

Donetsk State University of Management (Ukraine)  
University of Economics and Humanities (Poland)

PUBLIC ADMINISTRATION  
FOR SUSTAINABLE DEVELOPMENT

# PUBLIC ADMINISTRATION FOR SUSTAINABLE DEVELOPMENT

Collective monograph

collective  
monograph

2018

**Mariupol-Bielsko-Biała, 2018**

MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE  
Donetsk State University of Management (Ukraine)  
University of Economics and Humanities (Poland)

## PUBLIC ADMINISTRATION FOR SUSTAINABLE DEVELOPMENT

Collective monograph

Mariupol- Bielsko-Biała, 2018

Recommended for publication by the Academic Council of Donetsk State University of Management, Mariupol, Ukraine (Protocol number 2/3 from 19.10.2018) and the Publishing Board of University of Economics and Humanities, Bielsko-Biała, Poland (WSEH/313/10/18 from 10.10.2018)

### Scientific Editors:

*Chechel Anna*, Doctor of Economic Sciences, Associate Professor, Head of the Department of Public Administration and Management of the Donetsk State University of Management of Ministry of Education and Science of Ukraine  
*Khlobystov Ievgen*, Doctor of Economics Sciences, Professor of the University of Economics and Humanities (Bielsko-Biała, Poland)

### Reviewers:

*Illiashenko Serhii*, Doctor of Economics, Professor, Head of the Department of Marketing and Management of Innovative Activity, Sumy State University (Ukraine); Professor of University of Economic and Humanities (Poland);  
*Gornyk Volodymyr*, Doctor of Sciences in Public Administration, Associate Professor, Director of the Educational and Scientific Institute of Management, Economics and Nature Management of Taurida National V.I. Vernadsky University (Ukraine)  
*Marova Svitlana*, Doctor of Sciences in Public Administration, Professor, Head of the Department of Environmental Protection Management of Donetsk State University of Management (Ukraine)

**P 57** Public Administration for Sustainable Development. Collective monograph / The general ed. Chechel A., Khlobystov Ie. *Bielsko-Biała: University of Economics and Humanities, 2018. 8 p.*

**ISBN 978-83-63649-13-5**

The monograph examines the features and prospects for the formation of conditions for sustainable development on the territories under conditions of decentralization in Ukraine as well as the development of theoretical provisions, scientific methodological and practical recommendations to improve the mechanisms of public administration and effective social and ecological policy.

The perspective directions of development of state and municipal government support are defined as factors to improve the processes of interaction between state government, local authorities, business structures and the public in addressing the problems of regional development in the conditions of decentralization.

The monograph is designed for scientists, graduate students and undergraduates who are researching these above-mentioned problems in the Public Administration scientific sphere.

UDC 504.06:622

**ISBN 978-83-63649-13-5**

© Donetsk State University of Management, Mariupol, 2018  
© University of Economics and Humanities, Bielsko-Biała, 2018

<b>SECTION 4</b>	<b>INTERNATIONAL EXPERIENCE AND COOPERATION PROSPECTS FOR SUSTAINABLE DEVELOPMENT</b>	229
<b>4.1</b>	<b>THE INTRODUCTION OF PUBLIC ADMINISTRATION TOOLS IN THE COUNTRIES OF THE EUROPEAN UNION AND THEIR IMPLEMENTATION IN UKRAINE</b> <i>Nykolaieva Valentyna, Donetsk State University of Management, Mariupol, Ukraine</i>	230
<b>4.2</b>	<b>THE MECHANISMS IMPROVEMENT OF THE UKRAINIAN STATE MIGRATION SERVICE INTERACTION WITH THE STATE AND LOCAL GOVERNMENT AUTHORITY AGAINST NON-LEGAL MIGRATION AS A NATIONAL SECURITY POTENTIAL THREAT</b> <i>Tkachova Nataliya, Martyanova Ruslana, Khmelnytsky University of Management and Law, Khmelnytsky, Ukraine</i>	242
<b>4.3</b>	<b>THEORETICAL AND METHODOLOGICAL BACKGROUND FOR SUSTAINABLE TERRITORIAL DEVELOPMENT (CASE OF HIGHER EDUCATION DRIVERS)</b> <i>Michał Śleziak, University of Economics and Humanities, Bielsko-Biala, Poland</i>	260

