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THE ROLE OF INFORMATION AND LEGAL TECHNOLOGIES IN DETECTING AND COUNTERACTING ILLEGAL MIGRATION IN EU

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SUMMARY

The article is devoted to the consideration of the application of biometric technologies, the European system of information and travel authorizations in detecting and counteracting illegal migration. The author draws attention to the fact that these technologies are an essential prerequisite for maximizing the security of citizens of the EU.

Key words: information technology, biometric technologies, data system, illegal migration, EU.

РОЛЬ ИНФОРМАЦИОННО-ПРАВОВЫХ ТЕХНОЛОГИЙ В ОБНАРУЖЕНИИ И ПРОТИВОДЕЙСТВИИ НЕЗАКОННОЙ МИГРАЦИИ В ЕС

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АННОТАЦИЯ

Статья посвящена рассмотрению применения биометрических технологий, европейской системы получения информации и разрешений на поездки при выявлении и противодействии нелегальной миграции. Автор обращает внимание на то, что эти технологии являются необходимой предпосылкой обеспечения максимальной безопасности граждан ЕС.

Ключевые слова: информационные технологии, биометрические технологии, система данных, нелегальная миграция, ЕС.

Formulation of the problem. The modern world is characterized by a high level of global mobility, ties, interdependence. Modern realities challenge us and the development of information systems, strengthening their security, reliability.

First of all, there are special needs for their integration at the national level, possible unification between countries, and not only at the level of border control, but also for solving common migration problems.

The globalization of the world leads to the emergence of new technologies that affect all aspects of modern life. These changes not only facilitate human life, but also raise the issue of its security and security of the country as a whole.

In particular, today it is relevant to consider the use of bioinformatics technologies and the European Information System and Travel Authorization (ETIAS) in detecting and counteracting illegal migration.

Analysis of recent research and publications. Research questions of migration processes at various levels are investigated in the works as foreign, and Ukrainian researchers, among them N. Antoniuk, O. Bilyuk, I. Gritsiak, O.Grishnova, V.Ivaschenko, K.Iglichka, H. Zlotnik, S.Kasles, T.Klinchenko, V. Kovalenko, I. Kollet, V. Kopiika etc. However modern migration trends in Europe raises new problems related to illegal migration and the need to strengthen the protection of borders of the European countries, requiring careful study with a view to developing effective levers to influence the situation and to find ways the improvement in the area of movement of migratory flows.

The aim of the article is a review and assessment of the risks associated with individuals who are traveling on visa-free regime and is based on the analysis to propose activities that should be focused on maintaining and strengthening security in the Schengen area, and visitors who travel on the terms of visa-free regime will be able to take full advantage of their status.

The presentation of main material. The EU's migration policy today is carried out by such supranational political institutions as the European Council; European Commission, which develops legislative proposals; The Council of the European Union, which includes the Ministers of the Interior of the countries (the Council of Ministers);

The European Parliament, which has been empowered to decide on refugee policy since 2005.

Also, non-governmental organizations play a special role in the settlement of the migration crisis in modern times.

However, today one of the key issues is the issue of inconsistency between the activities of various EU political institutions and it is also important to establish permanent communication and consultation in the field of migration between non-governmental organizations and EU governments.

Today, the European Council is actively working on the development of new solutions that will enhance the protection of the EU's external borders, as more than 500 thousand migrants have arrived recently to the EU borders. In particular, special emphasis is placed on cooperation with Turkey on the development of a joint action plan for the suspension of refugee flows from the territory of this country.

Also in the issue of strengthening the protection of the external frontiers of the EU, the European Council is working on the gradual establishment of an integrated system for the management and control of these borders [1].

This implies an extension of the mandate of the EU External Border Agency, including the activities of the Rapid Reaction Groups in the event of border breaches.

The emphasis is also on harmonizing the mechanism for ensuring the return of illegal migrants to their countries of origin, in addition to creating and arranging refugee reception facilities, their identification and registration.

One of the options for settling the problem with migrants is the European Commission's quotas for the adoption of migrants by EU countries in proportion to their population, economy and standard of living.

