

Criminological Characteristics of Migrant Crimes: Russian and Foreign Practices

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Abstract: Migrants and ever-rising incidences of immigrant crimes tend to be perceived as a serious threat provoking fear and apprehension throughout the world. The current study provides useful insights into immigrant criminality and the ways of its deterrence. However, despite all recent attempts to carry out the scientific assessment of criminological characteristics of the studied social and legal phenomenon there is a strong need for a comprehensive study of foreign scientific literature and practice.

Keywords: Migrants, criminality, civil society, the Russian Federation, statistics, criminology, judicial practice, criminal responsibility, victims.

METHODS AND METHODOLOGY

The research entails the execution of several procedures in an attempt to systematically perform a comprehensive scrutiny of the matter and subsequently introduce useful and unbiased information regarding the core issues of concern facing criminologists today.

This study utilizes a set of theoretical and empirical methods and means of obtaining and processing information, historical, formally logical, systematic, comparative legal and sociological analysis. Implementation of a wide range of particular methods of sociological orientation used in domestic and foreign criminology, including statistical analysis and direct observation, content analysis and research epistolary sources, expert assessments, analysis of materials interviews and questionnaires and a comparative analysis of criminological trends contributed significantly to the solution of the key research question.

The comparative legal method lays the groundwork for analyzing political and legal mechanisms of the migration regime as to the implementation of state policy in combating illegal migration for the subsequent identification of its effectiveness.

The undertaken analysis outlines proposals to enhance measures for combating illegal migration.

The interdisciplinary method contributes significantly to comprehensive study of illegal migration concept affecting national security of the state and society.

Expert assessment method gives the highlights of illegal migration phenomenon and migration counteracting policies. Having analyzed the peculiarities of migration in the Russian Federation and the steps taken to ensure and restore human rights in the field of migration, we come to the conclusion that the modernization of legislation in this area in recent years fails to improve the situation. It highly depends on the establishment and development of civil society organizations and relevant state authorities which form and adapt the main activities of government institutions.

INTRODUCTION

According to estimates of the Organization for European Cooperation and Development more than 56 million migrants in Europe have an illegal status and every year about half a million illegal immigrants arrive in European countries.

The study of migrant crime is stimulated by the increasing attention and concern on the part of state and society to the issues of the relationship between migration and crime. Not a single country nowadays can develop fully, being isolated from the world community. Social and political, cultural, scientific, economic and military ties firmly unite all states. At the same time, the development of civil society and state along with the increasing speed of information, resource and technology exchange add to a steady yearly increase in the flow of people crossing the border of every possible administrative and territorial entity for different purposes, as well as those intent on some criminal activity.

As far as Russia is concerned, we observe the dominating balance of immigrants to its total