**Dear readers!**

We are pleased to present you a joint research and publishing project of the Donetsk State University of Management, now located in the city of Mariupol (Ukraine), and the Higher School of Economics and Humanities from the Silesian city of Bielsko-Biala, Poland.

The basis of the proposed research is the issue of local self-government and state administration of territorial development for the formation of sustainable self-sufficient communities. The volume includes the findings of explorations of the definition of state administration tools for the local sustainable development policy, in particular, regarding the formation of a regional innovation policy and mechanisms for its implementation to the practical level.

The particular attention is drawn to the analysis of the transformational potential of self-government institutions and the activities of communities for sustainable development of the territories, as well as the problems of the social component of the development of local environmental policy. One prominent part of the research focuses on the peculiarities of resource management in public administration. Among the most interesting findings are the results of methodological researches of city development in the Donetsk region and the peculiarities of public administration in the field of tourism.

A separate part of the monograph is devoted to the study of sustainable relations in the system of education and staff development, in particular through training processes and educational projects. The special attention is drawn to the study the role of universities as drivers of the sustainable development of the city and the initiation of international projects, in particular regarding the regulation of migration processes and the approximation of Ukraine to the EU within the framework of public-private partnership and local initiatives.

The authors of this monograph are scholars and practitioners from different countries, including Georgia, Republic of Poland, Ukraine and United States of America:

The Government of Ukraine understands the importance of introducing the best EU experience in the field of public administration, with particular attention being paid to the European standards of public administration, modern e-governance technologies, division of functions in the system of public administration, quality of civil service, etc. Accordingly, it improves the investment climate in the country, promotes economic development and interregional ties. In addition, the first steps Ukraine has already made in this direction have become catalysts for signing the Association Agreement. Simplification of the visa regime, implementation of plans of institutional reforms, strengthening of trade and economic ties are important steps for signing the Association Agreement between Ukraine and the European Union. Increasing the efficiency of the system of public authorities in the field of European integration and ensuring the proper fulfilment of Ukraine's obligations under the Association Agreement and bringing Ukraine closer to the European Union.

Civil service reform is an integral part of public administration reform and should be implemented in Ukraine based on law, professionalism, depoliticization and equal opportunities. For Ukraine, the components of this reform include: the development and introduction of new legislation on civil service; the development and modernisation of vocational training systems of civil servants, local self-government officials and local council deputies; Implementation of the Strategy of State Personnel Policy for 2012-2020; formation of the Presidential personnel reserve "New Elite of the Nation" and adaptation of the civil service of Ukraine to the standards of the European Union and the implementation of European institutional development instruments (Twinning, TAIEX, SIGMA, CIV, etc.).

Thus, based on the European experience of reform, modern Ukrainian society will have to implement the most effective adoption and decision-making system, based on significant historical experience and promotes to the spread of pluralism. This is what prompts the concept of sustainable development in Ukraine, through which every member of society, the community becomes an active participant in the process of public administration and can influence the formation of all spheres of life.

#### **4.2. THE MECHANISMS IMPROVEMENT OF THE UKRAINIAN STATE MIGRATION SERVICE INTERACTION WITH THE STATE AND LOCAL GOVERNMENT AUTHORITY AGAINST NON-LEGAL MIGRATION AS A NATIONAL SECURITY POTENTIAL THREAT<sup>1</sup>**

The process of formation and implementation of the national security state policy currently is one of the most acute issue in Ukraine. Modern realities of Ukraine's existence as an independent state require, within the framework of the national security policy implementation, to take into account the country's request to realize national interests in all spheres of society's life. Nowadays, the country faces intensification of the unregulated (illegal) migration processes and the lack of an effective state regulation system of migration processes, which constitute a direct threat to the country national security, promote the criminalization growth and the organized criminal groups' formation, and contribute to the social tension exacerbation in society. The bodies of the State Migration Service (SMS) of Ukraine face with an urgent need for a more profound migration perception as a socio-economic phenomenon and an active search for qualitatively new approaches to migration policy formation and control over population territorial movements.