In particular, the largest number of migrants should be accepted by Germany and France, and also the countries of Eastern Europe and the Baltic States should be involved. Nevertheless, there is also the problem of assimilating migrants to the community of residence, in particular the reluctance to join the cultural and social spheres of the country of migration.

In connection with this, the ethnic roots, cultural traditions, language are gradually being lost, which in turn leads to the loss of national identity.

The problem with irregular migrants and refugees exacerbates domestic political conflicts, in particular, nationalist organizations that claim that Europe has already lost most of its national traditions, and the current situation will further erode the identity of European nations.

The imperfect policy of integrating the emigre population into European society leads to an aggravation of relations between the indigenous peoples of European states and immigrants, the growth of anti-immigrant sentiment and mass protests by Europeans against the migration policies of national governments.

With the growing number of migrants from the Middle East, the influence of Islamic political parties on the political life of European countries is increasing, more and more at the regional and local levels. Radical Muslim youth continues to actively participate in street protests, and the rise of anti- Islamic mood in European society is increasing the popularity of ultra-right and nationalist parties in European countries.

Similarly, a sharp increase in crime-related situations in countries, the occurrence of terrorist acts, drug trafficking, trafficking in human beings and this list may further increase.

As we see, there are a lot of challenges today, as religion, education, environment, education and type of thinking are different, not perceived by the inhabitants of the host country or, conversely, migrants are not interested in gradual adaptation.

Accordingly, the unsettled nature of this problem also leads to an aggravation of interethnic and social problems. And the question of how the process of incorporating immigrant cultures from Syria and other Middle Eastern countries into European cultural space remains open.

Therefore, further research on the impact of innovative information technologies on monitoring, the recording of illegal migrants in the EU countries is promising, as today we are seeing an increase in the scale of migration, changing its character, forming new species, migration has turned into a sharply conflictual phenomenon.

Without corresponding databases, their services and integrated rapid response systems, which will involve state authorities, which will be given the authority to control the situations that will arise in the field of migration.

The state uses such an instrument of biotechnology as biometrics-recognition of a person on its natural biological characteristics that are individual for each person (for example, voice, handwriting, fingerprints, eye iris, DNA).

In accordance with the Technical Report of the International Civil Aviation Organization (ICAO) "On the Inclusion of Biometric Identification in Machine Designed Travel Documents", the term "biometric" or "biometric identification" means automated means for recognizing a living person by measuring physiological or behavioral characteristics [2].

The most widely used nowadays is the use of fingerprint recognition systems. This biometric technology today has the largest number of applications and applications from all biometric technologies.

As there are a number of benefits among them: the success of their use in various criminalistic, government and civilian applications; the fact that criminals often leave fingerprints at the scene of a crime; availability of large hereditary databases; affordability of compact and inexpensive fingerprint devices.

Dactyloscopy ("fingerprinting": from the Greek "daktylos – finger" and "skopeo – see") is a section of criminology that studies the structure of the skin patterns of the inner surfaces of the nail phalanges of the fingers and palms to identify the person, criminal registration and the pursuit of the offender [4].

At the end of the twentieth century, the operation of automated fingerprint identification systems (ADIS) began. Pioneers in the creation of united arrays of fingerprint information are Germany, Israel, Switzerland, France, Hungary and other countries. In Ukraine, the first automated systems are being introduced since 1992 in Luhansk, Kyiv, Mykolaiv regions, Kyiv and Crimea.

In the course of forensic research and during the comparison with the ADIS, a person is identified by the fingerprints available, and the person is verified when using biometric technologies to create security systems.

Using fingerprint biometric technologies is very popular in order to control the access to the computer and computer networks, so that the user does not need to remember the password, it is enough to scan the fingerprint.

However, biometric technologies based on the use of fingerprints also have disadvantages. Repeatedly in the media there were reports of successful attempts to falsify fingerprints for cracking security systems based on fingerprinting [5].

Therefore, in our opinion, in order to counter illegal migration in Europe, the use of multi-biometric systems, that is, those where identification is performed for two or more biometric parameters.

That is, there should be a clear distinction between which types of data technology to specific countries to apply. Of course, this should be worked out at the legislative level and international treaties on this issue should be concluded.

