MIGRATION: TRENDS, DYNAMICS AND CRITICAL ISSUES

Danguolė Seniutienė[*]

[*]*Mykolas Romeris University Faculty of Public Security Department of State Border Guard
Putvinskio g. 70, LT-44211 Kaunas
Phone 30310
Email: dseniutiene@mruni.eu*

Paulo Fernando Violante de Oliveira**

[**]*Researcher at Orient Institute, Researcher Unit of the ISCSP – Universidade de Lisboa
Rua Almerindo Lessa, 1300 – 66, Lisboa (Portugal)
Email: pfvoliveira@gmail.com*

Annotation. This article presents a framework of issues of International migration. International migrations accompanied humankind from the past, therefore in the different periods of time the issue had a variable intensity. The analysis of current trends in migration leads to the conclusion that this issue will increase in the near future. It means that more people will decide to change their place of living, and every country will become a source or final destination of migration. Migration processes taking place within state borders. Therefore, law enforcement officials: the police officials, border officials must constantly monitor the migration process, analyse the findings and adapt their daily work.

Keywords: migration processes, border guard, human rights, globalisation.

INTRODUCTION

The "Migration to Europe is a longstanding phenomenon. To seize the opportunities and confront the challenges engendered by this kind of international mobility, the European Union is developing a common approach to migration. Likewise, the EU has developed a common European asylum system to protect those seeking refuge in Europe from persecution or risk of serious harm in their home country. Work in these policy areas also involves closer dialogue and cooperation with non-EU countries.

Immigration to Europe, in one form or another, is a reality and will continue to be so in the future. Globalization, together with more accessible means of transport, has significantly improved the opportunities for mobility. There are different reasons why people move to the EU. Some come for studies or research, some come for work and some to join their families already living in the EU. Simultaneously, an increasing number of global crises, both man-made and natural, have prompted people to leave their country of origin.

Mutual exchanges can be enriching and help create more tolerant environments.

One of the downsides of immigration is that it sometimes happens irregularly. People might arrive legally on a short-stay visa and then overstay. Some might enter and stay in an EU Member State without authorisation, sometimes against their will. Human trafficking networks and smugglers can easily exploit undocumented persons. The black labor market also attracts irregular immigration. Irregular immigration in all its forms must be tackled to protect the most vulnerable and to maintain public confidence in immigration policies. In an EU of 28 Member States, where most internal borders have been abolished and where people can move freely, migration cannot be managed by one country alone. It is essential that EU Member States cooperate to better manage migration"[1].

The aim of the article is to conduct the analysis of migration trends, dynamics, overview of the critical issues related to the migration process, and suggests additional tools to improve the performance of law enforcement common activity.

Methodology of the Research. In order to answer the problem of the subject, the article used to study the methods analogy, generalization, analytical, systematic methods, critical, analyses of scientific literature, historic analysis, systematic analysis, statistical analysis, comparative, source content analysis, meta-analysis. The basic method – the study the scientific references, it is a collection of data from the scientific references, International and EU law, official data of IOM, Eurostat, Frontex and ect.

MIGRATION IN TODAY'S CONTEXT

"Migration is a human phenomenon. It is not a problem, nor is it a criminal activity. It is as old humanity. Our ancestors moved in search of food and water, hunting and grazing lands and also out of sheer curiosity. Populations movements in history have been both forced and voluntary as people moved in search of opportunity and also in search of protection. Wars and environmental disasters compelled people to move, as did poverty, lack of economic prospects, settlement in colonial territories, and the desire to unite with family members abroad." [2]

---

[1] Building an open and safe Europe http://europa.eu/pol/index_en.htm: Europe 2020: Europe's growth strategy; 2013 Brussels
[2] Fundamental rights training for border guards
http://frontex.europa.eu/assets/Publications/Training/Fundamental_Rights_Training_for_Border_Guardsl.pdf
(2013). The text in this section has been partially reproduced from the IOM's website
(http://www.iom.int/cms/en/sites/iom/
home/about-migration/facts--figures-1.html) and the information displayed on this webpage includes excerpts
from the 2004 publication 'Essentials of migration management.

"Immigration to Europe, in one form or another, is a reality and will continue to be so in the future. Globalization, together with more accessible means of transport, has significantly improved the opportunities for mobility. There are different reasons why people move to the EU. Some come for studies or research, some come for work and some to join their families already living in the EU. Simultaneously, an increasing number of global crises, both man-made and natural, have prompted people to leave their country of origin. Of the approximately 500 million people living in the EU, around 20 million are citizens of non-EU countries."[3]

"During 2012, there were an estimated 1.7 million immigrants to the EU-27 from countries outside the EU-27. In addition, 1.7 million people previously residing in one of the EU Member States migrated to another Member State. Thus, about 3.4 million people immigrated to one of the EU-27 Member States, while at least 2.7 million emigrants were reported to have left an EU-27 Member State. It should be noted that the two figures above do not represent the migration flows to / from the EU as a whole, since they also include flows between different EU Member States.

Germany reported the largest number of immigrants (592 200) in 2012, followed by the United Kingdom (498 000), Italy (350 800), France (327 400) and Spain (304 100). Spain reported the highest number of emigrants in 2012 (446 600), followed by the United Kingdom (321 200), France (288 300) and Poland (275 600). (See Figure 1.) A total of 14 of the EU-27 Member States reported more immigration than emigration in 2012. However, in Bulgaria, the Czech Republic, Ireland, Greece, Spain, Cyprus, Poland, Portugal, Romania and the three Baltic Member States, emigrants outnumbered immigrants, as they did in Croatia. "[4]

"Relative to the size of the resident population, Luxembourg recorded the highest number of immigrants in 2012 (38 immigrants per 1 000 persons), followed by Cyprus (20) and Malta (17). The highest rates of emigration in 2012 were reported for Cyprus (21 emigrants per 1 000 persons) and Luxembourg (20 emigrants per 1 000 persons).

