

COUNTERING CRIMES IN THE FIELD OF INTERNATIONAL STUDENT EXCHANGE

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ABSTRACT

Description: One of the important factors in the development of each country in the context of globalization is the exchange of students with other countries. Lately, it has become more active. This type of international cooperation is not only mutually beneficial for many countries, but also strengthens business and friendly relations between them, has a significant positive impact on the development of education and science, enriches the State budgets of many countries through foreign exchange earnings from abroad. However, along with the positive results of the international student exchange (ISE), there are some negative ones. First of all, it is about using such an exchange by criminal groups (including transnational ones) to cover their criminal activities. So the purpose of the study is to develop theoretical basis for the activities of criminal police units to combat crimes in the field of ISE.

Keywords: International Student Exchange, Countering, Migration, International Cooperation, Investigation.

INTRODUCTION

Currently, the use of student exchanges as a cover for illegal migration, combined with smuggling of items and substances prohibited for free circulation, human trafficking, terrorism, etc., has become significantly more frequent.

Thus, there is an urgent need to increase the effectiveness of counteraction to illegal acts in ISE in order to prevent and investigate these negative manifestations. The role of criminal police units is crucial in this direction. After all, crimes in the field of ISE are often latent; so it is necessary to comprehensively use the covert forces, means and methods that are now available to criminal police units for their effective detection and proper investigation. However, to date, the proper theoretical basis and methodological support for this area of criminal police units has not been created. This necessitates a scientific study of the issues of counteraction by criminal police units to crimes in the field of ISE (Bernat, 2019).

The purpose of the study is to develop theoretical basis for the activities of criminal police units to combat crimes in the field of ISE. Realization of the outlined purpose provides the solution of such problems:

1. Identify the types of crimes in the field of ISE and formulate the basics of their operational and investigative (criminal intelligence) characteristics;
2. To reveal the content of the activities of criminal police units to combat crimes in the field of ISE;
3. Formulate proposals for improving legal regulation of the organization and tactics of specific investigative actions and other measures to combat crimes in the field of international student exchange.

MATERIALS AND METHODS

The research methods are chosen taking into account the goals and objectives outlined above, the specifics of the object and subject of research. They are based on general dialectical method of scientific knowledge of real phenomena, as well as their connections with the practical activities of law enforcement agencies and the court.

Special methods used in the study are: the method of systematic analysis (used to study legal norms governing the activities of criminal police units, as well as scientific sources and materials of practice); historical and legal method was applied during the study of the genesis and current state of scientific development of the problems of counteracting crimes in the field of ISE by criminal police units; system and structural was helpful in determining the content of the studied categories and legal phenomena, the formation of conceptual and categorical apparatus, systematization of scientific knowledge on the chosen direction of research; comparative and legal method helped to conduct comprehensive analysis of international law and law of individual countries that serve as the legal basis for the activities of criminal police units and combating crimes in the field of ISE; on the basis of logical and legal (or dogmatic) method the conceptual apparatus and scientific provisions were developed, proposals on amendments to legislative and departmental regulations were formulated; statistical method was useful when substantiation theoretical provisions of work with statistical information, generalizing the results of the study, etc.; sociological method was applied when interviewing criminal police officers.

The empirical basis for the study is the data of official statistics, generalization of 247 criminal proceedings (2013-2017), 1134 archival operational and investigative cases and 315 counterintelligence cases (2011-2017), 97 nomenclature cases "*Documents on the organization and conduct of covert investigative (search) activities*" (2012-2017), a survey of 1,000 employees of criminal police units.

Our analysis showed that no special research on combating crimes in the field of international student exchange was conducted in the post-Soviet countries, the United States and the European Union (Carlo et al., 2018). This is rather surprising, given that these countries receive a large number of foreign students each year, and their media systematically report on the commission of various crimes by student migrants (street robberies, robberies, hooliganism, bodily harm, rape, terrorist acts). At the same time, the results of some sociological and criminological studies show that there is no direct link between the increase in migration to the United States and the European Union and the growth of crime. The authors of these studies claim that the risk of committing crimes by temporary or permanent migrants is much lower compared to the risk of committing criminal offenses by local population of these States.

