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Migration policy and national security challenges in globalization conditions

Abstract. The authors discuss some pending issues related to migration in terms of ensuring national security of the countries involved in international integration processes; it is emphasized that security challenges are closely related with the formation and implementation of migration policy. The preconditions of forced and illegal migration types are identified together with their influence on the security state in different spheres of social life. It is shown that intensification of migration processes may have a very good economic effect and can be justified economically and politically. At the same time, it is proved that uncontrolled migration is able to harm economy and put national security at risk, as it can strain social, economic, international or inter-religious contradictions and cause a growth in crime. Migration issues have become even more acute in the face of destabilizing trends running in the world including the growing number of refugees and stepping-up terrorist activities. Hence, prevention and mitigation of national security risks related with migration processes is becoming an urgent need for many countries that have to encounter with massive migration challenges. It is argued that the efficiency of a struggle with national security migration threats depends on a well-balanced cautious governmental policy including legal, economic and organizational mechanisms of migration control and regulation, which shall be supported by criminal justice response measures due to increased social risks.

Keywords: Migration Policy; National Security; Globalization; Economic Integration; Illegal Migration

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Міграційна політика й проблеми національної безпеки країн в умовах глобалізації

Анотація. У статті розглядаються актуальні проблеми міграційних процесів у контексті забезпечення національної безпеки країн-учасниць міжнародної економічної інтеграції. Показано зв'язок проблеми безпеки з формуванням і реалізацією міграційної політики. Виявлено передумови вимушеної та нелегальної міграції і їх вплив на стан захищеності в різних сферах громадського життя. Активізація міграційних процесів несе в собі позитивний економічний ефект і може бути економічно й політично виправданою. Разом із тим, неконтрольована міграція здатна негативно вплинути на економіку й створити загрозу національній безпеці, оскільки вона загострює соціально-економічні, міжнаціональні, міжконфесійні конфлікти, сприяє зростанню злочинності. При цьому міграційні проблеми набувають ще більшого значення на тлі дестабілізаційних процесів у світі, що супроводжуються зростанням числа біженців, активізацією діяльності терористичних організацій. Таким чином, попередження й ліквідація загроз національній безпеці, пов'язаних із міграційними процесами, є нагальною потребою держав, що зіштовхнулися з проблемами масштабної міграції. При цьому ефективність боротьби з міграційними загрозами національній безпеці залежить від зваженої та збалансованої політики держави, що включає правові, економічні, організаційні механізми регулювання й контролю міграційних процесів, які через підвищену суспільну небезпеку міграційних загроз повинні бути забезпечені також заходами кримінально-правового характеру.

Ключові слова: міграційна політика; національна безпека; глобалізація; економічна інтеграція; нелегальна міграція.

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Миграционная политика и проблемы национальной безопасности стран в условиях глобализации

Аннотация. В статье рассматриваются актуальные проблемы миграционных процессов в контексте обеспечения национальной безопасности стран-участниц международной экономической интеграции; обозначена связь проблемы безопасности с формированием и реализацией миграционной политики. Выявлены предпосылки вынужденной и нелегальной миграции и их влияние на состояние защищенности в различных сферах общественной жизни. Активизация миграционных процессов несет в себе положительный экономический эффект и может быть экономически и политически оправдана. Вместе с тем, неконтролируемая миграция способна оказать негативное воздействие на экономику и создать угрозу национальной безопасности, поскольку она обостряет социально-экономические, межнациональные, межконфессиональные конфликты, способствует росту преступности. При этом миграционные проблемы приобретают еще большее значение на фоне дестабилизирующих процессов в мире, сопровождающихся ростом числа беженцев, активизацией деятельности террористических организаций. Таким образом, предупреждение и ликвидация угроз национальной безопасности, связанных с миграционными процессами, является насущной потребностью государств, столкнувшихся с проблемами масштабной миграции. При этом эффективность борьбы с миграционными угрозами национальной безопасности зависит от взвешенной и сбалансированной политики государства, включающей правовые, экономические, организационные механизмы регулирования и контроля миграционных процессов, которые ввиду повышенной общественной опасности миграционных угроз должны быть обеспечены так же мерами уголовно-правового характера.

Ключевые слова: миграционная политика; национальная безопасность; глобализация; экономическая интеграция; нелегальная миграция.