In 2012, the relative share of national immigrants, in other words immigrants with the citizenship of the Member State to which they are migrating, within the total number of immigrants was highest in Romania (93 % of all immigrants), Lithuania (88 %), Latvia (72

---

[3]Population by citizenship – Foreigners
http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&language=en&pcode=tps00157&plugin=1; (2013)
[4] Europe in figures - Eurostat yearbook
http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Europe_in_figures_-_Eurostat_yearbook : (2014)

ISSN 2029–1701 (print)
ISSN 2335–2035 (online)

Mokslinių straipsnių rinkinys
VISUOMENĖS SAUGUMAS IR VIEŠOJI TVARKA
PUBLIC SECURITY AND PUBLIC ORDER
2015 (13)   Scientific articles

%), Portugal (64 %), Poland (63 %) and Estonia (58 %). These were the only EU-27 Member States to report that return migration in terms of citizenship accounted for a share that was higher than 50%.
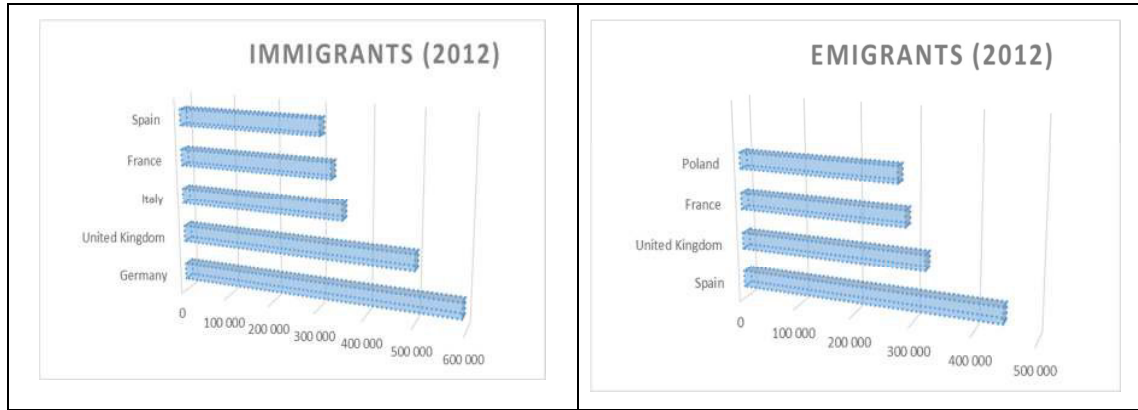

Figure 1. Migration flows

"Relative to the size of the resident population, Luxembourg recorded the highest number of immigrants in 2012 (38 immigrants per 1 000 persons), followed by Cyprus (20) and Malta (17). The highest rates of emigration in 2012 were reported for Cyprus (21 emigrants per 1 000 persons) and Luxembourg (20 emigrants per 1 000 persons).
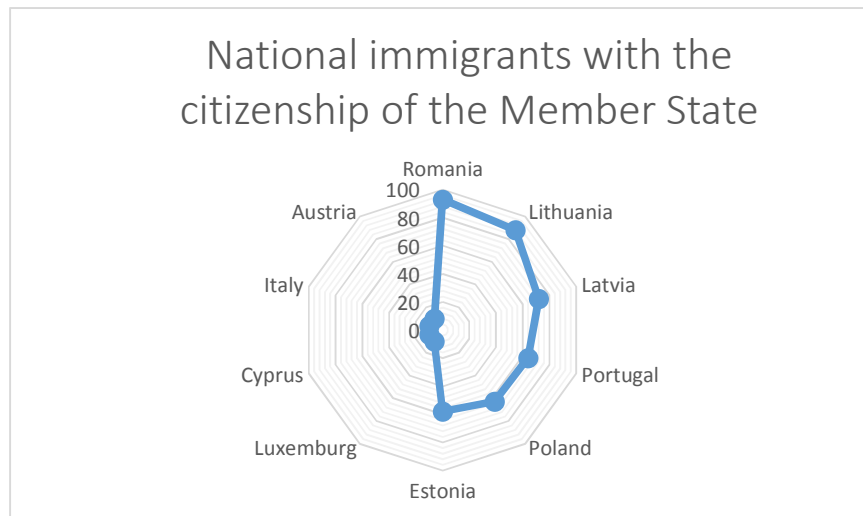

Figure 2. National immigrants with the citizenship of the Member State

In 2012, the relative share of national immigrants, in other words immigrants with the citizenship of the Member State to which they are migrating, within the total number of immigrants was highest in Romania (93 % of all immigrants), Lithuania (88 %), Latvia (72 %), Portugal (64 %), Poland (63 %) and Estonia (58 %). These were the only EU-27 Member

ISSN 2029–1701 (print)
ISSN 2335–2035 (online)

Mokslinių straipsnių rinkinys
VISUOMENĖS SAUGUMAS IR VIEŠOJI TVARKA
PUBLIC SECURITY AND PUBLIC ORDER
2015 (13)   Scientific articles

States to report that return migration in terms of citizenship accounted for a share that was higher than 50%. By contrast, Luxembourg, Cyprus, Italy and Austria reported relatively low shares, as return migration in terms of citizenship in 2012 accounted for less than 10 % of all immigration. (See Figure 2.)

Information on citizenship has often been used to study immigrants with a foreign background. However, since citizenship can change over time, it is also useful to present information by country of birth. The relative share of native-born immigrants within the total number of immigrants was highest in Romania and Lithuania (both 79 % of all immigrants), followed by Latvia (72 %), Portugal (64 %) and Poland (55 %). By contrast, Luxembourg, Cyprus, Spain, Italy and Austria reported relatively low shares with return migration in terms of the country of birth accounting for less than 10 % of total immigration in 2012.

In 2012, Luxembourg reported the largest share of immigrants coming from another EU Member State (92 % of all immigrants), followed by Slovakia (82 %) and Romania (81 %); relatively low shares were reported by Sweden (34 % of all immigrants), Italy (33 %) and Slovenia (24 %).

Regarding the gender distribution of immigrants to the EU-27 in 2012, there were slightly more men than women (52 % compared with 48 %). The country reporting the highest share of male immigrants was Slovenia (61 %); by contrast, the highest share of female immigrants was reported in Cyprus (67 %). (See Figure 3.)
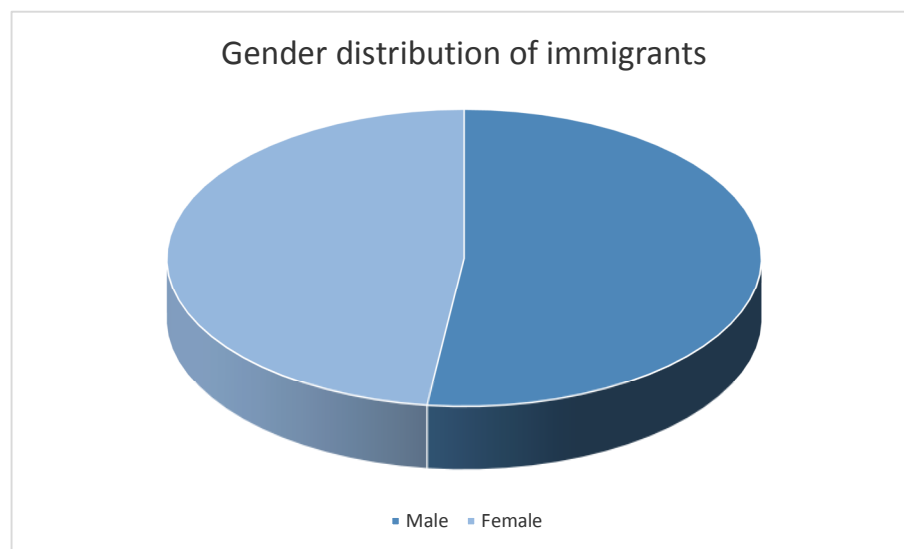