Despite the lack of research that would clearly coincide with this work, there are many foreign sources on general issues of crime prevention, detection and investigation of criminal offenses. First of all, these are the results of the latest scientific research on combating the crimes most often committed by student migrants. In particular, we are talking about street crime and terrorism. The scientific achievements of scientists from North America and Western Europe in

the field of studying the activities of transnational drug distribution networks and means of its neutralization are significant. As practice shows, international student exchange is now actively used by transnational criminal groups to create drug distribution networks.

The works of scientists and practitioners on the organization and implementation of criminal intelligence are of considerable interest for the study of the issues of counteraction by criminal police units to crimes in the field of international student exchange. The effectiveness of criminal police units in combating crimes in the field of international student exchange is influenced not only by the methods, organization and tactics of criminal intelligence, detection and investigation of criminal offenses, but also by the organization of law enforcement agencies. Therefore, the scientific basis of this study includes works that summarize the relevant experience of other countries on the structure and functions of the police.

RESULTS AND DISCUSSION

As a result of research, it was determined that the category of “*crimes in the field of ISE*” is purely criminological (such a category of crimes does not exist in the legislation of any country in the world), and its separation is due to the needs of practice. The following crimes are proposed to include in this category: crimes for concealment (cover-up) of which the students from other States are used (92.3%); intentional crimes committed by foreign students or entrants as part of criminal groups formed on ethnic, religious or other grounds (79.5%); crimes, the objective element of which is the receipt of illegal benefits by officials (providing them with such benefits), whose competence includes resolving issues related to entry (departure), deportation of foreign students (entrants) (89.4%).

It was stated that the main type of crimes in the field of ISE is illegal migration in the form of illegal trafficking in persons across the State border (87.4%). These crimes are mostly combined with others, which can be divided into two categories: necessary for the unimpeded commission of illegal migration (obtaining illegal benefits by an official, forgery of documents, seals, stamps, use of forged documents, etc.), as well as those for which illegal migration is carried out (85.3%) (Ewing et al., 2015). The latter can be differentiated into those committed for material gain (selfish) and those that do not cause material benefits for the subjects of their commission (except for the receipt of monetary remuneration by the organizers and direct executors from customers) (79.9%).

Selfish crimes for which persons are smuggled across the state border are: crimes in the sphere of economic activity (including smuggling, import (export) and sale of counterfeit money, legalization of proceeds from crime, etc.) 80.0%; drug crimes (smuggling of narcotic drugs, psychotropic substances and precursors, use of funds obtained from the illicit trafficking of these drugs, their illegal production and sale, etc.) 93.2%; human trafficking 91.3%; fraud 88.4%, etc.

Among other (unselfish) crimes for the purpose of further commission of which illegal migration is carried out, it is necessary to highlight: espionage (58.2%), sabotage (67.8%), the organization of group infringements of a public order and mass riots (64.2%), as well as criminal offenses related to terrorism (69.0%). The latter are differentiated into a terrorist act, involvement in the commission of a terrorist act, the creation of a terrorist group or terrorist organization.

It is substantiated that operational and investigative characteristic of crimes is a set of their features (criminal and legal, criminological, search), the complex analysis of which allows

to develop an effective system of measures to be taken by criminal police units using available forces and means to prevent, detect and investigate certain types of crimes under specific conditions (Bernasco & Block, 2011). The structure of operational and investigative characteristics should be the same for any act provided by the Criminal Code of any country, but its content should be different, depending on the nature of such an act and its features.

