



TECHNIUM
SOCIAL SCIENCES JOURNAL

Vol. 16, 2021

**A new decade
for social changes**

www.techniumscience.com

ISSN 2668-7798



9 772668 779000

Illegal migration as a factor of security threat in Kosovo

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Abstract. In this paper it is analyzed the illegal migration which in the modern societies in recent decades is characterized with a great expansion, dynamic, organization and transnational connection. The research objects of this scientific paper are security challenges, risks and threats from illegal migration as well as the perception of the citizens of Pristina regarding the phenomenon and presence of illegal migration in Kosovo. In order to understand the opinion and perception of the citizens in the Republic of Kosovo regarding the presence of the illegal migration in Kosovo, a survey was conducted of 160 citizens of Pristina who answered 6 questions submitted through random method. Through this research it is intended to be understood first how much ordinary citizens have knowledge about the purpose of exploitation of victims by smugglers, what they may face during their journey, the factors that affect the occurrence of this phenomenon. Furthermore, raising the awareness of the citizens to cooperate with law enforcement agencies in cases of occurrence and investigation of migrants smuggling and also their awareness of the risk of possible terrorist attacks and the increasing crime rate that may carry the presence of these illegal migrants. The paper uses the survey method, the method of processing, analysis and interpretation of the obtained data as well as the comparative method.

Keywords. Illegal Migration, Threats, National Security, Migration Smuggling, International Police Cooperation, Victims

Introduction

The migrant smuggling today has taken on the dimensions of a global phenomenon by being present in almost all countries and continents, whether they are countries of the origin, transit, or the destination. However, migrant smuggling as a global phenomenon has existed since ancient times only that its forms of manifestation are changed in different ways. In modern times, this phenomenon has become a sophisticated form of material exploitation of individuals or groups belonging to different economic, social and gender categories. Although this phenomenon has been accompanied by major transformations throughout history, its purpose has remained essentially the same, which is the illicit material gain of organized criminal groups¹.

In the recent decades the illegal migrant phenomenon as never before has become a world reality, making no country immune in this regard. The illegal migration constitutes in itself not only a crime, but, in most cases it is a crime with multilateral activities, with multifaceted organizational structures. As a form of organized crime, it takes place through an

¹ Sylejmani, Rr., Maloku, (2020). E. International police cooperation in investigating cases of smuggling of migrants in Kosovo. *Iliria International Review*. 2020. Vol. 10. No.2. pp. 162.

organized crime network. Crime as such includes the authors who commit illegal acts inside and outside of a country territory. Due to the nature of illegal migration, as every other country around the world, even Kosovo is affected by the difficulties that his phenomenon causes.

Freedom of movement is one of the fundamental principles of the Universal Declaration of Human Rights², and of the final act of the 1968 UN International Conference on human rights, which declared binding on all members of the international community³, where it is determined that within the borders of a state, everyone has the right to freedom of movement and choice of residence, as well as the possibility of leaving the territory of any state, including its own, including the right to return in it (article 13). Article 14 of this Declaration entitles everyone to seek asylum in other countries in the event of persecution in their home country. In addition to defining in a similar way the freedom of movement and choice of residence, as well as leaving any country, the International Covenant on Civil and Political Rights guarantees them the inalienable right to return to their country of origin⁴.

Furthermore, illegal migration has been identified and classified by the international community as a global and security issue which with a special resolution calls on all countries to work closely with each other, noting that international migration today has marked an increase on a scale large, in almost all states of the region as well as beyond⁵.

The Republic of Kosovo has reformed the relevant legislation through the adoption of new laws, also through amendments to the provisions of the Criminal Code of Kosovo, the Code of Criminal Procedure of Kosovo⁶.

Regarding the criminal legislation of Kosovo, the previous Criminal Code of 2013, but also the new Criminal Code of 2019, considers smuggling with migrants as a criminal offense provided in Article 164 under Chapter XV of criminal offenses against humanity and the values of protected by international law⁷.

From the security aspect, the individual crossing of the state border by avoiding or circumventing border control except the incrimination as a criminal offense in the Criminal Code of Kosovo, there may be other implications, primarily for safety in general, while in case of any massive scale of illegal border crossings it can turn into illegal migration with serious safety implication not only in national level, but even more broadly endangering human security itself.