1. Introduction. Migration has always been a part of community life. Today migration is a globalization attribute. «Migration, when governed fairly, can make a very important contribution to social and economic development both in the countries of origin and in the countries of destination. Migration can offer more possibilities to people and is essential to provide access to resources and decrease poverty rate», said Mr. Wu Hongbo (2015), Under Secretary General in the United Nations Department of Economic and Social Affairs [1]. Migration can level negative consequences of a demographic crisis, for example in Russia, facilitate the development of science intensive innovative economy due to the influx of highly qualified workforce, like in the USA or Germany. At the same time it can satisfy the need in unqualified labor, which is the case in many European countries and first of all in Germany.

At the same time, it must be remembered that uncontrolled large-scale migration processes are not so much a component of economic integration, but rather a by-product of non-efficient, sometimes even ill-reasoned political strategies that are quite often dictated to a state by its dominating political and economic counterparts from abroad.

For instance, the US Middle East «democratization» policy at first has led to the creation of ISIL terrorist organization and regional wars, then to mass migration processes, which have become a subject of social and political discourse in well-situated and trouble-free Europe.

As a result, Europe is experiencing the greatest migration crisis since World War II. In 2013, the number of illegal migrants was 60,000 people, in 2014 it increased to 219,000; while in August of 2015 it was already 239,000. The majority of migrants come from Syria (34%), Afghanistan (12%) and Eritrea (12%) [2].

Many experts think that this situation may lead to economic imbalance, as the European economy, or at least the economies of many European countries, do not need that amount of low-skilled foreign workers. The front-line receiving states, such as Greece, Italy and Spain, that have to face their own economic difficulties, have to spend enormous funds to provide for the migrants' accommodation and social adaptation. They also have to take responsibility for migrants' evidence of identification and barring individual terrorists or terrorist groups from getting into Europe.

Besides causing economic problems, large-scale migration is also related with social and cultural challenges, starting from the unwillingness of a part of immigrants to adjust to local morals, custom or traditions, and finishing with total Islamization.

The European Union appeared not to be ready to such threats. The consequence is a rift in the society. As O. Soskin and M. Butkevich (2013) rightly noted: «Recent parliamentary elections in the Old World countries have demonstrated that today many voters are not afraid of being thought intolerant. They give their voices to the representatives of right-wing parties who advocate the need to reassess the liberal migration policy» [3].

Therefore, ungoverned migration is not only economically disruptive, it is jeopardizing national security of the countries that have to face uncontrolled migration processes followed by social, economic, international, sectarian conflicts and rise in crime.

2. Review of recent topical research and literature. Different migration aspects are extensively discussed in multiple scientific publications. For example, labour migration controls and unemployment issues are studied by D. Bartram (2005) [4], B. Chiswich (2005, 2007) [5; 6] and G. D. Domenico & S. Spatini (2006) [7]. The papers of M. Kritz, L. Lim and H. Zlotnik (1992) present indicators of migration flow economic effects [8]; D. S. Massey (1990, 2005) reveals the causes that determine migration processes and their influence on world macro and micro systems [9; 10]; while migration in globalization conditions is discussed by S. Castles et al (2000, 2009). [11; 12]. Some targeted research is dedicated to psychological aspects of migration (Siriwardhana C. & Stewart R., 2013; Hiller H. H. & McCaig K. S., 2007; Podgorny B. B., 2011) [13; 14; 15].

Many foreign researchers highlight social, political and economic integration effects that determine migration process; they also give focal attention to the demand in labour force on

developed economy markets as a key factor that makes migration policy liberal.

At the same time, there are numerous papers that are devoted to national sovereignty aspects, migration control and national security during migration crisis (Freeman G., 2003; Brettell & Hollifield, 2000) [16; 17] or are drawing attention to organizational and legal issues related with migration [18].

3. Research objective is to identify possible approaches to the optimization of European migration strategies in the context of national security of the receiving country.

4. Main research outcomes. First of all, let us review existing world practices in developing and implementing migration policies.

Depending on regulation and implementation levels, migration strategies can be classified into world, supranational and national policies.

World-level migration policy is realized through different international organizations, such as the UNO and its IOM and ILO organizations. All documents issued by these organizations are of advisory nature, they outline the general directive in migration policy development.

In today's globalizing community, a very important role belongs to the supranational policy, which is mainly determined by international economic integration that has a consolidating character and makes the economies of different countries merge by means of various international and/or regional unions. In order to function properly the united economies are supposed to «open» their borders, and that in its turn facilitates free movement of goods, monetary supplies and labour force as well. All these processes are regulated by agreed policies jointly implemented by the country-members of a union. However, national interests of some countries may not match the union interests to certain extend. For example, the European migration crisis has shown that underestimating national security interests to favour economic interests of the integrated union is able to drive into some deplorable consequences: in the most pessimistic scenario it can trigger the EU disintegration and result in the lost national sovereignty of the European integration members.