The measures of operational units to prevent crimes in the field of ISE are:

1. Periodic physical presence of criminal police officers at events (such as official meetings of foreign students; mass events with their participation; meetings of the leadership of universities where they study; events with the participation of organizers of training abroad, etc.) and their visits to intersections places of compact residence of foreign students, legal and actual addresses of enterprises organizing studies abroad), where there are potential subjects of crimes in the field of ISE (81.1%);
2. Informing officials of relevant state bodies, higher education institutions about the possible consequences of abuse of power or official position in relation to foreign students and entrants (82.3%);
3. Informing foreign students and entrants about the consequences of their violation of the legislation of the host country (84.5%);
4. Informing the public about schemes for the use of ISE for fraud, human trafficking, transportation and distribution of drugs (77.6%);
5. Bringing to all these categories information about court convictions in criminal proceedings for crimes committed in the field of ISE (87.7%).

Measures of criminal police units to detect crimes in the field of ISE recognized measures of operational search, all actions to collect information that do not require a court order (80.1% of the criminal police officers we interviewed agreed).

Finally, the detection of crimes in the field of ISE by criminal police units may be accidental-in the process of criminal intelligence or investigative actions aimed at detecting or investigating other categories of criminal offenses (the level of support for the allegation-79.2%).

It is substantiated that cessation of a crime by criminal police units is to create conditions under which the crime cannot be completed, including the detention of the perpetrator (Groff & Lockwood, 2014). The cessation of crimes in the field of ISE by criminal police units can be planned (83.4%) and emergency (16.6%), procedural (72.5%) and extra-procedural (27.5%).

In order to detect and investigate crimes in the field of ISE, it is advisable to use criminal analysis (in this case, criminal analysis is an analytical activity of criminal police officers, which is carried out mentally and using software and computer tools and is to organize and investigate available information, its interpretation, establishing links between data obtained in the process of detecting and investigating crimes and are important for making tactical, organizational, procedural and strategic decisions in the fight against a particular type of crime).

In addition to the above information it is necessary to consider also data concerning: dynamics and structure of migration processes; quantitative and qualitative indicators of ISE; geography of places of study and residence of foreign students; their sex, age, national composition; structure and history of universities where foreign students study; areas of specialization of education; system, structure, geographical location and history of enterprises that organize student education in other countries and many other data (Haberman & Ratcliffe, 2015).

An integral part of combating crimes in the field of ISE is the survey of persons with their consent (police survey), due to its accessibility, simplicity and efficiency. It is substantiated

that the object of the police interrogation, which is conducted within counteraction to crimes in the field of ISE, should be considered the person about whom (or about what) the subjects of police operations receive information.

It is expedient to differentiate persons as objects of police interrogation of the specified category depending on:

1. Citizenship (citizens of the country; foreign citizens and subjects; stateless persons) 88,4%;
2. Social status (officials of state bodies; officials of higher education institutions; officials of economic entities operating in the field of ISE; foreign students and entrants; entrants and students who have left or are leaving their country for admission and study in universities of other countries, the links of all the above categories) 81.6%;
3. Involvement in criminal activity (participants, customers, organizers, executors, co-perpetrators; “*risk group*”-persons prone to committing illegal acts; persons who are registered; persons who have served sentences in places of imprisonment; persons who not related to criminal activity (witnesses and eyewitnesses), persons who have already contributed to the police operations, and candidates for the secret apparatus) 86.4%.

Events as the object of a police survey conducted in the framework of combating crimes in the field of ISE, can be distinguished depending on the time (past; ongoing; future)-69.4%, as well as the presence of corpus delicti-67.8%.

Criminal incidents are separated according to the type of criminal activity (illegal trafficking in persons across the state border; smuggling, including drugs, dangerous substances, weapons, explosives, cultural property; crimes related to terrorism; human trafficking; drug crimes) (Lee et al., 2017).

The objects (things of the material world) as objects of police operations, conducted within combating crimes in the field of ISE, are divided into: objects (88.8%) and means of committing crimes (89.1%). Weapons; explosive; forged documents and money; drugs, psychotropic substances, their analogues and precursors may belong to both the former and the latter. The former, in addition to the above, may include cultural values.