Given the consideration crisis in the Middle East that is still ongoing and its solution is not seen in the near future, as one of the main sources of illegal migration today from this area but also the impact of socio-economic factors almost in countries other transit countries, including Kosovo, lead us to the conclusion that this situation will continue to be present for a long time with indications that it may worsen further.

² Universal Declaration of Human Rights, UN General Assembly Resplution 217 A (III) (01.11.2012), <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NRO/043/88/IMG/NR004388.PDF?>

³ Final Act of the Ingternational Conference on Human Rights, (A/CONF.32/41), Ch.XXV, Teheran, 22 April to 13 May 1968.(01.11.2012)" UnitedNationalGeneralAssembly, http://untreaty.un.org/cod/avl/pdf/ha/fatchr/Final_Actof_TeheranConf.pdf.

⁴ International Covenant on Civil and Political Rights. United Nations General Assembly. Resolution 2200 (XXI) of 16 December 1966, <http://www.un-documents.net/iccpr.htm>.

⁵ Protocol against the Smuggling of Migrants by land, Sea and Air, supplementing the UN Convention against Transnational Organized Crime. Adopted by resolution A/RES/55/25 Of 15 November 2000 at the fifty-fifth session of the General Assembly of the United Nation.

⁶ Maloku, A., Maloku, E. (2020). Protection of Human Trafficking Victims and Functionalization of Institutional Mechanisms in Kosovo. *Acta Universitatis Danubius: Juridica*. 2020, Vol. 16 Issue 1, pp. 26.

⁷ Criminal Code no. 06 / I-074, / no. 2/14 January 2019. Official Gazette of the Republic of Kosovo, Pristina,

Unemployment as a phenomenon and a social problem, especially comes into expression during the crisis and economic recessions.⁸ Moreover, unemployment, poverty and social isolation are intertwined and lead to a significant deterioration in living standards and the risk of poverty⁹, also such factors are urging even in a directly or indirectly way in illegal migration.

The presence of irregular migration in all countries, in addition to the human and security aspect, carries with it the implications in social and health aspects, creating disorders of the daily life of citizens and public order.

At the same time, migrants are considered victims that must be protected. Smuggling actions are considered not only the transport of migrants and illegal crossing beyond the state border, but also other actions, the ultimate goal of which is the smuggling of migrants: the production of forged or identity travel documents; the supply, provision or possession of such a document; as well as allowing an irregular migrant to remain in that state even though it does not meet the legal requirements for residence.

Above all, the illegal crossing of the state border violates the security of any state, with all the security risks posed especially by the uncontrolled entry of a large number of foreign nationals, where their identity and profile are not known for prosecuting and security authorities.

At least one of these risks in the individual security plan has occurred that in most cases, although they have fulfilled the promises given by the smugglers to them, through fraud they have repeatedly billed those "services" leaving them without minimal material means of subsistence that further¹⁰. This illegal transport is considered a special type of threat to their personal safety in large-scale consequences, especially when carried out through water-sea routes¹¹.

Literature Review

During the research of various literature regarding the presence of the phenomenon of illegal migration and the material benefits it brings to various criminal groups as well as its connection with security threats, many authors have written in the region and beyond and have been widely published various publications and books where during this research in this paper will be presented some of them.

Professor of the Faculty of Criminalistics, Criminology and Security Studies from Sarajevo, Ramo Maslesa in his book "Theory and security systems", regarding illegal migration has emphasized that law enforcement agencies fail to have proper results efforts and efficiency in prevention of illegal border crossings by illegal migrants, because their smuggling and trafficking is considered one of the most profitable illegal activities of specialized and well-organized criminal groups, with an expanded network, and with the participation of many people in this criminal chain¹².

When it comes to successful countermeasures against illegal migration and smuggling of migrants with elements of organized transnational and transboundary crime, it is the

⁸ Maloku, A. (2016). Karakteristikat dhe shkaqet e varfërisë në Kosovë. Revista Rajonale e Shkencave Shoqërore REFORMA. 2016. Nr. 4. Pp. 280.

⁹ Maloku, A., Maloku, E. (2020). Protection of Human Trafficking Victims and Functionalization of Institutional Mechanisms in Kosovo. Acta Universitatis Danubius: Juridica. 2020, Vol. 16 Issue 1, pp. 26.