Figure 3. Gender distribution of immigrants

Immigrants into EU-27 Member States in 2012 were, on average, much younger than the population already resident in their destination. On 1 January 2013, the median age of the EU-27 population was 42 years, while the median age of immigrants in 2012 ranged from 26 years (in the United Kingdom) to 40 years (in Bulgaria)".[5]

"Migration is considered to be one of the defining global issues of the early 21st century, as more and more people are on the move today than at any other point in human history.

Migrants constituted 3,1 % of the world's population in 2012"[6]. In other words, one out of every 33 persons in the world today is a migrant (whereas in 2000, one out of every 35 persons was a migrant). "The percentage of migrants has remained relatively stable as share of the total population, increasing by only 0,2 % (from 2,9 % to 3,1%) over the last decade. However, the percentage of migrants varies greatly from country to country. Countries with a high percentage of migrants include Qatar (87 %), the United Arab Emirates (70 %), Jordan (46 %), Singapore (41 %) and Saud Arabia (28%)".[7]

Migration is now more widely distributed across more countries. Today, the top 10 countries of destination receive a smaller share of all migrants then at 2000.

Global population growth differs between developed and developing countries. In the developed countries, the current annual rate of growth is less then 0.3 % while in the rest of the world the population in increasing almost six times as fast. Demographic changes affect international migration in two ways: rapid population growth combined with economic difficulties push people to move out of their habitat, and a declining and ageing population pressures countries to accept migrants.

Sustained low fertility in developed countries produces a rapidly ageing population. The 'smaller and older' population projected for developed countries over the next 50 years may enhance possibilities for greater mobility of people, in part as the demand for care workers increases.

For example, the population of Italy is projected to decline from the current 57 million to 41 million by 2050. Similarly, the population of Japan is projected to decline to 105 million

---

[5] Europe in figures - Eurostat yearbook
http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Europe_in_figures_-_Eurostat_yearbook: (2014)
[6] Fundamental rights training for border guards
http://frontex.europa.eu/assets/Publications/Training/Fundamental_Rights_Training_for_Border_Guardsl.pdf: (2013).
[7] Fundamental rights training for border guards
http://frontex.europa.eu/assets/Publications/Training/Fundamental_Rights_Training_for_Border_Guardsl.pdf: (2013).

ISSN 2029–1701 (print)
ISSN 2335–2035 (online)

Mokslinių straipsnių rinkinys
VISUOMENĖS SAUGUMAS IR VIEŠOJI TVARKA
PUBLIC SECURITY AND PUBLIC ORDER
2015 (13)   Scientific articles

by 2080 from the current 127 million. While not a solution on its own, one way to address this reality might be to facilitate migration.

Nevertheless, few countries have a defined and articulated migration policy. Migration is difficult to manage without a policy structure established to guide managers. Yet even countries that do have a coherent migration policy backed by legislation often experience serious difficulties in managing migration.

Some critics of public policy, particularly in the developed countries, have characterized the period from the mid-1970s to the present time as a quarter-century of migration mismanagement. Moreover, the large-scale movements have not ceased, and irregular migration has become one of the major issues of our time. Migrant smuggling now matches drug trafficking as a major source of income for organised crime. Trafficking in human beings is a significant worldwide concern. Migration has moved up the scale of important issues facing the countries of the developed world to the top of the policy agenda of the G8 countries.

With today's transportation and telecommunications, more people are able to move. The poor and disadvantaged can now watch live the wide disparity between their standard of living and that of the richer people in the world. They need to provide for their families and understandably seek work to escape poverty. The demand for lower skilled labour is high in many developed countries, which creates pull factors for migrants. At the other end of the skills scale, with economic globalisation and the proliferation of international business, there is also increasing demand for the mobility of professionals. The financial crisis in Europe has also meant an increase in the number of Europeans seeking work beyond the EU. For example, according to the Office for National Statistics (United Kingdom), approximately, 350 000 emigrants left the United Kingdom in 2012. The challenge for all countries is how to regulate and manage these large-scale migratory movements.

THE GROWTH OF INTERNATIONAL MIGRATION AND ITS CONSEQUENCES

The Maastricht Treaty brought together immigration policies, police and judicial cooperation, ensuring that these issues should not be treated as rights and freedoms of citizens, but as issues related to security. The regular meetings of the political sphere between the ministers of justice and home affairs, tended to produce non-binding resolutions and recommendations, instead of consolidating and effective joint actions or decisions. The easing of travel restrictions on third-country nationals to study in the European Union, a transit visa

ISSN 2029–1701 (print)
ISSN 2335–2035 (online)

Mokslinių straipsnių rinkinys
VISUOMENĖS SAUGUMAS IR VIEŠOJI TVARKA
PUBLIC SECURITY AND PUBLIC ORDER
2015 (13)   Scientific articles

system common to all Member States, a uniform format for residence permits and burden sharing with regard to admission and residence of refugees, were some of the few joint actions of major reference.

In October 1999 and in line with the goals of the Amsterdam Treaty, the Tampere European Council defined the following basic elements of European immigration policy:

- Comprehensive approach to the management of migration (the police must cover migration meeting the needs of the European economy as well as the protection of asylum).

- Nationals of third countries should, when possible, have equivalent rights to nationals of the Member State in which they live.

- Creation of partnerships with the origin countries including policies of co-development.

- Need for a common asylum policy that fully respects the terms of the Geneva Convention and the obligations of Member States under international treaties.