The places as objects of police interrogation can be differentiated:

1. Depending on the legal status (publicly available places (78.1%), publicly inaccessible places (77.2%), places with limited access (62.3%), office premises that are in state or communal ownership (69%), housing and other personal property (76.4%). Housing, in turn, can be differentiated into houses, apartments, rooms of dormitories and hotels;
2. Depending on the purpose of the police survey: places where there is a probability of committing a crime (67.0%); places used by police operations objects and suspects for meetings with accomplices, leisure (64.2%); places where police operations are planned (79.1%); places where criminal police officers plan to set up private and secret apartments, hold secret meetings, etc. (73.2%).

Regarding the classification of police surveys within combating crimes in the field of ISE, depending on the degree of conspiracy, it is necessary to apply the classical approach to its distribution by types: public unencrypted (68.4%); voice encrypted (71.1%); unspoken unencrypted (75.6%); covert encrypted (79.1%). A public unencrypted police interrogation is conducted without the use of any misinformation. An unspoken unencrypted police interrogation presupposes the secrecy of the fact that a police officer met with the interrogated, while the latter was informed about the real purpose of obtaining the information. A public police interrogation

with the encryption of the target as the only means of ensuring conspiracy has misinformation in the form of a fictitious reason to communicate with the respondent (Gimenez-Salinas, 2014). The covert encrypted police interrogation involves the use of misinformation about the criminal police officer's affiliation with law enforcement and the true purpose of the interrogation.

The following tasks are performed through a police inspection within combating crimes in the field of ISE: study of the area, location of facilities, premises, as well as the operational situation in order to prepare and conduct other activities and investigative actions (95.2%); identification of conditions conducive to the commission of crimes by foreign students and entrants, officials who address issues related to their stay in their country, officials of economic entities operating in the field of ISE (43.5%); detection of signs of preparation or commission of crimes by these persons (72.5%); identification of places of stay of illegal migrants, wanted persons, including the ones on international wanted list (87.5%) (Duijn et al., 2014); detection of places of illegal trafficking in persons across the State border (88.4%); detection of traces of a crime already committed, as well as persons who may be witnesses in criminal proceedings (67.8%); detection of weapons and objects of criminal activity (weapons, explosives, drugs, psychotropic substances, their analogues and precursors, forged documents; means for making forged documents, printed materials with calls to commit terrorism, separatism, incitement to national and religious hatred; cultural values, etc.) (92.2%).

The places where criminal police units conduct visual surveillance within combating crimes in the area of student exchange are publicly accessible areas, individual buildings, premises, etc., where identified or unidentified persons are to appear. The items in respect of which criminal police units conduct visual surveillance are objects of artificial or natural origin, the physical characteristics of which make it possible to conduct visual surveillance in publicly accessible places (Den-Hengst & Staffeleu, 2012). These include containers containing objects of crime (containers and bags with drugs, explosives, weapons, illicit goods, cultural property, information carriers that are state secrets, etc.), cars, boats, yachts, etc. Based on the analysis of the practical activities of criminal police units, we claim that visual surveillance is an integral part of combating crimes in the field of ISE.

CONCLUSION

Thus, the crimes in the field of ISE are: Crimes, for concealment (cover-up) of which the students of other States are used; intentional crimes committed by foreign students or entrants as part of criminal groups formed on ethnic, religious or other grounds; crimes, the objective element of which is the receipt of illegal benefits by officials (granting them such benefits), which are responsible for resolving issues related to entry (exit), deportation and training of foreign students (entrants).

Operational and investigative characteristic of crimes in the field of ISE is a set of criminal and legal, criminological, forensic features that are specific to each criminal act, as well as features that apply to this group in general.