¹⁰ Komarčević. D. Izbegličke priče: Kako su nas krijumčari pljačkali, Radio Slobodna Evropa, 25.08.2015, <http://www.slobodnaevropa.org/content/izbeglicke-price-kako-su-nas-krijumcaripljackali/27208067.html>.

¹¹ UNHCR: The sea route to Europe: The Mediterranean passage in the age of refugees, 1 July 2015, <http://www.unhcr.org/5592bd059.html>.

¹² Ramo Masleša, Teorije i sistemi sigurnosti, 2001, f.710, FKN Sarajevo.

conclusion of many authors that the desired success in preventing and combating this phenomenon cannot be achieved without the proper international police cooperation, which in most cases encounters various difficulties during its implementation. Regarding this issue, Sakib Softić, a professor off the University of Sarajevo, at the Faculty of Criminalistics, Criminology and Security Studies, in his book "International Criminal Law and Police Cooperation 2013", points out that the increase in all these criminal activities has led to an increase the need for cooperation between law enforcement agencies, but this cooperation between law enforcement agencies of different countries is fraught with a number of difficulties, most often the lack of willingness to exchange information with foreign law enforcement agencies¹³.

As for the possibility of linking illegal migration with crime and terrorism, Professor Rey Koslowski, of the University of Oxford in Baltimore, USA, in his book, "Immigration, Crime and Terrorism 2012", has emphasized that terrorists can cross international borders within the influx of migrants and can hide within immigrant communities. The non-integration of immigrants and the corresponding social alienation of some individuals may be reasons for them to join terrorist organizations and get under their clutches¹⁴.

Professor from the Faculty of Law of the University of Pristina Vesel Latifi in his book *Criminalistics 2014*¹⁵, on the topic of illegal migration and smuggling of migrants has emphasized that smuggling throughout history has always been conditioned by specific social and economic circumstances. In later periods of the development of civilization and the increase in the number of inhabitants, migrations occurred due to wars and territorial conquests. These wars caused poverty, famine and disease, territorial invasions, genocide and death, submission to one another, the strong to the weak, respectively led to a large number of prisoners who were then enslaved as well as a socio-economic formation so-called "slave-owning system" that lasted for many years and was identified with violence, cruelty racial discrimination.

The professor of Criminology from the Faculty of Law of the Iliria University of Pristina in his paper "International police cooperation in the fight against organized crime"¹⁶ (Maloku, 2015), discusses international cooperation with the International Criminal Police Organization, INTERPOL in preventing and combating organized crime.

Research methodology and purpose

During the preparation and compilation of this paper, a combination of different scientific methods were used starting with survey method then with the methods of processing, analysis and interpretation of the obtained data and also the comparative method as well. The purpose of this research was to learn the perception of the citizens of Pristina regarding the phenomenon of illegal migration in Kosovo. This survey was conducted in the second half of 2019 through the selection of a random sample attended by 160 respondents, while their interview was conducted through a special questionnaire consisting of 6 questions posed, except that their perception of this survey, was to first learn from citizens of the presence of illegal migration as well as their smuggling, then in their opinion what is the purpose of exploitation of victims by smugglers, the knowledge that can they have what difficulty they may face during their journey as well as the factors that influence the occurrence of this phenomenon.

¹³ Sakib Softic "Međunarodna krivično pravna i policijska saradnja 2013 str., 69, publikacija FKKSS Sarajevo.

¹⁴ Rey Koslowski, "Immigration, Crime and Terrorism 2012", University of Oxford, Baltimore, USA, published by Oxford University Press.

¹⁵ Latifi, Vesel, (2014). *Kriminalistika*, Fakulteti juridik, Prishtine.

¹⁶ Maloku, A. (2015). *Bashkëpunimi ndërkombëtar policor në luftimin e krimit të organizuar*. Revista Rajonale e Shkencave Shoqërore REFORMA. 2015. Nr. 2. pp.119-127.

Considering the difficulties faced by the prosecuting and security authorities in dealing with these cases in preventing and combating this phenomenon when it comes to conducting investigations and providing evidence, through other questions posed during the survey was also tested the citizens readiness to cooperate with law enforcement agencies regarding to their testimony as victims or witnesses in cases of illegal migration and smuggling and their opinion whether the presence of illegal migrants in Kosovo increases the risk of possible terrorist attacks and the increase in the rate of crime. At the end, the collected data are processed and analyzed by the program Statistical Package for the Social Science (SPSS).