Due to the fact that Ukraine is at the same time a country of origin, destination and transit of migrants, territory of diverse, multidirectional and of different scales migratory flows, ensuring state regulation in the field of migration is a complex task, the solution of which requires an integrated, systematic approach, adequate funding, personnel and scientific support; the tasks and the goals in this area are prioritized, determined and regulated by the Strategy of the State Migration Policy of Ukraine for the period up to 2025.

The bodies of the State Migration Service have to strengthen control over the migration legislation observance and to interact with other bodies

---

<sup>1</sup> The authors of subsection: *Tkachova Nataliya*, Doctor of Sciences in Public Administration, professor, the Head of the Department of Public Management and Administration, Khmelnytsky University of Management and Law, Khmelnytsky, Ukraine; *Martyanova Ruslana*, Ph.D. candidate of the Department of Public Management and Administration, Khmelnytsky University of Management and Law, the Head of the Sector for the Illegal Migration, Readmission and Deportation Prevention of the SMS of Ukraine in Khmelnytsky oblast, Khmelnytsky, Ukraine

of state power and local self-government in order to ensure national security.

Taking into consideration the socio-economic situation, at the present time, the migration attractiveness of Ukraine is relatively low compared to other countries that host migrants. Due to a number of factors, so far, Ukraine has not become a transit country for migrants who travel to the EU. As a result, the number of migrants arriving in Ukraine has decreased in Donbass area and because of the Crimea annexation. The security reasons and the instability of the economic situation through military actions have prevented the migrant flow to Ukraine.

People who have previously attempted to enter through the territory of Russia via unregulated way, and then through Ukraine get into the EU, today, at least, have very serious obstacles on their way: both because of the conflict in the East and military actions, and because of the fact that the western border of Ukraine in recent years has significantly strengthened. At the same time, the general migration crisis in the European Union countries, the targeted actions of the European Union member states, regarding the migration flows settlement and taking measures to establish restrictions on entry into its territory, including through the border crossing, gives grounds to assert that in the near future Ukraine may face the need to react quickly and flexibly to the growth of the migratory flows intensity.

The aggravation of the socio-political situation in a number of countries in the Middle East, Asia and North Africa and the escalation of conflicts have led to a significant increase in illegal migrants amount who have migrated to the EU. Only in 2015 more than 1.5 million migrants from the countries of the Middle East and North Africa arrived in the European Union.

With the introduction of rigorous response measures by EU countries to the illegal migration facts, the southern and western regions of Ukraine, like Hungary, Macedonia, Serbia, Italy, Croatia and Greece, can become transit points for illegal immigrants on the way to EU developed countries. So far, only 0.2% of illegal migrants come to the EU collectively from the territories of Ukraine and Belarus.

At present, according to expert estimates, 257 thousand migrants are permanently resident in Ukraine. These are people who are offenders in one way or another: they either have a delayed visa, or just an illegal stay

in Ukraine, an overdue 90-day period, or a violation of the rules of stay. At the same time, if the belongingness of illegal migrants to the citizenship of one or another country cannot be identified, they are placed in special detention centres for foreigners. Among the countries with the biggest numbers of migration law violators, the former republic of the USSR (Moldova, Russia, Georgia, and Azerbaijan) as well as more distant countries with a low standard of living, such as Vietnam, Afghanistan, and Bangladesh take the leading positions.