Between 2000 and 2001, the Commission issued a series of legislative proposals, such as common rules for non-EU citizens working in the EU, the right of third country nationals to family reunification programs and technical and financial assistance to third countries on immigration and asylum. Also adopted a directive that established minimum standards for temporary protection of displaced persons on grounds relating to environmental disasters, persecutions on political or economic reasons. Later, in January 2003, the Council adopted a Directive laying down minimum standards of reception for asylum seekers. In June 2008 the Commission adopted an Action Plan on Asylum, which provides and clearly defines the way it was intended to give the asylum policy of the European Union.[8]

The European Union can now define how the Member States grant asylum and temporary protection visas to nationals of third countries.

Most Western European states have felt some difficulty since 1980, to prevent the entry of asylum seekers, refugees for economic and political and illegal immigrants, why is recognized today the European continent, the continent as a multiethnic. In the mid nineties, 6% of EU residents were racial minorities, ethnic or religious. In the 90s, Europe became embroiled in a wave of asylum demands for political reasons, and especially war-related economic problems of citizens from the former Yugoslavia, Ethiopia, Somalia, Afghanistan and the region Great Lakes, especially in Burundi and Rwanda. It is estimated that in 2001

---

[8] European Commission (Available at: http://translate.google.pt/translate?hl=pt-PT&langpair=en%7Cpt&u=http://ec.europa.eu/home-affairs/policies/asylum/asylum_intro_en.htm: (2011)

ISSN 2029–1701 (print)
ISSN 2335–2035 (online)

Mokslinių straipsnių rinkinys
VISUOMENĖS SAUGUMAS IR VIEŠOJI TVARKA
PUBLIC SECURITY AND PUBLIC ORDER
2015 (13)   Scientific articles

alone, the Union has registered a total of 366,269 asylum applications in greater numbers requested to Germany with 88,363, followed by Britain with 70,135 requests.[9] Today, Europe is home to approximately 8% of indigenous and about 6.5% of minorities in immigration status.[10] In response to changing patterns of global migration, European governments have chosen to promote policies of social integration of minority populations through the application of the principle of equal opportunities, the greater proximity and greater control of immigration and asylum. In the 1990s, organized crime also increased in the European Union[11]. Environmental crime, money laundering, corruption, drug trafficking and terrorism are issues that are part of organized crime that usually occurs in areas outside our borders.

At the beginning of the century XXI, has witnessed a growing internationalization of organized crime, with profits obtained of crime committed in another state, contributing to this, the increasing mobility of its authors. It also helped not only the development of technological means, but also the abolition of frontiers in the field of customs control and movement of people.

The absence of border controls within the internal market, has not facilitated the increase of migration and organized crime. The increased migration of fact, when there was the collapse of communism, the Balkan wars and crises in North, East and Central Africa. Similarly, organized crime in Europe is linked to the globalization of capital flows and national policies practiced by the various EU Member States, especially as regards the liberalization of laws on soft drugs like cannabis. The lack of physical controls on the movement of goods, services and people, has made it difficult for national governments, the pursuit of independent policies to control migration and international crime[12].

The changing nature of European society and cross-border crime, made the European Union created by Decision 2007/125/JHA of the Council for the period 2007 to 2013, a specific program "Prevention, Preparation and Consequence Management on terrorism "as part of the" Safety and protection of freedoms ", to support projects on preventing and combating crime, organized or not. This program has as main objective to prevent and combat crime, including terrorism, drug trafficking, human trafficking, arms trafficking, corruption

---

[9] MIGRANTS (Available at: http://imigrantes.no.sapo.pt/page3refugiados.html): (2011)
[10] EUROPEAN PARLIAMENT (Available at: http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+P-2010-0868+0+DOC+XML+V0//PT) (2011)
[11] SOYSAL in HIX, Simon; "The Political System of the European Union"; The European Union series, ed. Palgrave Macmillan, New York, 2005
[12] SOYSAL in HIX, Simon; "The Political System of the European Union"; The European Union series, ed. Palgrave Macmillan, New York, 2005

ISSN 2029–1701 (print)
ISSN 2335–2035 (online)

Mokslinių straipsnių rinkinys
VISUOMENĖS SAUGUMAS IR VIEŠOJI TVARKA
PUBLIC SECURITY AND PUBLIC ORDER
2015 (13)   Scientific articles

and fraud. It includes five major areas: crime prevention, law enforcement, protection and support to witnesses and protection of victims. It aims to develop greater coordination and cooperation between various authorities and bodies of the EU, to promote best practices on protection of victims and witnesses and to develop an integrated and closer, strategies for preventing and combating crime, ensuring greater security in Europe.

The Treaty of Rome established the free movement of persons, based on the fundamental objectives of the European Economic Community. However, those rights are not fully applicable to third-country nationals, even if they are married to EU citizens.

On the other hand, the Treaty of Rome allowed any Member States to refuse the entry to another EU citizen, for reasons related to threat to national security, public order or public health. Based on this pleading, the Member States maintained their border controls within the European Union. Later, in 1985, the Member States approved a document *"Completing the Internal Market"* (White Paper from the Commission to the European Council - Milan, 28-29 June 1985), which suggests the complete elimination of internal border controls since December 1992.

However, were taken by the Council several measures to remove controls on the free movement of goods, until that date, however, little was done in the removal of controls on the free movement of people, because most Member States were reluctant to remove these controls without harmonized rules, such as visa requirements and common policies on asylum.

Due to the demanding of unanimity, the Council failed to reach agreement on such rules on that date. Meanwhile France, Germany, Belgium, Netherlands and Luxembourg in 1985 signed the Schengen Agreement which provides for the abolition of border controls between signatory states. The intent of the Schengen Agreement was to create an area without travel restrictions, in which border controls among the participating countries were eliminated and there was greater cooperation in combating transnational crime.

Later, the Schengen Agreement was incorporated into cooperation agreements with the EU that today includes all EU countries except Ireland, United Kingdom, Cyprus, Romania and Bulgaria.

Since 1954, all Nordic countries are members of the Nordic Passport Union Nordic, which also provides an area with no travel restrictions which include Iceland, Denmark, Sweden, Finland and Norway. When the Nordic EU members - Denmark, Sweden and

ISSN 2029–1701 (print)
ISSN 2335–2035 (online)

Mokslinių straipsnių rinkinys
VISUOMENĖS SAUGUMAS IR VIEŠOJI TVARKA
PUBLIC SECURITY AND PUBLIC ORDER
2015 (13)   Scientific articles

Finland - joined the Schengen Agreement, Norway and Iceland had to reach an agreement with the Schengen countries, in order to retain Passport Union of Nordic Countries.