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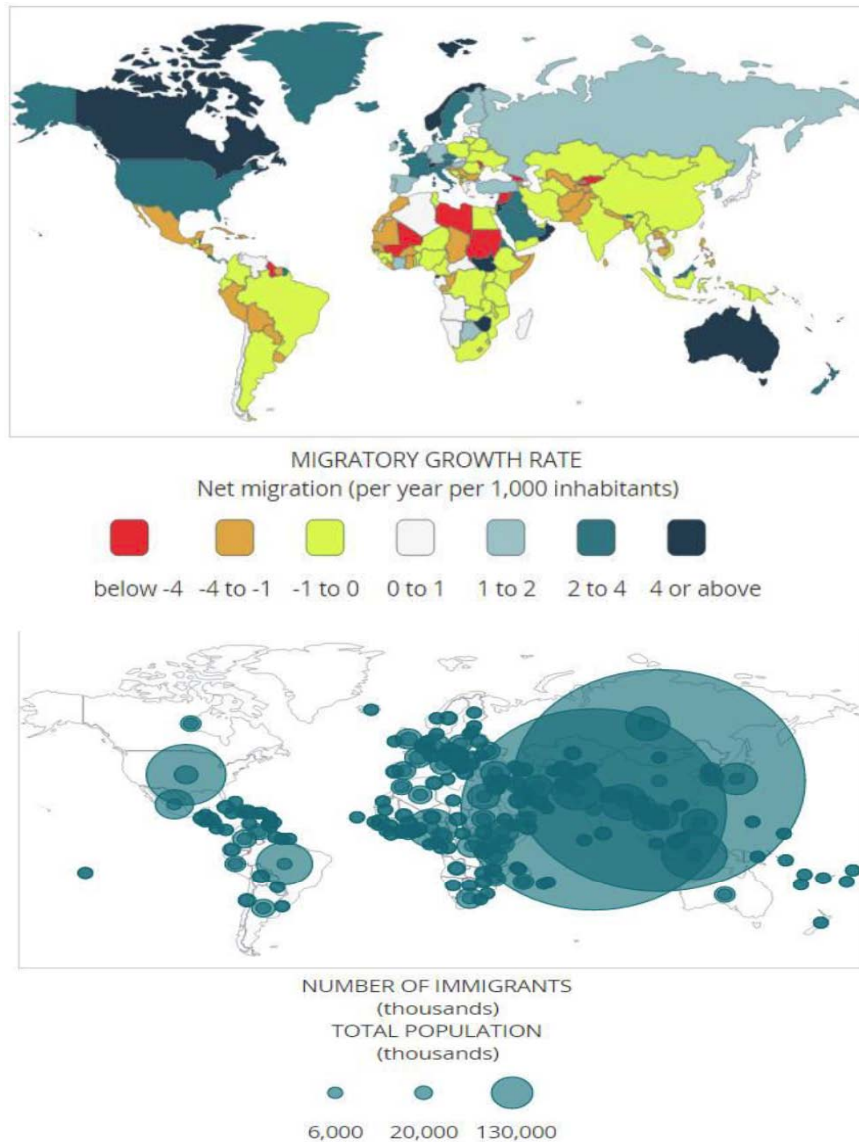


Figure 1: Depicts the migration growth rate around the globe.

population. According to most scholars population migration is the result of some historical processes such as raising virgin lands, the growth of industrial centres, urbanization, the emergence of new jobs, raising the level of education, science and culture. A.K. Krasnov assumes that resurgence of migration was caused by the period of perestroika, ethnic conflicts, as well as infringement of the rights of the Russian-speaking population in the republics of the former Union, the war in Chechnya and other socio-political and economic reasons [5].

One of the main causes of foreigners' migration to Russia is joining the international labor market, where average number of foreign workers legally employed through labor agreements (contracts) is not more than 250 000 people. However, there being an up-going

tendency of illegal workforce increase, migration is posing a real threat to the safety and stability of the Russian Federation.

Meanwhile, rapidly growing globalization actively influences the intensity and structure of transnational migration. The last five years showed a tenfold increase in the number of individuals attempting to cross the Russian state border illegally. Large-scale influx of the various categories of foreigners is having an increasing impact on the internal political situation in Russia, a significant impact on the social sphere, and worsen the crime situation.

People migrate to Russia for various reasons:

1. economic (due to the desire to improve the living conditions);

2. social (family relations, the desire to be reunited with family and friends);
3. political (military, ethnic, religious conflicts);
4. cultural (getting education and studying ethnic bases of other nations);
5. ecological (deterioration of environmental and climate conditions);
6. Medical (need for a change of residence for medical reasons).

The increase in migration processes in the state shows the necessity to generalize the migration concept and determine migrants' status. Therefore, the majority of modern scientists and researchers define migration as the process of moving across the borders of a permanent or temporary place of residence, or with a regular return to it.

It is worth noting that migration gives rise to a large number of legal processes both within the state (emigration) and abroad (immigration), that's why the investigated processes are of vital significance for the security of the Russian Federation.