According to statistics, about 70% of illegal migrants are men aged 20 to 40 years old. Some of them have a low educational level, a low professional qualification associated with the use of hard physical labour, but most are usually unemployed and persons without certain occupations. A particular danger is caused by the fact that the majority of illegal migrants arrives in Ukraine from countries where various terrorist organizations are active. It leads not only to the criminal situation deterioration, but also to direct political, social complications and causes economic damage to the state, indicating a high degree of social danger.

It ought to be noted that a large group of foreigners illegally staying in Ukraine destabilizes the socio-economic situation. According to expert estimates, each illegal costs the country about 600-800 USD per annum, even if the person lives in cities without receiving any social assistance from the state, because he/she consumes a national product, uses social benefits created by labour and at the expense of taxes paid by the local population, with virtually no reimbursement.

Thus, unregulated foreigners and person destitute of nationality migration through Ukraine has become part of the overall migration process. Beginning in 2015, there has been a tendency for a large number of illegal migrants to be detected within the state and at its borders.

According to the statistics of the State Migration Service of Ukraine in 2016, 6,390 illegal migrants were identified, about 5,729 people made a decision on refoulement from the territory of Ukraine, executed decisions on refoulement from the territory of Ukraine was 2,092 cases; in 2017, there were 9,678 illegal migrants identified, about 9,264 people made a

decision on refoulement from the territory of Ukraine, executed decisions on refoulement from the territory of Ukraine was 4,415<sup>1</sup>.

Modern approaches require not only adequate institutional capacity within the framework of their competence, but also qualitative interagency cooperation, collaboration and coordination.

In accordance with Part 1 of Article 9 of the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons" foreigners and stateless persons enter Ukraine with a passport as specified by this Law or the international treaty of Ukraine and a visa obtained in the prescribed order, unless otherwise provided by the law or the international treaties of Ukraine. Part 1 of Article 16 of this Law states that registration of foreigners and stateless persons who enter Ukraine is carried out at the crossing points at the state border of Ukraine by the state border protection agencies<sup>2</sup>.

In accordance with paragraph 2 of the Procedure for calculating the term of temporary stay in Ukraine, foreigners who are citizens of the states with a visa-free regime of entry, approved by the order of the Ministry of Internal Affairs of Ukraine dated July 20<sup>th</sup>, 2015, № 884, stipulates that upon a foreigner entries the territory Ukraine, the official of the State Border Guard Service at the checkpoint (the control point) through the state border of Ukraine carries out the calculation of the authorized stay. During that period in Ukraine, the calculation of the authorized foreigner's term of stay is carried out by the officials of the State Migration Service<sup>3</sup>.

According to existing firm views, the migration policy in Ukraine is a system of legal, financial, administrative and organizational measures of the state and non-state institutions on the migration processes regulation from the standpoint of migration priorities, quantitative and qualitative migration flows structure, their social, demographic and economic structure<sup>4</sup>.

<sup>1</sup> Statistics on main activity. State Migration Service of Ukraine. URL: <https://dmsu.gov.ua/diyalnist/statistichni-dani/statistika-z-osnovnoj-diyalnosti.html>

<sup>2</sup> The Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons" / Bulletin of the Verkhovna Rada of Ukraine, 2012, № 19-20, p.179

<sup>3</sup> Administrative and legal regulation of migration processes. – Access mode: [lawdiss.org.ua/books/213.doc.html](http://lawdiss.org.ua/books/213.doc.html).

<sup>4</sup> Palagniuk O. Analysis of the mechanisms of state regulation of illegal migration in Ukraine in the modern researchers writings // Public Administration and Local Self-Government, 2014. Issue 1 (20). – P. 83-92.

The leading domestic researcher M. Moiseenko studies migration policy as the state influence on migration processes through their direct regulation<sup>1</sup>. A. Homra, in turn, gives the following definition: "migration policy is a complex of developments and measures aimed at forming the necessary flows and the required intensity of population migration"<sup>2</sup>. According to T. Petrova, "migration policy is a system of legal, financial, administrative and organizational measures of the state and non-state institutions on the regulation of migration processes from the standpoint of migration priorities, quantitative and qualitative structure of migration flows, their social, demographic and economic structure"<sup>3</sup>.