In 1999, Norway then concluded an agreement with the EU on its association with the Schengen Agreement. This agreement allowed Norway to take part in the planning of new laws on the implementation, application and further development of the regulations of Schengen.

In order to create an area with a common external border and with no internal border controls, all the participating countries establish identical entry requirements. This means, for example, they must have common rules on visa requirements for nationals of third countries.

On the other hand, visitor visas are generally valid in all Schengen countries. Moreover, all countries included in the agreement, must rely on the ability of other countries to carry out satisfactory border checks, being vital a bigger and better police cooperation among the several states of the European Union.

Table 1. Migrants and Perceived Security Threat by Type. Source: Adapted from WEINER, Myron, The Global Migration Crisis: Challenge to States and to Human Rights, Londres, Addison Wesley Publishing Company, 1995: 105-106.

	THREATS
Refugees and Migrants	For the relationship between country of origin and destination (especially when opposing the regime of the country of origin)
	Political or security risk in the country of destination
	For the dominant culture and identity in the country of destination
	Social and economic problem for the country of destination (pressure in the systems of human development)
	Manipulation against the country of origin by the society or country of destination
Illegal Immigrants	Pressure of the economic system and social protection, jeopardizing the financial capacity of the host State, generated high levels of economic dependence.
	Can integrate or protect criminal gangs trafficking in human beings
	South-North complex relations, given its origin, mostly from politically unstable areas
Terrorists	Circulation of information of ideological groups that mobilize masses (economically and socially excluded groups, second and third generation immigrants)
	Difficulty of controlling the movement of suspicious persons

The new world order, sustained in a greater mobility of people and goods, has necessarily implications on the perceptions of insecurity.

When the construction of a political identity is challenged by a group, this tends to be securitized[13]. It is in this contextual universe that the concept of risk arises (uncertainty rendered probability), associated with unwanted situations of insecurity, with levels of uncertainty of variable probability[14]. Hence the greater or lesser threats are built not with the legal status that a foreigner has in the host country, being legal or illegal immigrant, but mainly with issues related to the nationality, religion or even "representations of the Other." Who's afraid of a Luxembourgish citizen illegally in the U.S.! (See Table 1.)

The phenomenon of globalization, associated to the freedom of people and good's movement, led to the establishment of priorities for safety, including the need to produce policies, able to unite all the concerns inherent to that phenomena[15].

The Schengen area is an important achievement in Europe's development as a space of open borders. Freedom of movement means that every person has the right to cross internal borders at any point, being unnecessary border controls[16]. Thus an illegal entry anywhere in the territory, gives "threat's" circulation an easier dynamic of movement.

It is in this context that police and internal security policy wins the expression, instrument of European integration, especially targeted for risk minimization, which had its most important landmark and founder in 1976 in Rome, with the creation of the called TREVI Group, as a result of an intergovernmental forum of ministers responsible for internal security of each of the Member States.

The so-called TREVI Group, so named, alludes to a project called "*Terrorisme, Radicalisme, Extremisme et Violence Internationale*" as a response to the inability and weaknesses then expressed by INTERPOL, given the new threats and challenges that the United States would have to face, relating to terrorism originated from the Middle East.

This Group, given its importance, quickly gained emphasis on developing new programs of cooperation. As their skills were expanding to other Internal Security domains, and as a way to give a more qualified answer in its different areas, was finally created a

---

[13] Sarmento, Cristina Montalvão, *Política & Segurança. Novas Configurações do Poder*, ISCPSI-CHC, Lisboa, 2009, pp. 62-63.

[14] Rodrigues, Teresa Ferreira, *Dinâmicas Migratórias e Riscos de Segurança em Portugal*, IDN, Lisboa, Novembro 2010, pp. 34, in HANSSON, Sven Ove, "Risk", *Stanford Encyclopedia of Philosophy,* Stanford, 2007.

[15] Oliveira P., *O Imigrante Tipo em Portugal: Definições Conceptuais e Metodologias de Abordagem*, Dissertacao de Mestrado em CPRI – Globalizacao e Ambiente, FCSH – UNL, 2009.

[16] Seniutiené D., Oliveira P., *Challenges to regional security: Public Security and Public Order*: scientific articles (8) / University of Mykolas Romeris of Faculty of Public Security: University of Mykolas Romeris, Kaunas. ISSN 2029-1701, ISSN 2335-2035 (Online)

ISSN 2029–1701 (print)
ISSN 2335–2035 (online)

Mokslinių straipsnių rinkinys
VISUOMENĖS SAUGUMAS IR VIEŠOJI TVARKA
PUBLIC SECURITY AND PUBLIC ORDER
2015 (13)   Scientific articles

support structure consisting of several levels of specialized intervention. The TREVI 1 directed to the fight against terrorism. The TREVI 2 devoted to the maintenance of Public Order issues and TREVI 3 devoted to transnational crime, particularly for drug trafficking. The Ministers responsible for Internal Security area of each of the Member States ensured the first level, through a rotating presidency.

The second level to senior officials and the third level to experts. The latter held responsibilities on the technical work level, creating proposals subjected to interministerial decision after consulting senior officials.

Later, with the signature of the Single European Act, was created specifically with the aim of evaluate the impact of the open borders and propose appropriate and achievable solutions, due to a better security, the TREVI 92.

In fact, the structure of TREVI cooperation, despite its limitations, made it closer even more the communitarian states, through various forms of cooperation, including the exchange of liaison officers between security and services forces, to carry out joint training actions in an attempt to further standardization of procedures, knowledge sharing and exchange of experiences, through harmonization of national laws, mainly related to technical and scientific cooperation, drug trafficking and the creation of an European unit of information.

The Protocol Implementing the Schengen Agreement was a result led largely by subgroup TREVI 92, as a forum for defining new measures resulting from the abolition of internal borders of the European Union.

On 1 November 1993, with the entry into force of the Treaty on European Union, the TREVI Group, as well as others, including the "*Ad Hoc Group Immigration*," was included in the "*K4 Committee*", under the Treaty of Maastricht within the framework of justice and home affairs cooperation.

After the *World Trade Center* attacks, European politicians deeply realize the necessity of building a real European security policy, shared by the will of European citizens. After the Madrid bombings on 11 March 2004 and London on 7 July 2005, became even more robustly demonstrated that no country was safe from terrorist's threat and that the most appropriate strategy would be greater police cooperation expressed in a joint action.