Research findings and analysis

Considering that the illegal crossing of the state border, in except to endangering the security of any state, carries with it other security risks, especially when dealing with uncontrolled entry of a large number of citizens from third countries, where identity as well as their profile is not known to the prosecuting and security authorities. Also, these categories of migrants are projected as a danger in the eyes of the local population of the host state or transit in terms of their security, especially if they come from areas for which terrorism is our first association.

On the other hand, these categories of migrants are considered as victims in the hands of various criminal groups, who through their smuggling, their sole purpose is to obtain material benefits from them. The refugees are in a very dramatic situation, because those fleeing the horrors of war and the dangers, dealing with rescue and safety of their families are also experiencing various severe traumas¹⁷.

In order to understand the opinion and perception of citizens in the Republic of Kosovo regarding the presence of the illegal migration in Kosovo, a survey was conducted of 160 citizens of Pristina who answered 6 variables submitted through a special form. Through this research, the aim is to first find out how much ordinary citizens have knowledge about the purpose of exploitation of victims by smugglers, what they may face during their journey, the factors that affect the occurrence of this phenomenon. Then raise awareness of the readiness of citizens to cooperate with law enforcement agencies in cases of occurrence and investigation of smuggling of migrants and their awareness of the risk of possible terrorist attacks and increase the level of crime that may carry the presence of these illegal migrants.

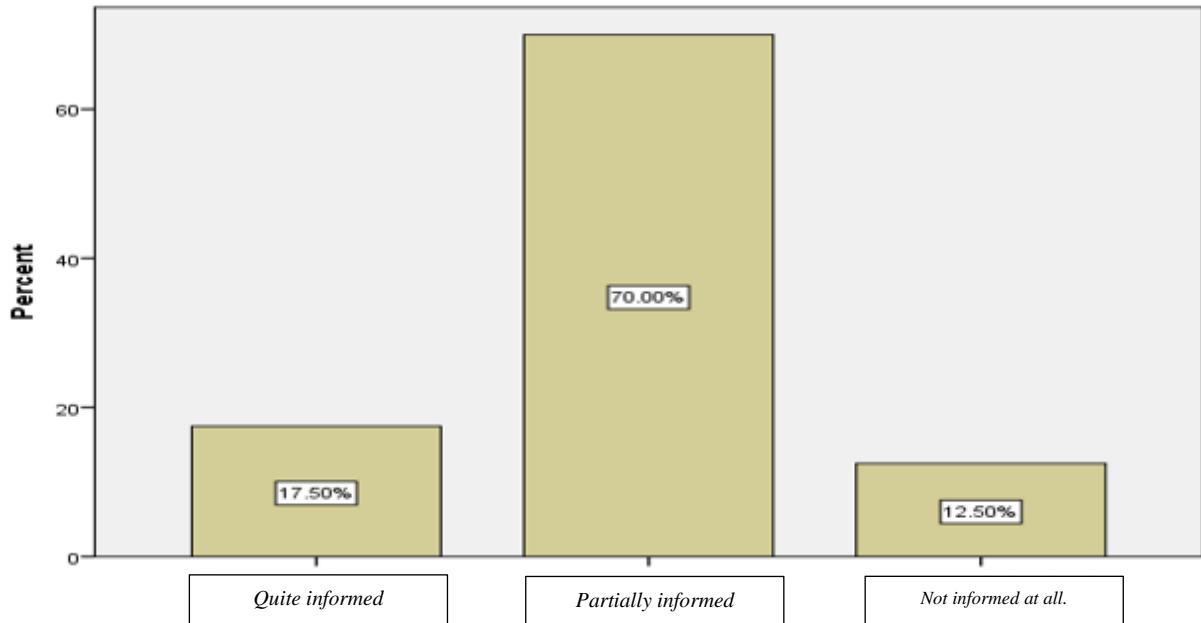
From the data processed and analyzed by the survey of 160 citizens were presented through 6 graphs and were presented at the end the conclusions to which we have come, systematized as answers to the six variables posed during their survey.

The responses of the respondents for the first variable: *How informed are you about the presence of migrant smuggling in Kosovo?*

Citizens in the tire reports illustrated in the following graph no.1. Where can be seen from 160 respondents, 112 or (70. %) of respondents can declare that they are partially informed of the presence of migrant smuggling in Kosovo. In the other two categories (I am quite informed and I am not informed at all) we have received a rough answer, so in the category I am quite informed (17.5%) of the respondents answered while I am not informed at all (12.5%) respondents. The obtained result tells us that the information and awareness of the citizens regarding the presence of smuggling with migrants in Kosovo is not at the level it should be.