It should be noted that the majority of researchers in the field of migration processes study usually use the term "migration regime", which is understood as the administrative and legal regime, in which the regulation of migration flows and prevention of illegal entry of foreigners into the territory of Ukraine are carried out.

Establishing and maintaining the migration regime effectiveness is ensured through various mechanisms, among which, the most effective mechanism is the counteraction to illegal migration. Thus, it includes the following elements:

- 1) the system of normative legal acts, which form the basis of the mechanism functioning;
- 2) organizational and structural mechanism formation;
- 3) organizational and legal ways of illegal migration counteracting<sup>4</sup>.

As for the definition of the "illegal migration" term most domestic and foreign scientists do not reach consensus because they interpret the essence of this phenomena in different ways. In authors' opinions, under illegal migration, it can be understood the illegal entry into the country of a non-permanent place of residence and departure outside its borders; illegal stay in the territory of the state of a non-permanent residence

<sup>1</sup> Moiseenko V. Actual Issues of Migration Policy in the USSR / V. Moiseenko // Problems of Demographic Policy in Socialist Society: Thesis. All-Union conf. – M., 1982. – 119 p.

<sup>2</sup> Homra A. Population Migration: Theory, Research Methods / A. Homra. – K.: Scientific opinion, 1979. – P. 112.

<sup>3</sup> Petrova T. Conception of the State Migration Policy of Ukraine: Target Orientation and Main Directions / T. Petrova. – K., 1991. – p.2.

<sup>4</sup> Serova I. Theoretical and conceptual issues of international legal definition of illegal migration and mechanisms of this phenomenon counteraction / I. Serov // Juridical journal – 2006. – № 3. – p. 16-21.

(residence without valid documentary registration for a long time: for a year or more); semi-legal arrival to the country of a non-permanent place.

It is essential that the terms "illegal migration" and "illegitimate migration" in the scientific literature are usually used synonymously. However, there is a difference between them regarding the sphere of use: the term "illegitimate migration" is most often used in official documents, while the notion of "illegal migration" is more characteristic of scientific research and journalistic texts<sup>1</sup>.

In the official terminology of the United Nations, instead of the term "illegal migration", the term "irregular migration" is predominantly used; instead of the term "illegal migrant" there is an "irregular migrant" or a "foreigner without proper documents" (undocumented migrant or alien)<sup>2</sup>. This approach reflects the humanistic perception of the illegal migration phenomenon in the modern world, in view of the need to respect human rights and the prohibition of discrimination; it is based on the personal freedom and inviolability principle, freedom of movement, freedom of residence choice, etc.

However, unlike international law, in national legislation, the EU Member States in most cases tend to prioritize the security and economic interests of the state, which is in direct conflict with the human right to freedom of movement and residence, with some degree of discriminatory character. Thus, in the vast majority of the EU legal documents, in particular in the "Common Policy on Counteraction to Illegal Immigration", the term "illegal immigration" is used and is defined as illegal entry and stay of persons in the member countries.

In accordance with this act illegal migration takes place based on the following: a foreigner from one of the EU member states crosses the frontier with falsified (forged) papers or with the absence of an official permit for staying in the country; in case of a delay in the validity of the residence permit after authorized entry; in case when a person works or is engaged in entrepreneurial activity; if it is forbidden by an entry visa or a residence permit<sup>3</sup>.

---

<sup>1</sup> Romanyuk M. Migration of the Ukrainian population in a transition economy. (Methodology and practice of regulation) / M. Romaniuk. – L.: World, 1999. – p.126.

<sup>2</sup> Palagniuk O. Analysis of the mechanisms of state regulation of illegal migration in Ukraine in the modern researchers writings...

<sup>3</sup> Ibid.

