

Problems of countering the crime of foreign migrants in the Russian Federation

G V Antonov-Romanovskiy¹, V R Bugrova¹ and D K Chirkov^{1*}

¹ Russian State University of Tourism and Service, 99 Glavnaya str., Moscow Region, Pushkinsky district, poselok Cherkizovo 141221 Russia

E-mail: dk8888@mail.ru

Abstract: The article reveals the criminological characteristics of the crimes done by the foreign migrants, the peculiarities of their territorial distribution. Currently, migration is one of the most important indicators of ethnopolitical and socio-economic processes taking place in transborder regions. In Russian conditions, migration is associated with the slower transition from an extensive to an intensive form of economy. Mass migration of unskilled workers allows us to stay on the “raft” of the commodity economy. But this is due to the increasing crime of illegal migrants and its distribution on the territory of Russia.

Keywords: crime, migration, foreigners, violations, foreign migrants

1. Introduction

The National Security Strategy of the Russian Federation until 2020, approved by Decree of the President of the Russian Federation on May 12, 2009 No. 537, notes the growing threats to national security associated with uncontrolled and illegal migration [1]. The concept of the state migration policy of the Russian Federation for 2019-2025 and the Action Plan for its implementation in 2019-2021 allocates the development of mechanisms and means of prevention, detection, and suppression of violations of the migration legislation of the Russian Federation, criminal, and corruption violations in the field of migration in sections [2, 3]. Improving these mechanisms requires the deepening and reliability of information on the state of crime of foreign migrants. One of the most dangerous sides of the negative impact of uncontrolled and illegal migration on the state of Russian society is the crime of foreigners. Countering illegal migration is the main focus of the foreigners' crime prevention. At the same time, an analysis of the state of crimes made by the foreigners is a test indicator of the effectiveness of countering uncontrolled and illegal migration from abroad.

2. Materials and Methods

The methodological basis includes a range of general scientific methods of analyzing the legal and social phenomena associated with illegal migration: dialectical, historical, logical, statistical analysis, synthesis, generalization. In the course of the study, we also considered the following: comparative law, regulatory and logical analysis, document analysis, survey of migrants and experts.

3. Results

The main criminological problem of the crime of foreigners is the creation of a threat to Russia's public security. In turn, this threat has become one of the main elements of the threat to national security which is formed by uncontrolled and illegal migration.

The fact that for many years, crimes committed by foreigners occupy an insignificant share of 2-3% among all crimes disclosed in Russia and cannot serve as a basis for underestimating the threat to our society caused by the crime of migrants from abroad. First, in our assessment, the crime of foreigners is increasing. Second, the proportion of the most dangerous and common crimes among the migrants is high. Third, the centers of crime of the foreigners are formed on the territory of Russia. Fourth, the marginalization of migratory social environments occurs. Marginalization threatens with a surge in crime of foreigners in the subsequent. Fifth, as the diaspora from neighboring states is more adaptable to life in Russia, the criminal threats posed by migrants from these countries to the population increase.

In comparison with the end of the last century, in the second five years of this century, the crime of foreigners in Russia increased by a third. In the past decade, there has been a distorting effect on the dynamics of crime statistics, including committed by the foreigners. There are fluctuations in compliance with the registration discipline by the bodies of the Ministry of Internal Affairs of Russia. But comparing the dynamics of solved crimes committed by the citizens and non-citizens of Russia allows one to "remove" some of this distorting influence. With a general decrease in the number of solved crimes, the number of crimes committed by non-Russian citizens decreased by 2.7%, which is five times less than the reduction in the statistics of crimes committed by its citizens (by 12.5% for 5 years of 2014-2018 in relation to 2013). In the absence of objective reasons for reducing the criminality of those and others, the analysis of statistical data testifies to the aggravation of threats to public safety created by the criminality of foreigners.