Hence, the national migration policy, especially in terms of ensuring national security, has gained the utmost significance, as «... a governmental migration policy predetermines whether migration will become a positive and stabilizing factor, or, on the contrary, it will aggravate social and economic problems in the society» (Voloh V. A. & Suvorova V. A., 2009; 2015) [19; 20, 83].

Several types of national migration policies can be distinguished based on the nature, scope and means of migration processes regulation.

Its liberal type is predetermined by the need to meet a demand in labour force. Such type of migration policy is characterized by a simplified procedure of granting the rights for permanent residence, freedom of travel and free choice of residence place on the territory of the receiving country. This policy was carried out by Western European countries in respect of the South and East Europe states within the framework of European integration. This policy is pursued today by some EU member countries (for example, Spain, Portugal and Netherlands) with regard to the immigrants who do not come from EU.

At the same time, there is also a recognized opinion that, in fact, the liberal migration policy can hardly be viewed as a migration policy type, but rather is an evidence of the lack of accepted governmental approaches towards the regulation of internal migration processes (Zayonchkovskaya G., 2001) [21, 173-176], which is a typical situation in some former USSR countries, such as Moldova or Tajikistan.

Strict migration policy type, or the «closed door» approach, is incidental to authoritarian or totalitarian state regimes that are not interested in international integration (a good example is the North Korea). This approach is characterized by a complete absence of illegal migration.

Conservative migration policy type is connected with migratory streams regulation by allocating job quarters, imposing visa barriers, selecting immigrants based on their specific capabilities, including the ability for integrating into the society (for example, language skills, education level or the ability to

get education in the receiving country, age, work experience, etc.). Such policy is a combination of «immigrationism» and «restrictionism», i.e. on one hand, it lays emphasis on the nation's openness and universalism, on the other hand, it demands that immigration should be restricted and immigrants should be more apt to conform to existing fundamental values of the receiving country (Baranov A. V., 2004) [22, 24]. To be efficiently implemented such policy needs to be safeguarded by a system that can prevent any illegal migration, including criminal justice response measures. The followers of this policy are the USA, Canada and Australia.

Synthetic type of migration policy, like its conservative type, is based on the necessity to regulate migration processes, but it is more biased to meeting the migrants' interests. However the adherent countries are creating legal, organizational and economic conditions to stop forced migration simultaneously with developing a system of measures to prevent illegal migration. This policy is supported by some EU countries, for example, Germany, France, Czech Republic, Slovakia and Italy. (Balashova T., 2011) [23, 214-216].

All these types of migration policy, that have been implemented in different time periods and with different efficiency, permitted the states to control migration processes (Urda M. N., 2015) [24, 104]. Thus, in the situation of «closed door» policy migration there are practically no threats to the

national security, because mass migration is absent, but basic human rights for labour, freedom, free choice of residence and free travel can be seriously infringed in the environment of political and economic isolation. Another side effect of such policy is economic stagnation. On the contrary, the liberal migration policy is able to stimulate economic relations, because it not so much provides immigrants with an access to the means of production, as creates the most attractive conditions for life activity and personal self-fulfillment. However, in such situation national security interests are at biggest migration risks.

5. Conclusions. Today's European reality is a widely acknowledged need to re-assess excessively liberal approach to migration policy considering the migration crisis and the necessity to ensure national security interests.

The most optimal way to control conflicting migration processes, that seem to be unavoidable under globalization conditions, is to apply a conservative approach when migration strategies are consolidated with national security interests of the receiving country. Top priorities within the framework of such policy comprise effective organizational, economic and legal measures of migrants' socialization combined with restrictive mechanisms including forced migration suppression tools reinforced by illegal migration adequate controls, which should be ensured by appropriate criminal justice response.