Clause 14 of Article 1 of the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons" stipulates that irregular immigrant is a foreigner or stateless person who crossed the border outside the border crossing points or using the latter, but avoiding border control and failed to promptly apply for refugee status or asylum in Ukraine, as well as a foreigner or stateless person who arrived legally to Ukraine, but after the prescribed period of stay lost the grounds for further stay and avoided exit from Ukraine<sup>1</sup>.

It ought to be considered that for the first time in the national scientific thought the study of the mechanism of counteraction to illegal migration from the point of view of administrative law was proposed by O. Kuzmenko, who determined the administrative-legal mechanism of counteraction to illegal migration contains the following elements: a system of legal acts; organizational and structural mechanism formation (that is, actors who carry out counteraction); organizational and legal methods (i.e., types of activities of counteraction actors). V. Kolpakov pays attention to the mechanism of ensuring the legal regime as an integral part of the rule of law adherence, which includes: organizational and structural formations and organizational and legal methods<sup>2</sup>.

Formation and implementation of migration policy in Ukraine is carried out by a number of state authorities. However, in spite of significant branching up and significant number of subjects of illegal migration, the main burden lies on the State Migration Service of Ukraine subdivision, which exercises the authorities for state control over legislation observance in the migration field (immigration and emigration), including counteraction to illegal (illegitimate) migration, registration of individuals, refugees and other categories of migrants determined by the legislation, in cases provided by law, causes the offenders to be held liable for administrative liability. However, the effectiveness of the activities aimed at preventing illegal (illegitimate) migration is influenced by the inadequate system of interaction between the SMS of Ukraine and other authorities, namely: with the Ministry of Internal Affairs of Ukraine, with the Security Service of Ukraine, with the State Department of Ukraine for

---

<sup>1</sup> The Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons"...

<sup>2</sup> Administrative and legal regulation of migration processes...

the sentences execution, with the State Border Guard Service in Ukraine and others.

The Resolution of the Cabinet of Ministers of Ukraine dated July 12<sup>th</sup>, 2017, № 482-p approved the Strategy of the State Migration Policy of Ukraine for the period up to 2025, where one of the goals is to strengthen control over the migration legislation observance within the country. It is also determined that the intensity and types of interventions ought to be proportionate to the risks of illegal migration and the possible threats that lead to such violations.

Therefore, scholars and practitioners recognize that migration management is an integrated branch of state policy, consisting of a series of interconnected components, the responsibility of which lies with the various government bodies.

In Ukraine, the central executive authorities, which are responsible for the state migration policy implementation, are the State Migration Service and the State Border Guard Service whose activities are directed and coordinated by the Cabinet of Ministers and the Ministry of Internal Affairs. Some aspects of migration policy concern the areas of competence of the Ministry of Social Policy, the Ministry of Foreign Affairs, the Ministry of Internal Affairs, Commissioner of the Verkhovna Rada of Ukraine for Human Rights, the State Employment Service. However, the entire spectrum of functions in the migration sphere cannot be covered by the State Tax Inspectorate alone, in connection with which there is a need to organize effective interaction with relevant state authorities, local self-government in coordinating activities aimed at ensuring migration security.

It is generally known that any phenomenon or process is not practical without an active mechanism for their implementation. The interaction of SMS with state authorities is also a mechanism. Moreover, it is a dynamic phenomenon, which depends on the way it functions, i.e. the mechanism of implementation<sup>1</sup>.

In the scientific literature, the term "management mechanism" is widely used, but its content and structure are interpreted differently by various scholars and practitioners. The most widespread definition is given by B. Bakumenko, V. Knyazev: the mechanisms of state

<sup>1</sup> Administrative and legal regulation of migration processes... P.47.

administration are "practical measures, means, and levers, incentives through which public authorities influence society, production, and any social system in order to achieve set goals". The integrated mechanism of public administration is defined as "a system of political, economic, social, organizational and legal means of purposeful influence of public administration". The scheme of the real mechanism of government includes: goals, decisions, influences, actions, result.