During the study, we analyze the data which indicates that the criminal activity of foreigners corresponds to the criminal activity of Russian citizens. This conclusion contradicts the widespread opinion of a higher criminal activity of the foreigners in comparison with the local population. But when countering the crime of foreigners, we must have an objective picture of it, not delusions. The idea of extremely high criminal activity of the foreigners is based on expert assessments that are not supported by its calculations. Based on weighted estimates of the number of foreign migrants in Russia, in the course of the study, the calculation of the criminal activity rate of foreign migrants was made. In these calculations, we relied on the number of legal migrants of 1.2 million people and the number of illegal migrants of 4-4.5 million people [2].

These calculations showed that when estimating the number of foreign migrants in Russia, 5.2-5.7 million people in 2010, judging by the number of registered crimes committed by them (48950), their criminal activity rate is 900 crimes per 100 thousand foreign migrants. This is an average of between 858 crimes when estimating the number of foreign migrants at 5.7 million people and 941 crimes at estimating their number at 5.2 million people. The higher the estimate of the number of foreign migrants in Russia, the lower their criminal activity rate.

Artificially overestimating the number of foreign migrants in Russia does not work on the thesis of the creation of pronounced criminal threats, but on the conclusion of their low criminal activity. If we estimate their number at 15 million people, then we should come to the conclusion that their criminal activity is low. In this case, the specified ratio is only 326 crimes per 100 thousand foreign migrants.

We should not talk about the lower level of criminal activity among the foreign migrants in comparison with the criminal activity of Russian citizens, since the coefficient under consideration is equal to 941 crimes per 100 thousand foreign migrants (when estimating their number is 5.2 million people).

Our assumptions about minor differences in the criminal activity of foreigners and Russian citizens is confirmed by an analysis of the criminalization of foreign migrants in the process of transforming a significant part of them from the uncontrolled but legal migrants into the illegal migrants. Most of the foreign migrants come to Russia for getting employed. In our opinion, they take the path of committing crimes only later, when they cannot find a job and do not want to return home (as they find themselves

in a worse situation at home). The second line of their criminalization is connected with the disorder of their life, regulation of interpersonal relations by the “right of the strong” in a closed environment of compatriots, rapprochement with the marginal layers of local residents, first of all, and the assimilation of asocial behavior peculiar to these social spheres.

These two main processes of criminalization of the foreign migrants capture a certain part of their stay in Russia. The duration of this process is largely determined by the fact that the majority of them come from the places where they were educated in a patriarchal spirit. Their upbringing was not distorted by the antisocial and criminal subculture, as is the case with the younger generation in Russia. It slows down the migration of foreign migrants on the criminal path.

4. Discussion

Regarding two thirds (66.9%) of the convicted foreign migrants, the possibility of preventing them from committing a subsequent crime was not used. This was due to the fact that when they were detained for violating immigration laws, they could be illegally released for a bribe or without a bribe by officers of the internal affairs bodies or the migration service. The problem is not that they all had to be expelled from Russia. This question is decided by the judge. But with a proper registration of administrative offenses expressed in violation of immigration laws, the judge would have the opportunity to decide on their administrative expulsion on the grounds provided for by the Administrative Code of the Russian Federation. With regard to the foreigners who repeatedly violated this legislation, the question of their expulsion from the Russian Federation would most likely be resolved positively. Analyzing the data on the detention of the convicted foreign migrants for immigration law violations in the context of the possibilities to prevent them from committing specific crimes, we come to the idea that such a possibility existed in relation to the most dangerous and common crimes.

The survey of the convicted foreigners serves as a test to determine the proportion among all illegal migrants of persons who were detained for violating immigration laws and in relation to whom the question of expulsion from Russia could be raised. Survey data showed that two thirds of convicted foreigners were detained for violating immigration laws before committing a crime [4, 5, 6]. This means that at least half of illegal migrants staying on the territory of Russia for a relatively long time are detained by the internal affairs bodies or the migration service. But in most cases, they are illegally released without registering the materials on administrative violations. More than half of such illegal decisions are taken as bribes.

Currently, this problem cannot be solved in legal, economic and social aspects. There are no administrative-organizational and material resources for the expulsion of even one hundred thousand illegal migrants in a year. This problem is solved without prior arrangement on the ground by illegally minimizing a number of the identified illegal migrants to administrative responsibility for violating immigration laws.

