

ПРОТИДІЯ НЕЗАКОННІЙ МІГРАЦІЇ ТА ТОРГІВЛІ ЛЮДЬМИ

Матеріали міжнародного науково-практичного симпозиуму, 2016

зброєю, азартними іграми, відмиванням грошей, підробленням документів, бандитизмом.

Важливо зауважити, що торгівля людьми – проблема, яка не обмежується лише секс-індустрією. Крім сексуальної експлуатації, торгують жінками та дітьми з метою залучення в боргову кабалу, втягнення в заняття злочинною діяльністю, жебрацтвом, усиновлення в комерційних цілях, використання у збройних конфліктах або як біо-сировини тощо.

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IRREGULAR MIGRATION: STRUCTURE AND MECHANISMS OF REGULATION FOR THE SOCIAL PROTECTION

According to UN [1], today there are more than 232 million international migrants in the world. If they come together to form a country, it can be the fifth most populous country on the planet [2]. The most up-date problem according to situation with Syria, Ukraine and Russian aggressive policy is that most of international migrants by now are irregular. Based on European Migration Network [3], third-country nationals found to be irregularly present in EU Member States and Norway if persons:

- overstayed their visa or their maximum visa waiver period;
- have violated the conditions of their visa, work permit or permit to stay so that the conditions for granting the visa / permit are no longer satisfied (this could

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thus include third-country nationals who are working whilst they are not allowed to do it or who are irregularly employed);

- have not left the Member State territory upon a final negative decision on their application for international protection;
- have absconded during the application process for international protection and didn't leave the EU Member State following a rejection of their application;
- have entered using false documents, fraudulently stating the purpose of their stay or via smuggling of people.

For the sake of approximate comparability among countries, two broad types of irregularity have been distinguished: irregular foreign residents (IFR) and irregular foreign workers (IFW). IFR are foreign nationals without any legal resident status in the country they are residing in, and persons violating the terms of their status so that their stay may be terminated. IFW are foreign nationals working in the shadow economy, including those with a regular residence status who work without registration to avoid due taxes and regulations. Differences between IFR and IFW are shown in figure 1. While the irregularity of the residence is the main criterion for IFR, the irregularity of work is decisive for IFW.

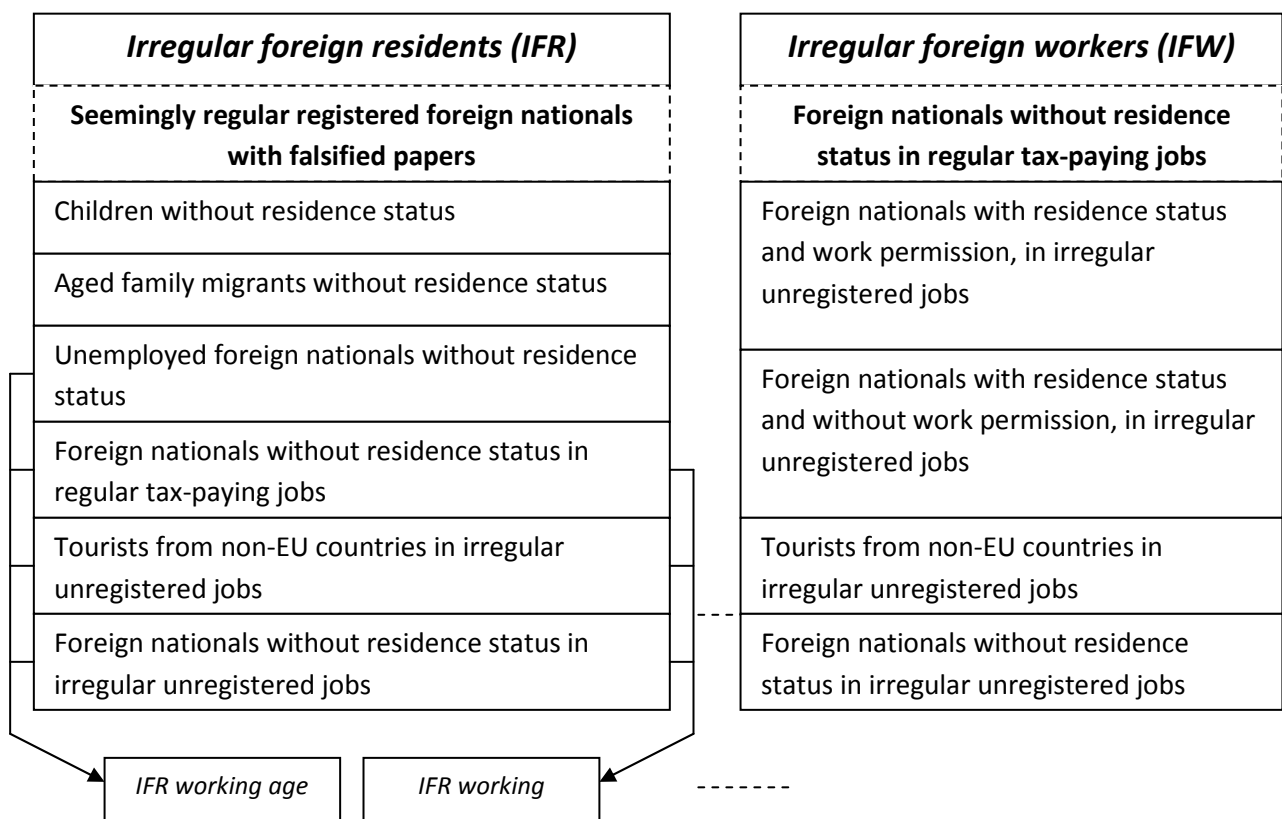


Figure 1. IFR and IFW groups of irregular migrants [4].

In order to prevent and regulate irregular migration EU Member States provide cooperation policy and mechanisms. Some of them (Austria, Belgium,

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Estonia, Greece, Latvia, Netherlands, Poland, UK) note that there has been a significant impact of EU legislation; others (Finland, Ireland, Spain) note only a limited impact [3, p. 55].

One of the most important impacts that the EU has had on Member State's approach to irregular migration is the creation of the common Schengen area, which created the concepts of "internal" and "external" borders. Many Member States (Austria, Belgium, Cyprus, France, Germany, Greece, Italy, Latvia, Malta, Poland, UK) have set cooperation agreements between themselves to tackle irregular migration. These include:

- 1) joint police cooperation (Austria, Belgium, Bulgaria and France);
- 2) cooperation between the police forces of neighboring countries (Germany, Greece);
- 3) specific Police and Customs Cooperation Agreement (Belgium, France, Germany, Luxembourg);
- 4) cooperation agreements with border guards and on joint patrols (Estonia, Latvia, Lithuania);
- 5) agreements on regulating common borders (Austria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovak Republic);
- 6) agreements on cooperation in combating organized crime (Cyprus, Czech Republic, Germany, Hungary, Italy, Malta, Poland, Romania, Slovak Republic, Slovenia, UK).

All these cooperation mechanisms, for example, helped to make Belgium police 16 arrests in anti-terror raids in the end on November 2015. After Paris attacks (more than 130 died and 350 were injured) Brussels remained on the highest level of terror alert. Universities, schools and the metro system were closed and all events were cancelled.

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