E.S. Krasinets, E.S. Kubishin and E.V. Tyuryukanov define illegal migration as the entry, residency or labor of foreigners on the territory of the country in violation of applicable laws and established procedures (i.e. without registration of relevant documents under the Russian law and order; using fake documents or ones having no legal force due to the expiration of their validity) [6].

N.A. Lopashenko considers crime to be the most negative consequence of migration and distinguishes between two types of crimes: related to attacks on migrants and, conversely, committed by them [7].

O.A. Evlanova takes illegal migration as a combination of offenses and crimes of international character. According to the scholar, illegal migration is concerned with human beings traffic, illegal transportation of foreigners and stateless people, fraudulent hiring of foreign labor, sale of children for illegal adoption [8].

An expert in the field of law I.I. Karpets believes that illegal migration is a crime damaging many aspects of state activity (international, economic and socio-cultural). The scholar underlines such features as hasty retreat from countries with dominating terrorist regime

(in violation of immigration laws); the hidden import of cheap labor for capitalist monopolies and illegal entry of potential terrorists [9].

Illegal migration is aggravated by restrictive migration policy of the state, which is free to choose between "open door" regime and drastic restrictive measures depending on the impact of the migrants flow on the socio-economic situation in the country. Crime is caused by the complex interaction of various social factors operating in different fields and manifesting at different levels of public life. Thus, the current legislation of Russia, like the legislation of any other foreign state, pays special attention to migration processes, since uncontrolled (illegal) migration is sure to cause negative consequences for national security.

Crimes committed by foreigners and stateless people is an international problem. The analysis of recorded crimes over the past seven years has shown that about 40000 crimes are committed by foreigners each year.

The most significant factors increasing crime by foreigners and worsening criminal situation in the Russian Federation are as follows:

- the lack of a solid, well-guarded border between Russia and the CIS states;
- a simplified system for issuing visas and the procedure for moving CIS citizens across the country;
- involvement of criminal structures in migration processes;
- the growing demand in Russia for cheap labor, which cannot be satisfied domestically;
- deficiencies in controlling illegal migration on the part of the migration services and other law enforcement agencies of Russia.

The current criminal situation is characterized by a sharp exacerbation of negative trends and processes associated with crime. Since migration processes are quite broad in scope, this leads to spontaneous and uncontrolled population growth and a deterioration in the criminal situation.

Different approaches to solving the problem of illegal migration can be created by another phenomenon connected with it and aggravating relations between countries. Illegal migration can be a

source of increased tension in ethnic and political relations in countries of entry. Often this involves the commission of offenses, including crimes motivated by ethno-confessional and political contradictions.

The solution of such migratory conflicts requires transcendental diplomatic efforts not only of the opposing parties, but also of the regional and world community.

Thus, the solution of illegal migration and migrant criminality problem is carried out in two directions. On the one hand, the problem is addressed to both parties, i.e. the countries of exit (emigration) and entry (immigration). And on the other hand, the receiving parties take full responsibility to sort out this burning issue themselves.

This particular study investigates into Russia's experience on the immigrant crime phenomenon. Included in this study are comparative characteristics of the statistical data peculiar to other countries, including the migrant prosecution court practice.

The authors have identified the causes of crime among migrants in the Russian Federation and analyzed the spatial pattern of crimes committed by migrants. The undertaken research work reflects trustworthy immigrant crime characteristics and the average age of migrant offenders. The exploited statistical data of all registered immigrant crimes contributed to the identification of the most dangerous criminal territories.

The present study therefore sets out to provide basic information for the development of national migrant criminality research and examine the criminal aspects of illegal migration as the most dangerous security threats, focusing on migration crime, its condition, the dynamics and its structure. The research work is aimed at identifying key points in utilizing the means and analytical methods for results presentation as well as writing a comprehensive description of migrant criminality. The focus of this study therefore is to provide Russian experience reviewed by foreign scientists, determine the factors of migrant criminality and highlight the main options for dealing with migrant criminals.