¹⁷ Janjić, V., Đukić, Slavica, D. i Đoković, D. Soci demografske i psihološke karakteristike prognanih i izbeglih adolescenata u stanju mentalne disfunkcije, Engrami, 24 (2002), 11.

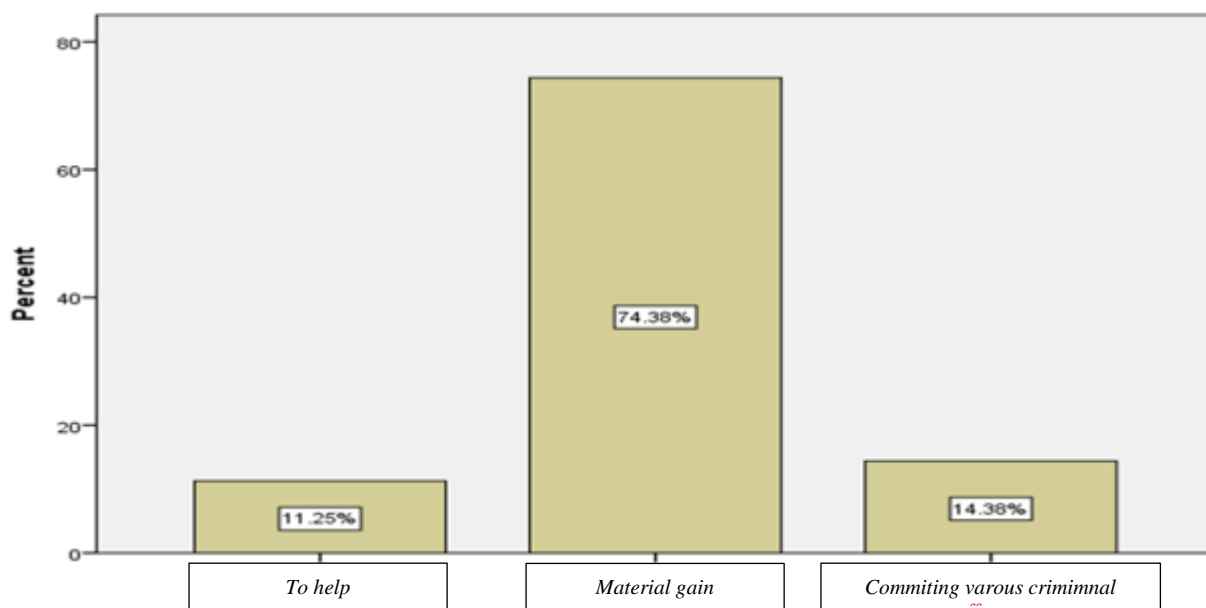
Graphic nr.1: How informed are you about the presence of migrant smuggling in Kosovo?



From Graph No.2., we can see below that out of a total of 160 respondents in 2nd Variable: In your opinion smugglers mostly exploit their victims for: 1. To help; 2. For material gain; and 3. For committing various criminal offenses? At a frequency of 119 or (74.38%), citizens have stated that smugglers mostly use their victims for material benefits. The second category of 23 or (14.38%), respondents stated that smugglers use migrants to commit various criminal offenses, while the third category of 18 respondents, or (11.25%), which is the lowest percentage, stated that smugglers used their victims to help them.

These data show that most of the surveyed citizens are aware that the main purpose of smugglers is material benefit, while the other group thinks that the presence of migrants among them is also used to commit various crimes, the smallest number of respondents thinks that the purpose of the smugglers is to help them.