References

1. The United Nations (2016). *244 million international migrants living abroad worldwide, new UN statistics reveal*. Retrieved from <http://www.un.org/sustainabledevelopment/blog/2016/01/244-million-international-migrants-living-abroad-worldwide-new-un-statistics-reveal>
2. VGil Journal (2015, September 13). *Illegal migration to Europe. Statistics*. Retrieved from <http://vgil.ru/2015/09/13/nelegalnaya-migraciya-v-evropu-statistika> (in Russ.)
3. Soskin, O. I., Butkevich, M. (2013, October 22). Labour migration: pros and cons - special project, *Golos Stolicy (The Voice of Capital)*. Retrieved from http://newsradio.com.ua/rus/2013_10_22/Trudovaja-migracija-za-i-protiv-specproekt (in Russ.)
4. Bartram, D. (2005). *International Labor Migration: Foreign Workers and Public Policy*. New York: Palgrave, Macmillan.
5. Chiswick, B. R. (2005). *The Economics of Migration*. London: Glensanda House.
6. Chiswick, B. R. (1983). An alternative approach to immigration policy: Rationing by skill Population. *Research and Policy Review*, 2(1), 21-33. Retrieved from <http://www.jstor.org/stable/40229860>
7. Domenico, G. D., & Spattini, S. (Eds.). (2006). *New European Approaches to Long-Term Unemployment: What role for Public Employment Services and what Market for Private Stakeholders*. The Netherlands.
8. Kritz, M. M., Lim, L. L., & Zlotnik, H. (1992). *International migration systems: a global approach*. Oxford, UK: Clarendon Press
9. Massey, D. S. (1990). Social structure, household strategies, and the cumulative causation of migration. *Population Index*, 56(1), 3-26. doi: 10.2307/3644186
10. Massey, D. S., Arango, J., Hugo, G., Kouaouci, A., Pellegrino, A., & Taylor, J. E. (2005). *Worlds in Motion: International Migration at the End of the Millennium (International Studies in Demography)*. Oxford: Oxford University Press.
11. Castles, S., & Miller, M. (2009). *The age of migration/ International Population Movements in the Modern World*. New York.
12. Pascal, Z. G. (2000). *The Global Me: New Cosmopolitans and the Competitive Edge: Picking Globalism's Winners and Losers*. New York: Public Affairs.
13. Siriwardhana, C., & Stewart, R. (2013). *Forced migration and mental health: prolonged internal displacement, return migration and resilience*. *International Health*, 5(1), 19-23. doi: 10.1093/inthealth/ihso14
14. Hiller, H. H., & McCaig, K. S. (2007). Reassessing the role of partnered women in migration decision-making and migration outcomes. *Journal of Social and Personal Relationships*, 24(3), 457-472. doi: 10.1177/0265407507077233
15. Podgorny, B. B. (2011). Economic behavior and the influence of religious traditions (the problem statement). *Sociologicheskie issledovaniya. (Sociological Researches)* 2, 108-118 (in Russ.).
16. Freeman, G. (1998). The Decline of Sovereignty? Politics and Immigration Restriction in Liberal States. In C. Joppke (Ed.), *Challenge to the Nation-State: Immigration in Western Europe and the United States*. Oxford: Oxford Press. doi:10.1093/0198292295.003.0004
17. Brettell, C., & Hollifield, J. (Eds.). (2000). *Migration Theory: Talking across Disciplines*. New York.
18. Human Rights Watch World Report (2013, January 31). *The European Union*. Retrieved from <http://www.refworld.org.ru/docid/53c396074.html>
19. Voloh, V. A., & Suvorova V. A. (2015). *The Concept of state migration policy of Russia: basis for the migration security of the country*. Retrieved from http://e-notabene.ru/nb/article_713.html (in Russ.)
20. Voloh, V. A. (2009). Migration policy of Russia (state and problems in the light of the global financial crisis). *Power. (Vlast)*, 4 (in Russ.).
21. Zayonchkovskaya, G. (2001, September 8-9). *Migration trends in the CIS: results of the decade*. Migration in the CIS and Baltic States: through the differences of problems to a common information space. Materials of the conference, St. Petersburg (in Russ.).
22. Baranov, A. V. (2004, March 19). *The Migration policy of the countries of the West: the doctrine and practice of conservatism*. Migration and tolerance. Materials of the International scientifically-practical conference. Krasnodar (in Russ.).
23. Balashova, T. (2011). *Constitutional and legal problems of formation of migration policy*. St. Petersburg: Publishing house «Legal Centre Press» (in Russ.).
24. Urda, M. N. (2015). The gaps in the legal regulation of rights management of intellectual property to create products (technology) of dual-use. *Izvestiya Yugo-zapadnogo gosudarstvennogo universiteta. Seriya: Istoriya-i-pravo. (Southwest State University Bulletin. Series of Works: History and right)* 3(16) (in Russ.).

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