RESULTS

Migrant crime is defined as a type of crime distinguished on the basis of offender's personality characteristic, i.e. his participation in the migration

processes: moving from one territory to another, with temporary or permanent change of residence taken into account. In the modern world migration caused by negative social phenomena (ethnic discrimination, armed conflict, extreme poverty etc) often serves a driving force for crime.

Official statistics clearly show that the largest number of crimes, i.e. 93-97%, is committed by migrants aged 18 to 50. Longing for a new and better life with a profitable job, they eagerly change their place of residence and become professionally mobile. Whereas the percentage of older generation (characterized by political mobility) in the total migrant crime data amounts to 5%.

According to Swedish criminal statistics, the number of recorded crimes of a sexual nature committed by migrants is dreadfully increasing.

The Danish newspaper MetroXpress published statistics on crimes committed in 2015, where among 2633 criminals following proceedings in court the number of foreigners equaled to 2049 people. Thus, foreign citizens committed 78% of crimes. As compared to other European countries, the level of crime in Denmark is sure to be low. All the same, migrant crime tends to increase drastically due to the open territory borders.

The Austrian agency of the Federal Statistical Report announced that within the period from 2004 to 2014 almost every second migrant committed a criminal offense upon arrival in the country in search of refuge. The majority of the crimes were committed by Algerians and were never prosecuted, e.g. high-profile crimes of massive sexual assault on New Year's Eve in Germany [1].

The number of individuals brought to justice in Australia is increasing every year, so the number of offenders within the period from 2014 to 2015 increased by 2% (i.e. 6.985 offenders) for a total of 411 686. The diagram reveals the increase in the number of crimes from 2011 to 2015.

In recent years, the number of illegal migrants in the United States has stabilized. Nevertheless, there was a noticeable change in statistics for some states and the number of illegal immigrants there nowadays prevails (Figure 2).

The United States have developed a program containing and using existing federal data for the

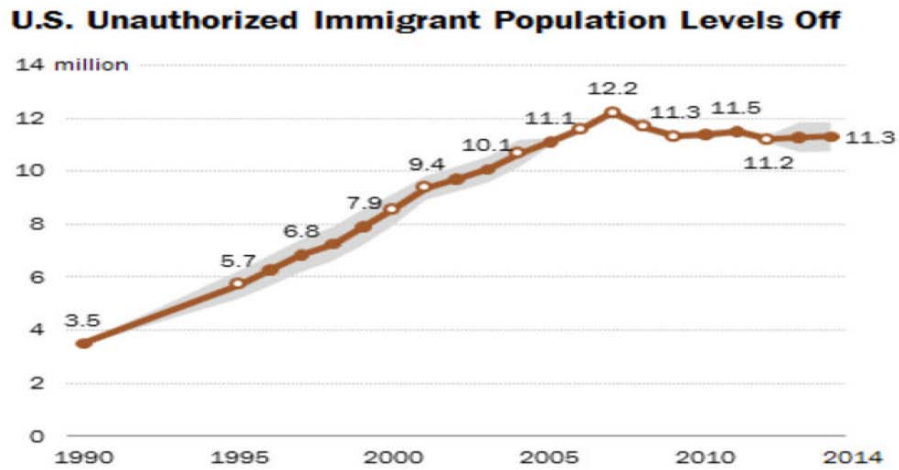


Figure 2: Major fluctuations in the number of U.S. unauthorized immigrant population from 1990 to 2014.

exchange of information and detection of crimes committed by migrants (foreigners) posing a threat to public safety. Since August 2012 over 166 000 immigrants convicted of crimes have been deported from the United States, where more than 61 000 migrants were convicted of crimes with aggravating circumstances (level 1 of crimes including murders, rape and sexual abuse of minors).