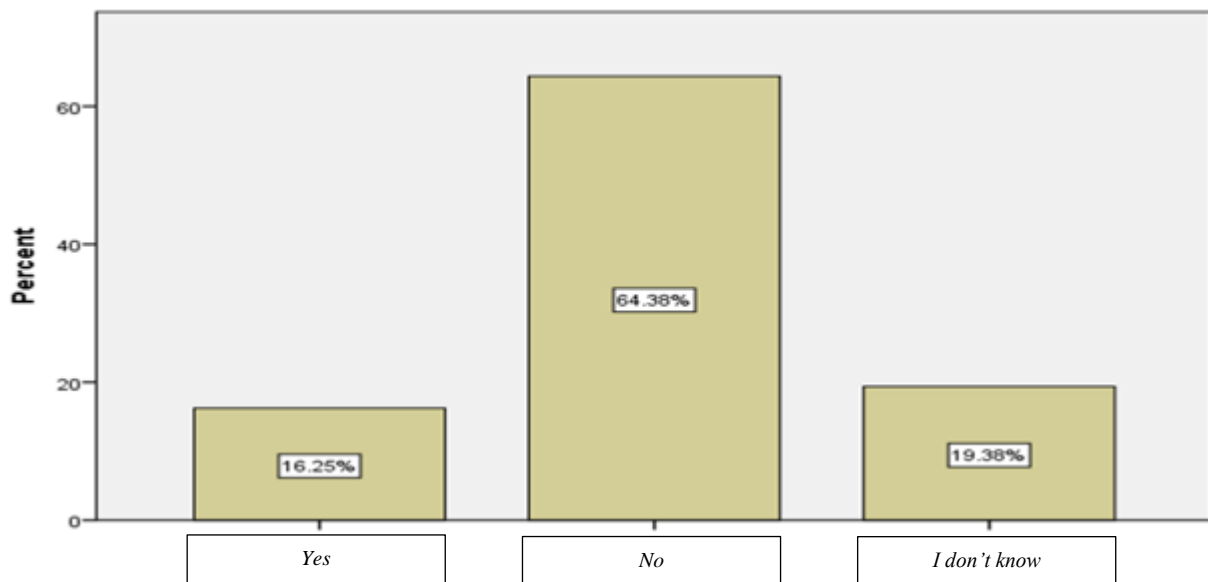
Graphic nr.2. In your opinion smugglers mostly exploit their victims for?



In the graph no.3, we see that most of the respondents, 103 citizens out of 160 respondents, or in a percentage of (64.38%), for the 3d variable: Do you think that the victims of smuggling know what dangers they will face during their journey? have stated that the victims of smuggling do not know at first what they would face during their long journey. Two other categories of respondents, one answered "yes they have knowledge" at a frequency of 26 respondents or (16.25%), and that is the lowest rate, of a frequency of 31 respondents or 19.38% who answered, that they do not know the answer.

From the analysis of these data we can conclude that the vast majority of surveyed citizens do not have prior knowledge of what they may face in case they would take this road and would be victims of migrant smuggling or illegal migrants, against a very smaller number than those who have stated that they have knowledge or do not know the answer. This finding leads us to conclude that migrants are not aware of what dangers they will face during their journey.

Graphic nr.3. Do you think that the victims of smuggling know what dangers they will face during their journey?



Fourth Question: What are the factors that influence the occurrence of smuggling with migrants in Kosovo and abroad?

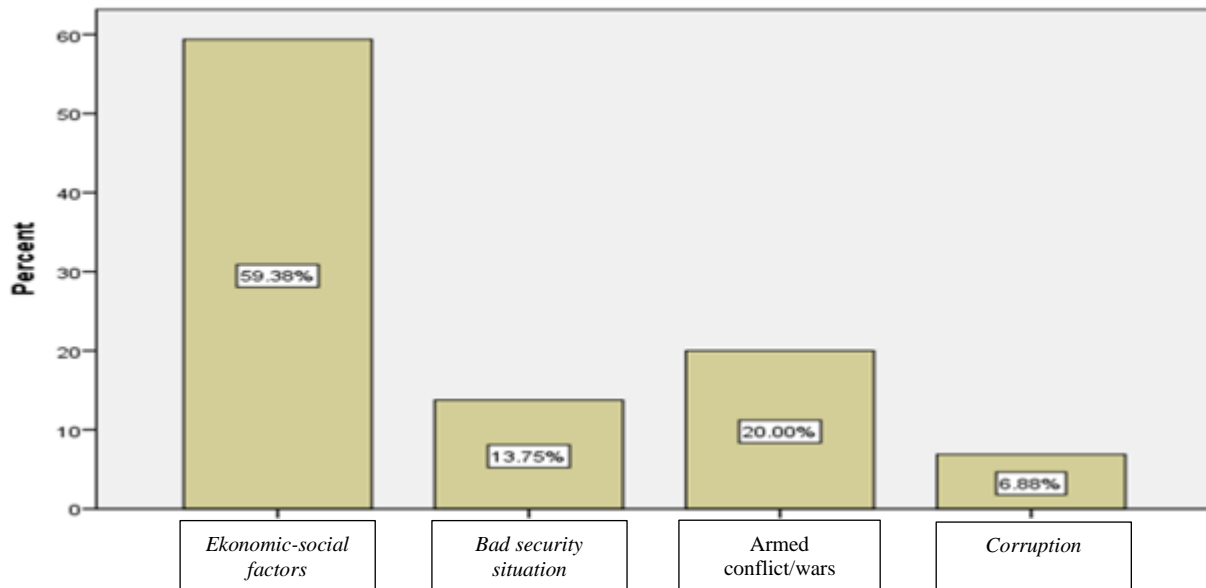
In order to obtain the opinion of the surveyed citizens for 4th variable: *What are the factors that influence the occurrence of migrants smuggling in Kosovo and abroad?* Four types of answers have been offered: 1. Economic and social factors; 2. Bad security situation; 3. Armed conflicts /wars and 4. Corruption, as presented in graph no. 4.