Given this need, were created over the years specific bodies of police and judicial cooperation in criminal matters, such as EUROPOL (European Police Office), CEPOL (European Police College) and Eurojust (European Judicial Cooperation Unit), relevant expression of the deepening of police and judicial cooperation of the Union.

ISSN 2029–1701 (print)
ISSN 2335–2035 (online)

Mokslinių straipsnių rinkinys
VISUOMENĖS SAUGUMAS IR VIEŠOJI TVARKA
PUBLIC SECURITY AND PUBLIC ORDER
2015 (13)   Scientific articles

This cooperation has also been developing at the external relations level of the European Union, through international agreements, such as with the United States, on extradition, signed in Washington on 25 June 2003, or with countries neighbors of the Union, under the European Neighborhood Policy (ENP), launched by the European Council in Thessaloniki in June 2003, with the aim of the joint management of the fight against terrorism and migration flows.

Still in the field of police cooperation, it is also noted the establishment of COSI - Operational Cooperation on Internal Security Matters, by Council Decision 2010/131/EU of 25 February 2010, giving prominence to the prediction of Article 71 of the Treaty on the Functioning of the European Union (TFEU) which provides for the establishment, in the Council, a Standing Committee to ensure in the Union the promotion and strengthening of operational cooperation on internal security, applicable in all actions permissible within the framework of police and customs and help to ensure further consolidation in the action of other organs, including Eurojust, Frontex and Europol.

MIGRATION, HUMAN RIGHTS AND ROLES OF BORDER OFFICIALS

When people cross their country's border, they might not know it yet, but the world no longer sees them as it did before. They have a special label or status now: they are migrants. And because of this, they will often find themselves in an inferior position to those around them, who hold the passport of the country in which they live.

Whatever the circumstances in which they travel, those who become migrants typically move in a new, unfamiliar, and less secure world. Whether they have entered with an authorisation or they are undocumented, migrants will generally find their rights diminished in comparison with the citizens of their country of residence. The degree to which those rights are violated, and the degree to which migrants are excluded from legal protection or redress, varies widely from jurisdiction to jurisdiction. A "legal" migrant may face workplace violence or sub-standard working conditions and a lack of labour rights protection and be fearful of claiming legal protection because a supervisor threatens dismissal and subsequent loss of a work permit. A refugee may become caught in the complex, long, and often arbitrary maze of a refugee qualification procedure, during which rights are curtailed and the applicant is suspended in a legal limbo without identity. Most vulnerable will be the undocumented migrant. People finding themselves in this situation, while having a nominal entitlement to their human rights, effectively lack, because of their fear of being identified and deported, any

ISSN 2029–1701 (print)
ISSN 2335–2035 (online)

Mokslinių straipsnių rinkinys
VISUOMENĖS SAUGUMAS IR VIEŠOJI TVARKA
PUBLIC SECURITY AND PUBLIC ORDER
2015 (13)   Scientific articles

opportunity to vindicate those rights, or to access the remedies which should protect them.[17] They risk exposure to economic or physical exploitation, to destitution, and to summary return to their country of origin, where some may face danger to their safety or even to their life.

There is, as will be described, a multitude of reasons to migrate.[18] For irregular migrants however, who enter a country in an undocumented fashion or stay there after expiration of a permit, an almost constant factor is that the motivation not to be sent back to their country of origin is so strong that they are prepared to accept many hardships and denials of rights. Whether someone migrates to escape war, famine, persecution, natural catastrophes, economic depression, or just to find a better chance for a better life, the person often finds the insecurity, restrictions and sometimes destitution of their situation in the country of destination preferable to that at home. Many have no choice but to leave. Those with some limited choice are prepared to risk losing their rights, for a fighting chance of thereafter gaining them. This is the human condition that migration policies and laws struggle with, manage and sometimes exploit.

Migration is a highly charged and contested political issue in most destination States. Control of national borders is seen as an essential aspect of the sovereign State. National political debates on migration or migrants can be a flashpoint for political and social anxieties about security, national identity, social change and economic uncertainty. These political battles are also manifested in national law, which sets the framework within which migrants' human rights are threatened. States adopt increasingly restrictive rules, often fuelled by popular hostility to immigrants. Such policies and laws, restricting legal migration, often have the effect of increasing the proportion of undocumented migrants, whose vulnerability to exploitation and abuse is acute. There are therefore essential interests at stake for both the individual and the State.

Human rights, as they are guaranteed in both national and international law, have an essential role in protecting migrants caught up in these powerful forces. The Global Migration

---

[17] Global Group on Migration (GMG), Statement on the Human Rights of Migrants in Irregular Situation, 30 September 2010, http://www.globalmigrationgroup.org/pdf/GMG%20Joint%20Statement%20Adopted%20 30%20Sept%202010.pdf. (2011)
[18] IACHR, Second Report of the Special Rapporteurship on Migrant Workers and Their Families in the Hemisphere, OAS Doc. OEA/Ser.L/V/II.111, Doc. 20 rev., 16 April 2001

ISSN 2029–1701 (print)
ISSN 2335–2035 (online)

Mokslinių straipsnių rinkinys
VISUOMENĖS SAUGUMAS IR VIEŠOJI TVARKA
PUBLIC SECURITY AND PUBLIC ORDER
2015 (13)   Scientific articles

Group[19] recently recalled that the "fundamental rights of all persons, regardless of their migration status, include:

- The right to life, liberty and security of the person and to be free from arbitrary arrest or detention, and the right to seek and enjoy asylum from persecution;

- The right to be free from discrimination based on race, sex, language, religion, national or social origin, or other status;

- The right to be protected from abuse and exploitation, to be free from slavery, and from involuntary servitude, and to be free from torture and from cruel, inhuman or degrading treatment or punishment;

- The right to a fair trial and to legal redress;

- The right to protection of economic, social and cultural rights, including the right to health, an adequate standard of living, social security, adequate housing, education, and just and favourable conditions of work; and

- Other human rights as guaranteed by the international human rights instruments to which the State is party and by customary international law."[20]

"All these rights are human rights to which all persons, without exception, are entitled. Persons do not acquire them because they are citizens, workers, or on the basis of a particular status. No-one may be deprived of their human rights because they have entered or remained in a country in contravention of the domestic immigration rules, just as no-one may be deprived of them because they look like or are "foreigners", children, women, or do not speak the local language. This principle, the universality of human rights, is a particularly valuable one for migrants. The reality, however, is that rights are illusory if there is no way to claim their implementation. A national legal system that can provide effective access to justice and remedies for violations of human rights is therefore essential.