According to the data published on the official website of the Department of Homeland Security of the United States of America, the period between 2008 and 2015 (Figure 3) was marked by the increase in the number of migrant violators among law-abiding migrants, with 369 221 criminals being identified in 2008 (31% of the total number of registered migrants; 389 834 (35%) - in 2009; 392 862 (50%) - in 2010; 396 906 (55%) - in 2011; 409 849 (55%) - in 2012; 368 644 (59%) - in 2013; 315 943 (56%) - in 2014 and 235 413 (59%) criminals in 2015 [2]. The Department pays particular attention to convicted migrant criminals and a threat they pose to public safety.

We found out that 51% of crimes on hate motive against indigenous citizens were recorded in Canada in 2013. This has become a common hate crime committed by migrants and it accounts for 36% of the total number of recorded crimes. Most people accused of hate crimes against the indigenous population are young people under 18 (46%) and from 18 to 24 (24%). The vast majority (i.e. 91%) of the accused were men [3].

The statistics of Finland contain information on changes of permanent residence, while the location data are classified in the Statistics Office of Finland [4].

The statistical data of Main Information and Analysis Center of the Ministry of Internal Affairs of Russia reveals that the crime of foreigners in Russia is cyclical with periodic changes in quantitative and qualitative indicators.

Arriving in Russia, migrants come across quite a few problems with work, accommodation etc. Since prospects for any early settlement of the issue are dim,

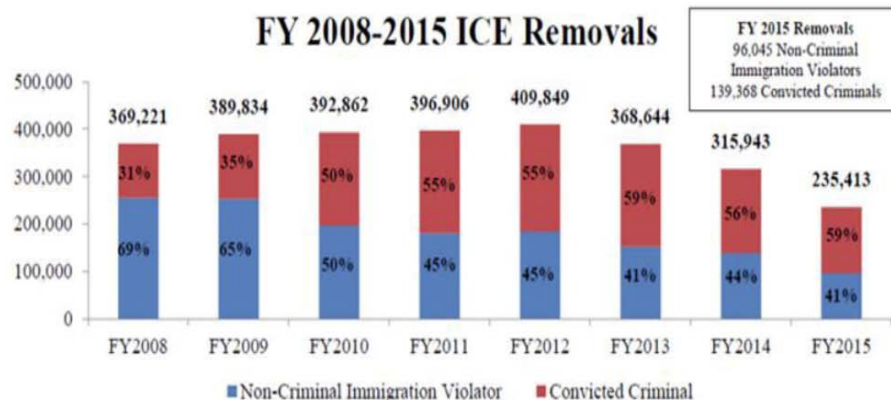


Figure 3: The relation between non-criminal immigration violators and convicted criminals.

they have to commit crimes and administrative offenses. Poor knowledge of the Russian language and Russian legislation make them turn for help to their compatriots, the latter sometimes being members of criminal groups (communities) [10].

Despite the high-quality migration policy of the state, the number of crimes committed by migrants is quite significant in the general statistics. At first, these crimes are associated with forgery of documents or illegal border crossing. The criminological characteristic of migrant crime is uniting into some groups or adjoining existing ones. These categories of criminals in Russia specialize in theft of high-class cars and transporting people abroad. Foreign citizens also specialize in the manufacture of counterfeit products. In addition, of course, migrants are often involved in terrorism. If we consider the age categories of foreigners, then we state that 50% of offenses are committed by citizens aged 25-35, those are people previously unemployed and with incomplete secondary education, while 60% of migrant criminals suffer from alcoholism, drug addiction and/or have a criminal record [11].

Regional practice in the Russian Federation shows that according to the results of the year, the crime rate

in Yugra became the lowest in the area. The number of serious indictable offenses and high crimes has decreased, and all criminal participants have been identified and detained. However, the number of most serious crimes committed by migrants has increased in several municipalities. In Langepas the figure is doubled, and in Pyt-Yakh the amount of migrant crimes rose by more than 2.5 times. The increase in the number of crimes occurs against the background of the outflow of migrants from the region. Whereas in 2012 foreigners committed every eighth murder, now this number amounts to every fifth. While in 2012 migrants committed every third rape, in 2013 they committed 43 percent of all crimes of this category. These crimes pose an increased public danger and are committed against even the most vulnerable categories of citizens (children and elderly people).