In authors' opinion, the mechanism of interaction of SMS with state authorities and local self-government is a single integrated regulator aimed at preventing illegal migration, transnational crime by coordinating activities and establishing clear interaction between the State Migration Service and public authorities. Since any mechanism is a system with a high degree of organization, and each system has its own structure, one can talk of the mechanism structure of SMS interaction with state authorities in the field of counteracting illegal (illegitimate) migration.

This mechanism includes the organization of interaction and the process of this interaction itself. Y. Galaniuk identifies two components in the structure of this mechanism, i.e. organizational and activity. In order to designate them, it is most expedient to use the "organization of interaction" and "implementation of interaction" categories<sup>1</sup>. The definition of "organization", in the context of the being investigated issue, can be used in two ways: 1) as one of the most important elements of the SMS interaction mechanism in the counteraction to illegal migration sphere, which is embodied in the influence on the process of this interaction in order to structure it; 2) as the desired end result of such influence, in the form of a qualitatively new level of coherence in activity.

The SMS interaction with public authorities and local self-government is manifested in their joint activity, which is carried out within the framework of the system. In accordance with the Decree of the Cabinet of Ministers of August 20<sup>th</sup>, 2014, № 360 "On Approval of the Regulation on the State Migration Service of Ukraine", the SMS while carrying out its tasks interacts in accordance with the established procedure, with other state bodies, subsidiary bodies and services established by the President of

<sup>1</sup> Galanyuk Ya. Improvement of mechanisms of interaction of the state border service of Ukraine with state authorities and local self-government // Proceedings of Tavria National University after V. Vernadsky. Series: Public Administration, Vol. 29 (68) № 1, 2018, p.47-53.



Ukraine, local self-government bodies, public unions, trade unions and employers' organizations, relevant bodies of foreign states and international organizations, as well as enterprises, institutions and organizations. Thus, in the process of organizing this interaction, the SMS subdivisions systematically coordinate and synchronize their activities with the departments of ministries and services, state executive bodies and local self-government bodies.

Regarding the hierarchical structure of the SMS, the indicated interaction is carried out at the levels, which implies the presence of its appropriate organization.

The national level involves the organization and implementation of existing cooperation between relevant state and non-state bodies of Ukraine. As the subjects of interaction there are the SMS and the bodies of state executive power (SSU, National Police, SMS, the patrol and inspection service, etc.). The regional level has its multilevel structure, which is determined by the authority bodies that take organizational decisions and communicate at the regional level, namely: heads of regional departments of the Ministry of Internal Affairs, Ministry of Internal Affairs, State Tax Administration, heads of regional state administrations, local authorities of public authority within their competence.

The main requirements that are put forward to the required level of organization of this interaction are: reliability and rationality of interaction; its effectiveness; saving of forces and means; clarity and promptness (timeliness) of interaction actions; maintaining the interaction of the organizational subject structure within this organization.

The main normative acts regulating the authorities' interaction with regard to preventing and counteracting illegal migration are:

- procedure for carrying out measures to oversee and control the legislation implementation in the field of migration, approved by Order № 850/536/1226 of 04.09.2013 of the Ministry of Internal Affairs of Ukraine, Ministry of Social Policy of Ukraine and the Ministry of Education and Science of Ukraine; however, this procedure only determines the purpose of the measures and indicates which departments are involved in carrying out preventive measures;

- instruction on compulsory return and forced removal from Ukraine of foreigners and stateless persons, approved by the order number 353/271/150 dated April 23<sup>rd</sup>, 2012, of the Ministry of Internal Affairs of

Ukraine, the Administration of the State Border Guard Service of Ukraine, the Security Service of Ukraine, which approves the procedure of territorial bodies officials, SMS territorial subdivisions, state border guard institutions and the SSU bodies during the decision-making on the forced return and initiation of decisions on the forced removal of foreigners from Ukraine.