The whole apparatus of legal standards, lawyers, judges, prosecutors, legal practitioners and activists must operate effectively to provide migrants with legal remedies for violations of

---

[19] The Global Migration Group (GMG) is an inter-agency group bringing together heads of the International Labour Organisation (ILO), the International Organisation for Migration (IOM), the Office of the High Commissioner for Human Rights (OHCHR), the UN Conference on Trade and Development (UNCTAD), the UN Development Programme (UNDP), the UN Department of Economic and Social Affairs (UNDESA), the UN Education, Scientific, and Cultural Organisation (UNESCO), the UN Population Fund (UNPF), the UN High Commissioner for Refugees (UNHCR), the UN Children's Fund (UNCF), the UN Institute for Training and Research (UNITR), the UN Office on Drugs and Crime (UNODC), the World Bank and UN Regional Commissions.
[20] GMG, Statement of the Global Migration Group on the Human Rights of Migrants in Irregular Situation, op. cit., fn. 1.

ISSN 2029–1701 (print)
ISSN 2335–2035 (online)

Mokslinių straipsnių rinkinys
VISUOMENĖS SAUGUMAS IR VIEŠOJI TVARKA
PUBLIC SECURITY AND PUBLIC ORDER
2015 (13)   Scientific articles

their human rights. Migrants generally – and undocumented migrants especially – do not have easy, if any, access to an effective legal remedy for redressing human rights violations. Most of the time, national legislation will not provide them with a remedy, or will create many obstacles to its access, such as the threat of an automatic expulsion or deportation once the migrant contacts the authorities. In this world, migrants have rights, but no or little way to make use of them or ask for their respect. They are legally voiceless.

International law – and, in particular, international human rights law and international refugee law – may provide an, albeit incomplete, answer to the problem. States' legal systems are becoming increasingly open to the influence of international law. In many countries it is now possible to invoke, in one way or another, international law in domestic courts in order to claim the respect and implementation of human rights, including for migrants. Even in countries where that is not possible, or when the international human rights law claim has failed in the national system, if the country is a party to an international or regional human rights treaty, it is often possible to challenge the State at the international level for its failure to do so. International law can be a powerful tool for change: either for the actual situation of the individual migrant, through redress in domestic courts, or for the advancement of policy or laws that can ameliorate migrants' situation, through claims before international mechanisms.

Border officials have the positive responsibility to process every migrant going through a crossing or entry point. This task requires the border guard to be able to communicate effectively with a wide variety of people, to be familiar with the legal framework involved in this task, and to know the type of assistance people may require and be entitled to and how to proceed. Under international law, border guards have the duty to recognise and respond in a protection-sensitive and rights-based approach to persons who present themselves at the border and who may wish and / or need to seek international protection. In addition, border officials have the responsibility to identify persons with other protection needs (i.e. trafficked persons) and take immediate action in that regard. To this end, it is essential that they build links with national referral institutions, that they know their mandates well and that they have their coordinates at hand".[21]

---

[21] Fundamental rights training for border guards
http://frontex.europa.eu/assets/Publications/Training/Fundamental_Rights_Training_for_Border_Guardsl.pdf:
(2013).

CONCLUSION

Migration is a human phenomenon. It is not a problem, nor is it a criminal activity. IT is as old humanity. Immigration to Europe, in one form or another, is a reality and will continue to be so in the future. Globalization, together with more accessible means of transport, has significantly improved the opportunities for mobility. There are different reasons why people move to the EU. At the same time increased and the scale of illegal migration.

In this context, with the progressive increase in complexity, the European police cooperation, is profiling itself as a facilitator and indispensable instrument in controlling mobility and on the establishment of harmony among the several Union's States, thereby providing better quality of life for its citizens, being concomitantly, a crucial piece to the success of the European integration process, the only way to make Europe a relevant partner in a new World's configuration, whose main outlines are already stemmed quite clearly.

What the future will bring as regards law enforcement authorities' cooperation is difficult to predict. Given that globalization is more likely to increase overall in many areas rather than decrease, there is every reason to assume that the globalization of law enforcement authorities' cooperation will also continue. This will in the first instance involve the expansion and refinement of the existing types of cooperation. This is because the EU Treaty's offers opportunities to organize law enforcement authorities' cooperation not only from a more operation point of view than at present but also to make it more mandatory for the Member States.

One of the core objectives of the European Union is to provide its citizens with a high level of security within an area of freedom, security and justice. That objective is to be achieved by preventing and combating crime through closer cooperation between law enforcement authorities in the Member States, while respecting the principles and rules relating to human rights, fundamental freedoms and the rule of law on which the Union is founded and which are common to the Member States. For lawyers, judges, public officials, human rights defenders, or for migrants themselves, to better understand the international human rights of migrants and the means to claim their respect or implementation at the national and international levels need to have common Guide.

REFERENCES

1. Apap J. Justice and Home Affairs in the E.U. Anderson M. The Transformation of Border Controls: What is different about Europe? – Great Britain: MGP Books Ltd, 2000

ISSN 2029–1701 (print)
ISSN 2335–2035 (online)

Mokslinių straipsnių rinkinys
VISUOMENĖS SAUGUMAS IR VIEŠOJI TVARKA
PUBLIC SECURITY AND PUBLIC ORDER
2015 (13)   Scientific articles

2.   Building an open and safe Europe http://europa.eu/pol/index_en.htm: Europe 2020: Europe's growth strategy; 2013 Brussels

3.   Communication from the Commission to the Council and the European Parliament – Area of Freedom, Security and Justice: Assessment of the Tampere programme and future orientations, COM (2004) 4002

4.   European Commission (Available at: http://translate.google.pt/translate?hl=pt-PT&langpair=en%7Cpt&u=http://ec.europa.eu/home-affairs/policies/asylum/asylum_intro_en.htm: (2011)

5.   Europe in figures - Eurostat yearbook http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Europe_in_figures_-_Eurostat_yearbook: (2014)

6.   European Parliament (Available at: http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+P-2010-0868+0+DOC+XML+V0//PT) (2011)

7.   Fundamental rights training for border guards http://frontex.europa.eu/assets/Publications/Training/Fundamental_Rights_Training_for_Border_Guardsl.pdf (2013)

8.   Global Group on Migration (GMG), Statement on the Human Rights of Migrants in Irregular Situation, 30 September 2010, http://www.globalmigrationgroup.org/pdf/GMG%20Joint%20Statement%20Adopted%2030%20Sept%202010.pdf. (2011) // GMG, Statement of the Global Migration Group on the Human Rights of Migrants in Irregular Situation, op.cit., fn. 1.