The number of crimes committed by migrants in the Voronezh region in 2015 increased by 33%. According to Administration of the Federal Migration Service, in 2015 more than 178 000 foreigners were registered in the region, mainly immigrants from Uzbekistan, Tajikistan, Armenia and Georgia. Half of them are young people in search of work. During the same period police officers recorded 168 crimes of migrants, almost a third of them were serious indictable offences

Table 1: The Amount of Crimes by Foreigners in the Federal Districts of the Russian Federation (2011-2015)

Indicators	2011	2012	2013	2014	2015
Committed by foreigners and stateless people in Russia	40655	39737	44325	42068	34308
Dynamics of crime in relation to last year's figure (%)	-7,3	-2,3	11,6	-5,2	3,6
In the Central Federal District	23 635	22 349	24 225	21 581	17 300
Dynamics of crime in relation to last year's figure (%)	-11,7	5,4	8,5	-11,0	-0,1
In the Northwestern Federal District	3353	3649	4675	5379	4068
Dynamics of crime in relation to last year's figure (%)	6,0	8,8	28,1	15,1	-2,6
In the Southern Federal District	1980	2240	2686	2710	2841
Dynamics of crime in relation to last year's figure (%)	9,3	13,1	19,9	0,9	39,9
In the Volga Federal District	3868	3778	3916	3925	3023
Dynamics of crime in relation to last year's figure (%)	2,3	-2,3	3,7	0,2	-1,6
In the Ural Federal District	3845	3332	3582	3364	2725
Dynamics of crime in relation to last year's figure (%)	2,6	-13,3	7,5	-6,1	4,8
In the Siberian Federal District	2603	2762	3224	3140	2585
Dynamics of crime in relation to last year's figure (%)	-11,2	6,1	16,7	-2,6	6,1
In the Far Eastern Federal District	879	1017	1317	1218	1020
Dynamics of crime in relation to last year's figure (%)	-14,8	15,7	29,5	-7,5	10,3
In the North Caucasus Federal District	492	610	700	751	746
Dynamics of crime in relation to last year's figure (%)	-11,8	24,0	14,8	7,3	28,2

Table 2: Crime and Victimization of Migrants in the Russian Federation Based on the Official Statistics of the Ministry of Internal Affairs of Russia (2016-2018)

№	Indicators	2016	2017	2018
1	Number of migrants who have committed crimes	43 933	41 047	38 598
2	The number of migrants who are victims of crime	15 660	14 679	15 816

**Figure 4:** Victimization of migrants in the Russian Federation for 2016-2018 (on the official statistics of the Ministry of Internal Affairs of Russia).

and high crimes - robberies, house thefts, murders and rape. The growth of this category of crimes amounted to 26.8 percent. In the first quarter of 2015 foreigners and stateless persons committed 38 crimes related to drug trafficking, 30 thefts, 5 robberies, 3 frauds, 2 murders, 2 rapes, robberies and car thefts etc.

A study of official statistics of the Russian Ministry of Internal Affairs showed that the period from January to March 2016 is characterized by 6.6% increase in the number of offenses, with the total amount being 587100 crimes. An increase in recorded crimes was noted in 62 subjects of the Russian Federation while a decrease was observed only in 23 subjects.

89.1% of all recorded crimes are detected by the internal affairs bodies, with 5.0% of them at the stage of preparation and attempt. A total of 26 100 crimes were detected at these stages (-3.8%). More than a third (42.0%) of crimes is registered in the republican and regional centers - only 246 820, a fifth part (20.8%) was found and registered in the countryside (122100 crimes), which is 7,3% more than in January - March 2015.

About 12 900 crimes were committed by foreigners and stateless people in the Russian Federation, which

is 0.1% more than in January - March 2015, including 11 400 crimes by citizens CIS nations (+ 0.9%), their proportion was 88.2%. The number of crimes against foreign citizens and stateless people decreased by 5.6% and amounted to 3800 crimes.