We believe that for countries in the Middle East, Africa and other countries belonging to the Muslim world, it is necessary to apply recognition systems behind the retina or iris, fingerprints, DNA, facial recognition and her voice.

So, the last two systems have a tangible advantage: video capture and audio recording do not require physical contact with the system and thorough positioning before registering the sensor. This, in turn, will reduce the level of personal data falsification or hacker attacks.

In our opinion, the use of biometric technologies has many advantages, the main ones being:

1. Total control and supervision of a person. According to human rights defenders, biometric technologies exacerbate human rights issues. A person will carry with him a document that will track her movement. The state will know everything – where we are, what we do, what our friends are, and so on. This technology can become a kind of instrument of total control and monitoring of a person by the state authorities.

2. Control over the state of human health. According to biometric data of a person, experts can determine the state of health of the individual, identify the congenital or acquired illness, objectively assess some of the abilities and predispositions of a person that can be used for different purposes: from the conclusion of medical insurance to discrimination in recruitment and, even blackmail

3. Manage the person through the chip. Biometric technologies have given the green light to the implantation of the identification chips directly into the human body, which makes it possible not only to control the chipped object, but also potentially manage it.

Today, at the international legal level, there are almost no special regulations regulating the legal principles of the application of biometrics in relation to human rights and freedoms. Appeal of citizens to court regarding the violation of their rights in this matter is singular and ends not in favor of the latter. So in October 2013, a German citizen M. Schwartz appealed to the EU court after being denied a passport without a mandatory fingerprinting procedure. The court found that the surrender and preservation of imprints contravened fundamental rights and freedoms, poses a threat to privacy and the preservation of personal data, but raising the level of security justifies similar measures.

In recent years, the migration crisis in Europe has not disappeared from the agenda. In resolving the issue of illegal migration, European countries were divided into two camps. The former include states that are unable to withstand the influx of refugees and take various measures to limit the number of migrants from the Middle East and Africa.

The other group of countries, by contrast, seeks to help migrants find their place in society, even though it entails significant economic costs and exacerbates the socio-economic situation within countries. Is the migration crisis threatening the security of European

citizens and is it possible, thanks to the joint efforts of the European community, to find a solution to this problem?

This issue is acutely facing the Europeans from 2016, in light of the huge migratory wave of immigrants from Syria and the Middle East.

On the background of these events, the European Parliament approved the creation of a new European Travel Information & Authorization System on July 5, 2018.

ETIAS is an automated electronic system aimed at identifying the potential risks associated with visitors from visa-free countries traveling to the Schengen area. All citizens of third non-visa countries intending to travel to one of the Schengen states will be forced to apply for authorization through the system before traveling.

Information collected through the system, in strict compliance with the fundamental rights and data protection principles, will improve the identification of potential risks associated with security and illegal migration.

Authorization for ETIAS is not a visa. Citizens of countries where visa liberalization has taken place will continue to travel without visas, but entry into the Schengen zone will necessarily require authorization.

The decision to approve the application for a trip to the EU or to reject it will be made on the basis of the system of preliminary checks.

A final decision to ban or authorize entry will always be taken by the national border control authorities under the Schengen Borders Code, but the prior authorization of visitors from third non-visa countries will simplify border checks and provide a coherent and consistent assessment of the risks associated with citizens of third countries, and significantly reduce the number of refusals to enter the border crossing points.

Accordingly, the question is how ETIAS will help to cope with the current informational gaps. At present, the relevant border and law enforcement agencies have very little information about those traveling under a visa-free regime, while they have enough information about those crossing the border with a visa [6].

ETIAS will provide a pre-screening of all who come from third non-visa countries and have a valid entry permit, and thus help identify those potentially posing risks associated with security or illegal migration before the arrival of these citizens to the border point, and to fill in information gaps for

citizens traveling under the visa-free regime, as this system will gather important data for the border authorities and law enforcement officers.

In accordance with the interoperability strategy proposed in the Explanation on more powerful and intelligent information systems for border authorities and security services of April 6, 2016, ETIAS has been developed on the basis of interoperability with existing systems and systems currently being developed, such as the System Entry / exit registration (EES).

