4 of the United Nations General Assembly. (2013). *Union of Legal Forces*, ConsultantPlus.
- Resolution of the European Court of Human Rights. (2015). *Tadzhibayev against Russia*, 17724/14.
- Ryazantsev, S.V. (2007). Labour migration in the Baltic States and the CIS: tendencies, consequences, regulation. Moscow: *Formula of law*.
- Rybakovsky, L.L. (2008). *Transformation of migration processes in the post-Soviet space*. Moscow: ISPI RAS.
- Sulyagina, J.O. (2015). Conflicts in the field of labour migration: A regional dimension. *Materials of the Afanasiev Readings*, 1(13), 238-241.

- Vorobyova, O.D. (2003). Migratory processes of the population: Questions of the theory and the state migration policy. In: *Problems of legal regulation of migratory processes in the territory of the Russian Federation: The Analytical collection of the Federation Council of Federal Assembly of the Russian Federation*, 9(202).
- Yudina, T.N. (2006). *Migration sociology*. Moscow, Academic Project.

This article was originally published in a special issue, entitled:
"Legal regulation of the relationship between a citizen and the state in the CIS countries", Edited by Zhanna A Khamzina.