9.   Population by citizenship – Foreigners http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&language=en&pcode=tps00157&plugin=1; (2013)

10.   Migrants (Available at: http://imigrantes.no.sapo.pt/page3refugiados.html): (2011)

11.   Rodrigues T., Dinamicas Migratorias e Riscos de Seguranca em Portugal, IDN cadernos, No. 2, Lisboa, 2010, pp. 34

12.   Sarmento, Cristina Montalvão, Politica & Segurança. Novas Configurações do Poder, ISCPSI-CHC, Lisboa, 2009, pp. 62-63

13.   Seniutienė D., Migration processes of accession to the Schengen Area/ Security of Society and Public Order : Proceedings of scientific articles (4) / MRU. p. 186-201. ISSN 2029-1701

14.   Seniutienė D., Oliveira P., Challenges to regional security: Public Security and Public Order: scientific articles (8) / University of Mykolas Romeris of Faculty of Public Security: University of Mykolas Romeris, Kaunas. ISSN 2029-1701, ISSN 2335-2035 (Online)

15.   Seniutienė D., Greičius S., The Schengen Convention influence on Lithuanian Border Organization – Jurisprudencija 73 (65), Vilnius 2005, ISSN 1392-6195

16.   SOYSAL in HIX, Simon; "The Political System of the European Union"; The European Union series, ed. Palgrave Macmillan, New York, 2005

17.   The Treaty of European Union (Maastricht Treaty) Official Journal C, 2002-12-24, No. 325-5

18.   The Treaty of Lisabon Official Journal C 306, 2007

MIGRACIJA: TENDENCIJOS, DINAMIKA IR KRITINIAI ASPEKTAI

Danguolė Seniutienė*
Mykolo Romerio Universitetas

Paulo Fernando Violante de Oliveira**
Lisabonos universitetas, Portugalija

Santrauka

Text Migracija Europoje yra senas reiškinys. Norėdami pasinaudoti galimybėmis ir kartu atremti naujus iššūkius, atsiradusius šio tarptautinio mobilumo laikotarpiu, Europos Sąjunga kuria bendrą požiūrį į migraciją. ES sukūrė bendrą Europos prieglobsčio sistemą, siekiant apsaugoti tuo, kurie ieško prieglobsčio Europoje nuo persekiojimo ar didelės žalos pavojaus jų gimtojoje šalyje. Darbas šiose politikos srityse taip pat apima glaudesnį dialogą ir bendradarbiavimą su ES nepriklausančiomis šalimis.

Migracija į (iš) Europą, viena ar kita forma ir toliau išlieka dinamišku reiškiniu. Globalizacija, didėjantis transporto priemonių prieinamumas, žymiai pagerino mobilumo galimybes. Yra įvairių priežasčių, kodėl žmonės migruoja į (iš) ES. Tai skatina studijų ar mokslinių tyrimų galimybės, darbas, šeimų sujungimas (dalis imigrantų jau gyvena Europos Sąjungoje) ir pan. Tuo pačiu metu recesija, tiek žmogaus, tiek gamtos sukeltos stichinės nelaimės, paskatino žmones palikti savo kilmės šalis. Bendri mainai gali būti ne tik praradimas, bet ir pagalba sukuriant labiau tolerantišką aplinką.

Vienas iš migracijos neigiamų aspektų yra tai, kad kartais nutinka žmonės keliauja nereguliariai: galima atvykti teisėtai, turint trumpalaikes vizas ir laiku neišvykti. Taip pat galimas atvykimas ir pažeidžiant atvykimo procedūras ar patenkant į prekybos žmonėmis aukų ratą. Prekybos žmonėmis tinklai ir kontrabandininkai gali lengvai pasinaudoti dokumentų neturinčių asmenų bejėgiškumu. Juoda darbo rinka taip pat pritraukia nereguliarų migrantą. Nereguliarios migracijos visos formos turi būti analizuojamos, siekiant apsaugoti labiausiai pažeidžiamas sritis ir išlaikyti visuomenės pasitikėjimą migracijos politika. Valstybėse narėse, kur patikrinimų prie vidaus sienų buvo atsisakyta, ir kur galimas laisvas asmenų judėjimas ES, migracija negali būti valdoma tik vienoje šalyje. Labai svarbu, kad ES valstybės narės bendradarbiautų, kad tobulintų bendrą migracijos valdymo sistemą, adaptuojant naujausias tendencijas ir iššūkius.

Straipsnio tikslas yra apžvelgti migracijos tendencijas, dinamiką, įvardinti kritinius aspektus, susijusius su migracijos procesais ir pasiūlyti papildomų priemonių, siekiant pagerinti teisėsaugos bendros veiklos efektyvumą migracijos valdyme. Tyrimo metodologija. Siekiant atsakyti į nagrinėjamus klausimus, straipsnyje naudojami tyrimo metodai: analogija, apibendrinimas, kritiškai analizuojama mokslinė literatūra, taikomi istorinės analizės, sisteminės analizės, statistinės analizės, šaltinio turinio analizės, meta- analizės metodai. Daugiausia straipsnyje pasitelkiami duomenys iš mokslinės literatūros, tarptautinės ir ES teisės nuostatų, naudojami oficialūs duomenys iš Tarptautinės migracijos organizacijos metraščių (IMO), Eurostato, FRONTEX ir pan.

Keywords: migracijos procesai, sienos apsauga, žmogaus teisės, globalizacija.

Danguolė Seniutienė.* Mykolo Romerio universiteto Viešojo saugumo fakulteto Valstybės sienos apsaugos katedros lektorė. Mokslinių tyrimų kryptys: viešoji teisė, visuomenės saugumas.
Danguolė Seniutienė*, Mykolas Romeris University, Faculty of Public security, Department of State Border Guard Security, lektor, head insspector. Research interests: public law, public security.

Paulo Fernando Violante de Oliveira.* Tarptautinis Lusofonos universitetas, Portugalija. Mokslinių tyrimų kryptys: viešoji teisė, visuomenės saugumas, valdymas.
Paulo Fernando Violante De Oliveira **, Lusophone University, Portugal. Research interests: human resources, multiculturalism, Public Safety. .