The statistics for 2019 amount to 10 million illegal migrants in Russia. This number is significantly higher than previous years. In our opinion, the emergence of this situation was a combination of political, economic, social and religious reasons.

The present research enables us to identify main risks of migratory crime that, according to Muscovites and experts, can increase social tension in the city and negatively affect public safety in the metropolis. Among those risks are conflicts between the natives and migrants on various grounds, where 36% of Muscovites agree upon the risk of increased ethnic conflicts; 26% of respondents believe that migration crime leads to a risk of reduced support for state migration policy; 14% note the risk of increasing organized criminal groups on a national basis; 11% tell about the risk of infringement of Russian citizens' interests; 8% firmly believe that there is a risk of increased drug addiction among the Russian population.

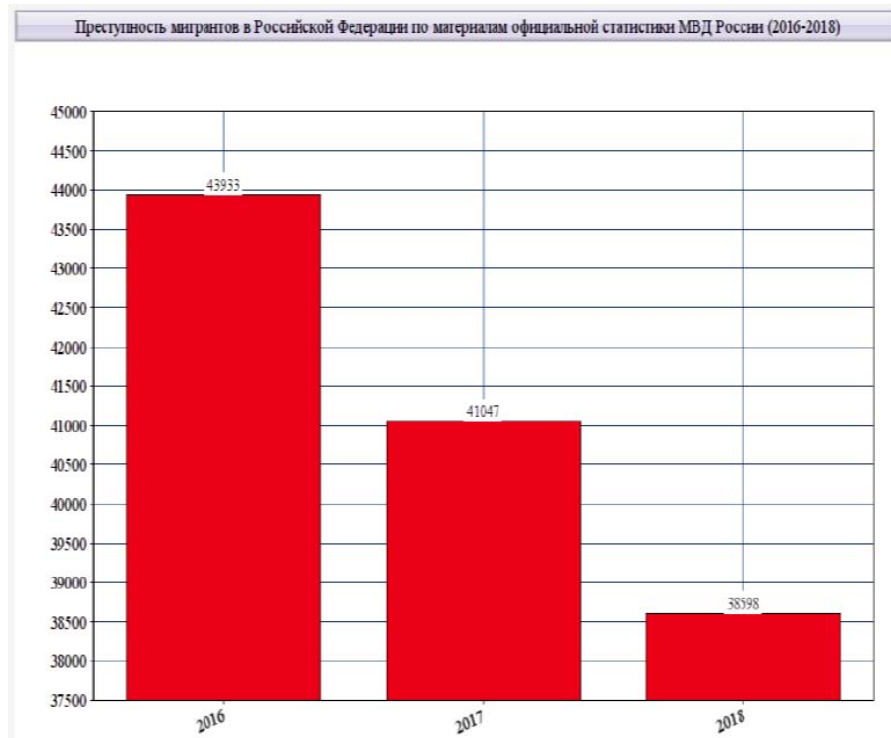


Figure 5: Migrant crime in the Russian Federation for 2016-2018 (on the official statistics of the Ministry of Internal Affairs of Russia).

The respondents outline the risks that most negatively affect public safety in Moscow: increased crime (51%) and riots (35%). The poll question “Can migration crime pose a threat to the violation of the Russian way of life?” clearly shows that 87% of respondents believe it can.

In any case, one of the problems of modern Russian society is preventing the growth of extremism, inciting social, racial, national and religious hatred, which can pose a serious threat to the constitution, human rights and freedom.

PRACTICE INTEGRATION

An increase in migration flows to Russia inevitably leads to an increase in the number of foreign citizens and stateless people staying in the country illegally. It in turn leads to an increase in the migrant crimes: illegal migration is a significant factor in the increase in the number of ethnic conflicts.