The tacit consent of the state authorities to this practice leads, first, to the settling of illegal migrants in Russia and their increase. Second, their consent contributes to the spread of corruption among the government officials who are called upon to identify and bring to administrative responsibility the illegal migrants, eventually letting them go. Third, this practice leads to the expansion of the crime of foreign migrants and, as a result, the increasing criminal threat to the population of the country, the protected interests of society and the state, coming from the crime of the foreigners. Fourth, this translates into a curtailment of control over the actual expulsion of foreign citizens.

The criminological analysis also shows that the criminality of the citizens coming from the near abroad differs not only in the size of their ranges, but also in the uneven distribution of their crime within their area.

5. Conclusion

On the basis of the research conducted, we come to certain conclusions. First, in all crimes disclosed in the country, the proportion of foreigners committed is small and amounts to 2-3%. But behind this nondescript figure, the focal nature of the foreigners' crime is hidden. Their crime is concentrated in the

most economically developed regions. More than a third of all crimes committed by the foreigners are accounted for by the four constituent entities of the Russian Federation – Moscow, the Moscow region, St. Petersburg, and the Leningrad region. In recent years, there has been a tendency of increasing crime rates by the foreigners in the Urals, Siberia, the Far East, and along the external borders of the Russian Federation. Of particular concern is the fact that the criminal activities are made by the foreigners coming from the CIS member states (Commonwealth of Independent States). Once again, almost entirely (by 90%) the criminals are the illegal migrants who are or were the labor migrants [5]. In addition, lately, a powerful influx of immigrants from Central Asia has been observed. These are the people who are significantly different in mentality from the majority of the Russian population, in our perspective. Excessive migration poses a threat to inter-ethnic conflicts. Consequently, the risk of committing crimes motivated by national intolerance increases.

Second, the quantitative characteristics of the crime of foreign citizens in the Russian Federation and the conclusions drawn from them can only be regarded as minimal. Because, we really have to judge the state and trends of such crime on the basis of data on crimes solved. At the same time, information on crimes committed by the foreigners and remaining unsolved is still unknown and cannot be analyzed for objective reasons. A certain part of crimes committed by the foreigners remains latent due to the fact that fellow criminals were victimized, as well as due to the cover of crimes from being properly registered by the law enforcement officers. The absence of a criminal procedural obligation with the bodies of the preliminary investigation and the court to establish the legality of the stay of an alien who has committed a crime in the territory of Russia prevents us from establishing the exact number of crimes committed by the illegal migrants.

Third, statistical data on the crime made by the foreigners can be used as an indicator of the illegal migrants' distribution in Russia and their dynamics.

References

- [1] Presidential Executive Office 2016 *Meeting of the Security Council of the Russian Federation* Available at: <http://www.kremlin.ru/events/president/news/51618> (Accessed 31 03 2019)
- [2] Government of the Russian Federation 2012 *On the Concept of the State Migration Policy of the Russian Federation for the period up to 2025* Available at: <http://government.ru/info/20224/> (Accessed 09 04 2019)
- [3] Government of the Russian Federation 2019 *On approval of the plan of measures for the implementation in 2019-2021 of the Concept of State Migration Policy of the Russian Federation for 2019-2025* (February 22, 2019 No. 265-p) Available at: <http://docs.cntd.ru/document/552455476/> (Accessed 09 04 2019)
- [4] Antonov-Romanovskiy G V, Chirkov D K, and Litvinov A A 2013 *The crime of foreign migrants in Russia and the opposition to it: a criminological research* (Moscow, Russia: Publishing house "YurlitInform")
- [5] Antonov-Romanovskiy G V, Chirkov D K, and Litvinov A A 2013 Crime of foreign migrants and its features *Actual Problems of Economics and Law* 2(26)
- [6] Chirkov D K, Litvinov A A, and Antonov-Romanovskiy G V 2013 On the peculiarities of crime of foreign migrants in the Russian Federation *National Security* 3 pp 189-200