The frequency of 95 respondents out of 160 surveyed with a percentage of (59.38%) stated that economic and social factors are dominant factors influencing the occurrence of migrant smuggling in Kosovo. For other factors that belongs to the bad security situation in other countries, 22 or (13.75%) of respondents, for the impact of wars / armed conflicts, 32 respondents or (20%) were declared and for the presence of corruption 11 respondents were declared or (6.88) %).

Based on these data, it can be concluded that when it comes to Kosovo citizens in third countries, economic and social factors are mainly dominant, while to a lesser extent other

factors affect, as well as in some African and Asian countries armed conflicts and wars that are still present in the Middle East, where are included: (Syria, Libya, Iraq, Afghanistan, Morocco, etc.), have a dominant influence, where immigrants from these countries used all the countries of the Western Balkans, including Kosovo, as transit countries in an attempt to cross the border illegally through smuggling channels and travel to Western EU countries, as their main purpose.

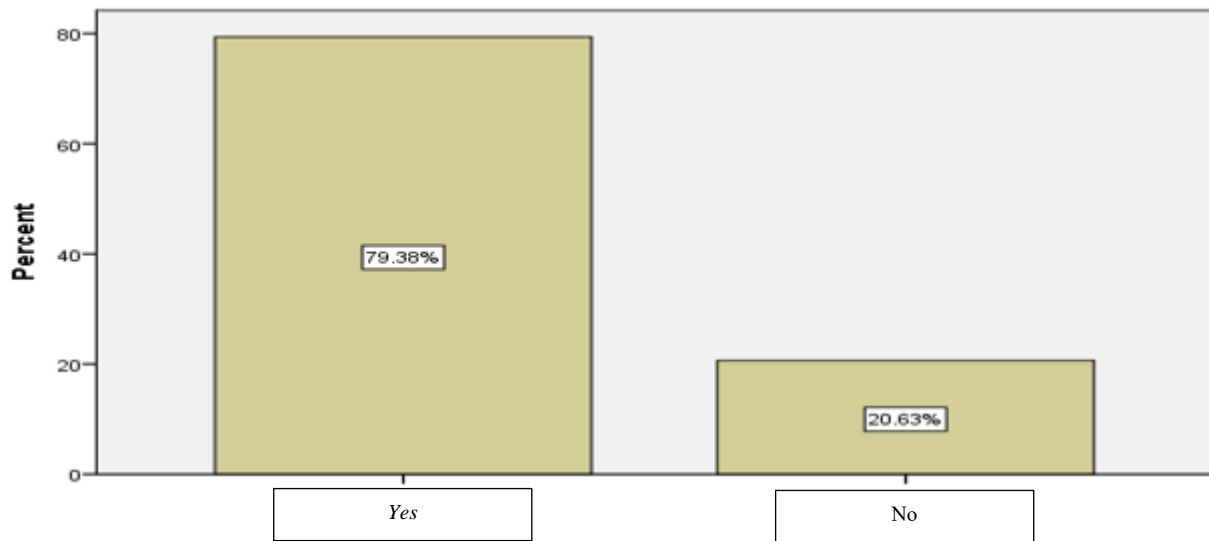
Graphic nr.4: According to you, what are the factors that influence the occurrence of smuggling with migrants in Kosovo and abroad?