The technical capabilities of the ETIAS information system will maximize the components of the EES hardware and software and its communication infrastructure. Information compatibility will also be ensured with other information systems that will be used by ETIAS (for example, the Visa Information System (VIS), Europol, Schengen Information System (SIS), Eurodac fingerprint database and European Register of Criminal Records Information System (ECRIS).

ETIAS and EES will have a common archive of personal data about third-country nationals, whereby additional data from ETIAS applications (for example, residence information, answering questionnaires, IP address) and the registry of EEI entries / departures will be stored separately, but will be linked in this single common identifier.

When checking and evaluating information provided by citizens to allow entry or deny such permission, the system will automatically cross-check each applicant's data in:

– Relevant existing EU information systems:

– the Schengen Information System (SIS),

– Visa Information System (VIS);

– Data from Europol (Europol);

– the Eurodac fingerprint database,

– Proposed future EU information systems:

– Entry / exit registration system (EES);

– European Criminal Records Information System (ECRIS).

– Relevant Interpol databases:

– Database of lost and stolen travel documents of Interpol (SLTD),

– Database of travel documents of persons wanted by Interpol (TDAWN);

– as well as a separate ETIAS check list (to be concluded by Europol).

ETIAS will provide the necessary information on security, illegal migration and threats to public health even before the person arrives at the Schengen area, thus significantly reducing existing information gaps and providing access to the data required by EU Member States to identify potentially disadvantaged persons and take measures even before they arrive at the external border of the Schengen zone.

Actually, due to better and more accurate identification of potential threats to the security of citizens of third non-visa countries, the arrival of these citizens on the Schengen border external border will improve the tracing of trafficking cases (in particular children), solve the problem of cross-border crime and, in general, simplify detection persons whose presence in the Schengen zone may pose a security risk.

ETIAS will therefore contribute to strengthening the security of citizens in the Schengen area and enhancing the level of internal security in the EU.

Data stored in ETIAS, in strict compliance with the fundamental rights and data protection principles, may also be provided, where appropriate, to Europol's law enforcement agencies for the prevention, detection or investigation of crimes related to terrorism or other serious crimes, as well as to identify the perpetrator who committed a terrorist act or other serious crime.

And no less important is the fact that ETIAS is not a visa. A person traveling under a visa-free regime, of course, does not require a visa to enter the Schengen area.

ETIAS will not affect this. ETIAS is a simpler, significantly cheaper, faster and more accessible system for citizens, which in 95% of cases guarantees a positive result in just a few minutes. It should not be compared to a Schengen visa.

ETIAS is a necessary small procedural step for citizens traveling under a visa-free regime, which will avoid bureaucracy and delays at the border.

Accordingly, ETIAS not only does not detract from the visa-free regime, but also simplifies the crossing of the Schengen area for the citizens of third non-visa countries and enables those who travel in a non-visa-free way to take full advantage of their status.

We believe that ETIAS is an addition to the Schengen rules. Therefore, the ETIAS legal rules will apply to EU member states that are part of the Schengen area. In particular, this system is based on the conditions for entry into the Schengen zone, referred to in Article 6 of the Schengen Frontier Code, applicable to all Schengen countries (including those which do not currently apply the Schengen rules in full, such as Croatia, Cyprus, Bulgaria and Romania).

Authorization for ETIAS does not impose such requirements as a visa. You do not need to go to the consulate to apply, do not need biometric registration, collect and analyze much less data than when applying for a visa.

While the procedure for obtaining a Schengen visa usually lasts for up to 15 days, and sometimes it may take 30 or 60 days, the ETIAS electronic application will only be completed within a few minutes. It will be valid for five years - that is much longer than the Schengen visa. The number of applications in ETIAS is unlimited.

Thus, the liberalization of the visa regime is an important tool for building partnerships with third countries and enhancing the attractiveness of the EU for entrepreneurship and tourism.

The EU continues to pursue a dialogue on visa liberalization with a number of third countries, and ETIAS will strengthen the Union's ability to assess and address the potential risks of migration and security resulting from an increase in the number of persons traveling without visas while at the same time simplifying the crossing of the external borders of the Schengen zone Visitors will have a credible pre-entry permit to enter the Schengen area, and therefore the number of failures will be significantly reduced.