The activity of criminal police units of the criminal police in combating crime is a set of measures carried out by their forces and means in order to prevent crimes, to detect, to cease and to investigate them. Combating crimes in the field of ISE is one of the activities of criminal police units, which is actually formed, but not legally established. Prevention of crimes in the field of ISE is an activity that prevents the formation of a plan to commit such crimes and (or)

prevents its implementation, even in the form of preparation or attempt to commit these crimes. Detection of crimes in the field of ISE is the activity aimed to reveal and record information about: preparation for crime; attempted crime; committing a completed crime in the specified area. Cessation of crimes in the field of ISE is an activity aimed to cease a crime in this area, which has already begun (among other things, preventing the preparation, assassination and completion of the crime). The cessation of a crime by criminal police units is the creation of physical conditions under which the crime cannot be completed, in particular the detention of the perpetrator. Investigation of crimes in the field of ISE is the process of obtaining knowledge of the objective truth during pre-trial criminal proceedings concerning a specific criminal act committed in this area, which is embodied in the system of statutory procedural actions used to perform criminal proceedings.

The organization and tactics of special tasks within combating crimes in the field of ISE should, on the one hand, be based on the provisions established in the theory and practice of police operations, on the other-should take into account the specifics of organized crime in this area. The specific type of criminal formation (transnational or domestic) should also be taken into account. The direction of criminal activity in this area are:

1. Illegal migration;
2. Illegal deprivation of liberty of foreigners who arrived in the country of destination for higher education, demanding ransom for their return, their force labor and other exploitation;
3. Smuggling of objects and substances prohibited for free circulation, cultural values.

A prerequisite for implementing special tasks is to determine the specific chain of criminal groups that is most suitable for obtaining the necessary information taking into account the criminal specialization of a particular formation; its composition (ethnic, age, quantitative, etc.) and structure; geographical characteristics (transnational, domestic).

REFERENCES

- Bernasco, W., & Block, R. (2011). Robberies in Chicago: A block-level analysis of the influence of crime generators, crime attractors, and offender anchor points. *Journal of Research in Crime and Delinquency*, 48(1), 33–57.
- Bernat, F. (2019). Immigration and crime. *Oxford Research Encyclopedia of Criminology*. Retrieved October 12, 2020, from <https://oxfordre.com/criminology/view/10.1093/acrefore/9780190264079.001.0001/acrefore-9780190264079-e-93>. <https://doi.org/10.1093/acrefore/9780190264079.013.93>
- Carlo, D.D., Schulte-Cloos, J., & Saudelli, G. (2018). Has immigration really led to an increase in crime in Italy? *European Politics and Policy (EUROPP) Blog*. Retrieved October 12, 2020, from <https://blogs.lse.ac.uk/europpblog/>
- Den-Hengst, M., & Staffeleu, E. (2012). Different information organizations to produce the same high quality intelligence: An overview of the police forces in the Netherlands. *Policing: A Journal of Policy and Practice*, 6(2), 187-193.
- Duijn, P., Kashirin, V., & Sloot, P. (2014). The relative ineffectiveness of criminal network disruption. *Scientific Reports*, 4(1), 19–29.
- Ewing, W., Martínez, D.E. & Rumbaut, R.G. (2015). The criminalization of immigration in the United States: Special report. *American Immigration Council*. Retrieved October 12, 2020, from https://www.americanimmigrationcouncil.org/sites/default/files/research/the_criminalization_of_immigration_in_the_united_states.pdf
- Gimenez-Salinas, F.A. (2014). Illegal networks or criminal organizations. In C. Morselli (Eds.), *Crime and Networks* (pp. 131-147). New York: Routledge.

- Groff, E., & Lockwood, B. (2014). Criminogenic facilities and crime across street segments in Philadelphia: Uncovering evidence about the spatial extent of facility influence. *Journal of Research in Crime and Delinquency*, 51(1), 277–314.
- Haberman, C.P., & Ratcliffe, J.H. (2015). Testing for temporally differentiated relationships among potentially criminogenic places and census block street robbery counts. *Criminology*, 53(3), 457–483.
- Lee, Y., Eck, J.E., Soohyun, O. & Martinez, N.N. (2017). How concentrated is crime at places? A systematic review from 1970 to 2015. *Crime Science*, 6(1), 1-16.