In graph no. 5, regarding to the 5th variable: If you have information about migrant smuggling or other crime in Kosovo, are you ready to cooperate and testify to law enforcement agencies? We see that the absolute majority of respondents (127) out of 160 respondents or (79.38%) have stated that they are willing to cooperate and testify to the law enforcement agencies, in case if they will have knowledge and information for this criminal offense. The second category of 33 or (20.63%) of respondents gave a negative answer.

From the analysis of these data and from the police experience on investigating cases of smuggling of migrants with elements of organized and cross-border crime, the lack of better and more efficient cooperation with citizens has directly affected the very small number of detected and tried cases for this crime due to lack of necessary evidence.

Graphic nr.5: If you have information about migrant smuggling or other crimes in Kosovo, are you ready to cooperate and testify to law enforcement agencies?



The data analyzed and presented in graph no.6, for 6th variable: Could the presence of a large number of immigrants increase the risk of terrorist attacks and increase the crime rate in Kosovo and beyond?, show that the frequency of 81 respondents or (50.63%) out of 160 respondents gave the answer that they agree with the finding that the presence of a larger number of immigrants also increases the risk of terrorist attack as well as the crime rate in Kosovo and beyond, while the other frequency of 79 respondents (or 49.38%) disagreed.

From the analysis performed on this balanced results, in our opinion, two situations have influenced, the first from the fact that so far Kosovo has not yet faced a very large number of immigrants who have entered illegally at the same time, and the second reason is the fact that so far Kosovo has not had terrorist acts and an increase in crime rate, as has happened in some other countries, but those cases have had their impact in Kosovo in this response.

Graphic nr.6: Could the presence of a large number of immigrants increase the risk of terrorist attacks and increase the crime rate in Kosovo and beyond?



Final conclusions and recommendations

Based on the discussion of this topic from the theoretical aspect and the findings of empirical research and data analysis, we have come to the final conclusions finding that the presence of illegal migration in Kosovo, as well as in other countries of transit and destination, presented among other things as a worrying factor of the security threats, to the law such as enforcement institutions as well as to its own population.

The presence of this phenomenon that is increasing in recent years both in Kosovo and beyond, with elements of organized crime has found its own space for action and this situation is continuing to face a challenge now and in the future for these institutions themselves.

Also, the presence of illegal migration in Kosovo as a challenge and as a phenomenon may have an impact on the increase of crime in general and possible links with international terrorism, as have happened in other EU destination countries.

Organized criminal groups have managed to take control of the movement of migrants towards European countries by organizing their smuggling across state borders to their final destination, realizing great financial benefits. In this case, the safety of migrants is an issue that at least these groups care about and which has unfortunately been proven during the various disasters that have been recorded and which are not few so far resulting in the loss of life of many of them.

Based on the result of this research, the perception of the surveyed citizens and the analysis of the obtained data, we have come to the conclusion that by the authorized agencies, in terms of prevention and awareness of potential categories for migration, such as usually the youngest category of the population, are not taken sufficient measures and actions to prevent and combat the appearance of this phenomenon.

Based on these findings and from the result of their analysis, we have come to the conclusion that in order to prevent, reduce and eliminate all types of threats and dangers that illegal migration carries, the law enforcement agencies recommend the taking the following actions:

- It is necessary to raise the level of knowledge and awareness of citizens and stakeholders regarding the consequences of illegal migration, through various forms of organization of various information campaigns, media, so the citizens will not fall prey to these promises and deceptions of smugglers and also will not fall prey to these promises and fraud by smugglers.
- Functionalization and professionalism as well as the full development of all segments of the security system as the last shield of public order and national security, in order to prevent and combat any dangers and threats from organized crime and international terrorism, which have been identified as the greatest potential risk posed by the illegal migration crisis.
- Taking into consideration that the illegal migration and smuggling of migrants extend not only to one country but to many countries, it is recommended that additional efforts for the membership of the Kosovo Police in all international police mechanisms in order to advance international police cooperation through exchange of information, and other activities, which would contribute to the overall security and identification of the threats that may arise.
- Based on the purpose of well-organized criminal groups that count as one of the most profitable illegal their activities, with an expanded network, and with the participation of many peoples in this criminal chain, it is necessary that in addition to other investigative actions to parallel financial investigations are also conducted in order to confiscate their illegally acquired property.

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