Compared to the current state of affairs, this is a significant improvement.

Conclusions. Thus, in the course of studying the above information, we came to the conclusion that the use of biometric technologies and the latest development of the ETIAS system has never been the most necessary condition for maximizing the security of citizens of the EU.

In particular, when speaking about biometric technologies, one should focus on the use of multi-biometric systems, that is, those where identification is performed for two or more biometric parameters.

Only person identification based on ADIS is currently used. It is expedient to use biometric technologies to control access to computers, computer networks and premises, but taking into account the aforementioned shortcomings, in order to provide a sufficient level of information security.

Regarding the European Authorization and Travel Information System (ETIAS), compulsory systemic pre-screening and assessment of the potential risks associated with citizens traveling under visa-free travel conditions will enhance security and enhance the success of EU visa liberalization policies.

This additional data and assessment of the risks associated with citizens traveling under a visa-free regime will significantly strengthen current measures aimed at maintaining and strengthening security in the Schengen area, while visitors traveling on no-visa conditions will be able to take advantage of all advantages of its status.

A comprehensive application of the above-mentioned systems will allow reaching the maximum level of security for EU citizens and strict control over those who are trying to cross the borders of the EU.

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АНАЛИЗ СОЦИАЛЬНО-ЭКОНОМИЧЕСКОГО РАЗВИТИЯ УКРАИНСКО-ПОЛЬСКОГО ТРАНСГРАНИЧНОГО РЕГИОНА

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АННОТАЦИЯ
В статье проводится аналитическое исследование экономического и социального развития украинско-польского трансграничного региона. Осуществляется анализ основных статистических показателей и динамики роста экономики и уровня жизни областей и воеводств, входящих в регион. Обосновано, что украинская и польская части региона отличаются значительной асимметрией развитости, обеспечения и прогрессивности. Раскрывается организационный и нормативно-правовой механизм становления трансграничного сотрудничества между Украиной и Польшей. Польша как одна из постсоциалистических стран на сегодняшний день провела успешные и эффективные реформы с помощью использования широких возможностей трансграничного партнерства. Именно достижения этой страны могут послужить примером адаптации украинской экономики, политики и общества к евроинтеграционным критериям и стандартам.
Ключевые слова: трансграничный регион, трансграничное сотрудничество, партнерство, социально-экономическое развитие, приграничье.

ANALYSIS OF SOCIAL AND ECONOMIC DEVELOPMENT OF THE UKRAINIAN-POLISH TRANSBOUNDARY REGION

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SUMMARY
The article contains an analytical study of the economic and social development of the Ukrainian-Polish cross-border region. The analysis of the basic statistical indicators and the dynamics of economic growth and the living standards of the regions and voivodships entering the region is being carried out. It is justified that the Ukrainian and Polish parts of the transponder region are characterized by considerable asymmetry of development, security and progressiveness. The organizational and regulatory legal mechanism for the development of cross-border cooperation between Ukraine and Poland is disclosed. Active and dynamic relations between the two states contribute to the implementation of the European policy of Ukraine's foreign policy, as well as the development of their border regions. Poland as one of the post-socialist countries to date has successfully and effectively reformed through the use of broad opportunities for cross-border partnership. It is the achievements of this country that can serve as an example of adaptation of the Ukrainian economy, politics and society to eurointegration criteria and standards.
Key words: cross-border region, cross-border cooperation, partnership, social and economic development, borderland.

Постановка проблемы. Динамика развития трансграничного партнерства убедительно отображает его активизацию, обусловленную достижением общей цели, – конвергенции регионов и устранения диспропорций их социально-экономического развития. Для Украины трансграничное сотрудничество является дополняющим элементом европейской интеграции, который расширяет возможности украинских приграничных регионов.

Актуальность темы исследования. В региональном разрезе заметно доминирование экономической активности Польши в западных приграничных регионах Украины, на которые приходится примерно четвертая часть польско-украинского торгового оборота и значительный объем всех польских инвестиций. Определившись со стратегическим вектором развития страны, Украина вышла на путь реформирования и кардинального перестроения