The specific situation, the environment in which the migrant finds himself after arrival is of great importance from the point of view of determining his criminal behavior. At the same time, even the most unfavorable conditions that a migrant can get after arrival do not entail his illegal behavior. The specificity of the causes and conditions of migrant crime is not just in the social

conditions and social environment in which they appear after arrival but in the interaction of the three lines of determination of criminal behavior and how they manifest themselves in different categories of migrants.

- In Kazan, the Tatarstan Supreme Court sentenced two citizens of Uzbekistan (51-year-old Inam Makhkamov and 44-year-old Igor Susanov) for killing 40-year-old chief physician of the Republican Dermatovenerologic Dispensary Rinat Akhmadiev, his two children and a friend. The court verdict was reported in the press service of the Ministry of Internal Affairs of the Republic of Tatarstan.
- On August 23, 2018 a citizen of the Republic of Azerbaijan Fuzul Aliyev raped a woman in Tobolsk. According to the assistant prosecutor of Tobolsk, Ilesia Shonokhova during the hearing the father of three children, a foreigner Fuzul Aliyev, fully pleaded guilty and filed a motion to conduct a special procedure for the trial. A federal judge of the Tobolsk city court sentenced a foreign rapist to one year in prison. A foreigner was taken into custody in the courtroom.
- The 38-year-old citizen of the Republic of Uzbekistan was found guilty of illegal acquisition

and possession of large-scale narcotic drugs. During the investigation, it was found that in November 2015 the defendant illegally acquired and stored heroin, weighing 3.1654 grams. The man was sentenced to 3 years and 3 months of imprisonment.

- A court in Samara sentenced Richard Philip Bochiuss, former deputy of Samara State Technical University to three years in a general regime colony for illegal acquisition and possession of drugs. A 32-year-old Londoner was first detained by Samara drug police officers on August 19 with his university colleague while purchasing 3.8 grams of hashish.
- A citizen of Uzbekistan in St. Petersburg was sentenced to seven years for a brutal attack. The convict and five natives of Central Asian countries attacked the residents and robbed their apartment. The criminals stole equipment, jewelry and money for a total of 253900 rubles. A few days later, police detained the defendant, however five accomplices are still on the wanted list.

FOREIGN JUDICIAL PRACTICE

Algerian migrant Farouk B. was sentenced to six months probation by a Cologne city court for attempting to steal and sell stolen possessions on New Year's Eve. At the same time, he had previously been accused of a more serious crime - sexual harassment. That is what dozens of German women complained about. However, the prosecutor's office had to withdraw these charges, since the victim did not identify the man. Despite a large number of applications filed throughout Germany the victims still have not identified a single man.

CONCLUSION

A significant part of crimes committed by foreigners and stateless people is classified as serious indictable offenses and high crimes. The difficult economic situation in the country negatively affects the number of common crimes committed by migrants.

The Concept of State Migration Policy of the Russian Federation for the period until 2025 approved by the President of the Russian Federation on June 13, 2012 determines that migration processes play a significant role in the socio-economic and demographic development of the Russian Federation. Over the past

two decades, migration growth has largely compensated for more than half of the natural population decline.

Prevention of the migrant crime is one of the most important areas of the migration policy of the Russian Federation. Of particular danger are illegal migrants. According to the Russian border service, about 20 million citizens illegally cross the border every year and at least 1.5 million of them settle in the country. A quarter of illegal migrants are in Moscow and the Moscow region. Uncontrolled irregular migrants cause problems both for the social situation within the country and economic/criminal situation in the region.

The mechanisms of migrant crime control are under scrutiny. Databases of labor migrants are created. The information resources are constantly monitored to search for advertisements that propose illegal acquisition of Russian citizenship, temporary registration, migration cards and passports [11].

The findings of the study affect the current assessment of the crime status of modern global migration processes and can be used to take governing decisions to minimize the threats of illegal migration and improve the regulation of migration processes in the Russian Federation. The materials of the work can be used in the preparation of targeted migration programs, in the activities of the employment service and the migration service, authorities and administrations in the regions of the Russian Federation attempting to combat illegal migration.

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