However, in the abovementioned instruction, there is no mechanism for cooperation between authorities in countering illegal migration. Therefore, in order to ensure effective protection of the state national interests against counteraction to illegal migration and to work with law enforcement agencies for the purposeful fight against crime in the area of human trafficking and other crimes related to illegal migration on the territory of Ukraine, including foreigners, who were released from places of imprisonment, the approval of the Plan of joint measures of the National Police of Ukraine in the Khmelnytsky oblast and the SMS of Ukraine in the Khmelnytsky oblast in relation to counteract illegal migration in the region has been initiated. Particular attention has to be paid to the legality of the foreigners stay on the territory of Ukraine, who commit criminal offenses, are sentenced to imprisonment, serve a punishment in a correctional colony on the territory of Ukraine and who are released from execution of punishment after the termination of their sentence.

The analysis of the foreign countries experience in combating organized crime shows that in world law enforcement practice, illegal migration is defined as a generally recognized form of organized crime, the opposition of which from the relevant national structures is becoming increasingly relevant.

As a rule, foreigners who are released from prison, do not leave the territory of Ukraine; they are recidivists who are repeatedly convicted and who do not have grounds to legally reside on the territory of Ukraine; they are involved in the illegal migration and crime situation in the country. It is almost impossible to make a decision in court against Forced release of this category of foreigners without prior compulsory return.

Since nowadays there is no definition of this category of foreigners, the normative document that would define the authority to exercise control over the stay of this category of people does not exist. There are no instruction and normative document that would regulate the actions of the officers of the SMS with the bodies of the National Police and the organs

and institutions of the State Penal Service for foreigners who are discharged from state penitentiary institutions after serving their terms of punishment and whose stay on the territory of Ukraine destabilizes the criminal situation in the country.

In addition, there is no definition of this category of foreigners in the Criminal Code of Ukraine and the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons".

However, recently there is a term "criminal immigration" in criminal literature which defines the movement of the population and "criminal migration" that treats foreigners when determining the contingents of foreigners for criminal purposes.

The analysis of official data on persons who committed crimes on the territory of Ukraine in 2017 allowed the following data to be obtained, namely, from 117,947 people who were officially issued with the order in 2017 to hold a decision on suspicion of committing crimes, there was the following picture: foreign citizens – 1,579 people; citizens of the CIS – 1,027; stateless persons – 195; illegal migrants – 41; refugees – 17 people. In total, 2,839 people who were not permanent residents of the country and belonged to one or another group of migrants were detected<sup>1</sup>.

Therefore, the illegal stay in the territory of a foreign country is a destabilizing factor in the socio-political, as well as socio-economic spheres, which also leads to an increase in criminal types of crimes, which has a very negative effect on the authority of Ukraine in the EU.

The introduction of a continuous monitoring system and exchange of information between the National Police of Ukraine, SMS of Ukraine enabled the introduction of measures for the timely detection of foreigners who were released from places of detention and who did not enter the path of correction while serving their sentence and, after being released from places of imprisonment, intended to continue committing criminal acts, to adhere to criminal "concepts" and "customs" with the purpose of commission of serious and particularly serious crimes, maintain thieves' traditions, which negatively affects operative situation in Khmelnytsky oblast. During the briefing on October 18<sup>th</sup>, 2017, the First Deputy Head of

---

<sup>1</sup> Babenko A., Smaglyi A. The Criminological View of the dependence between Migration and Crime: Countering Illegal Migration and Human Trafficking: II International science-practice conf., March 16-17, 2018, Private University of King Danylo University, CEI Cooperation Fund. Ivano-Frankivsk, 2018, p.14-16.

the National Police – the Head of the Criminal Police Vyacheslav Abroskin noted that according to statistics, every fourth crime in the state was committed by foreign citizens.

A significant number of foreigners who are involved in criminal offenses stay legally in Ukraine, that is, they are documented with temporary residence permits and permanent residency certificates in Ukraine; as a rule these are "fake marriages", which became the basis for foreigners' legalization in terms of the family reunion".

According to clause 7 of the first part of Article 1 of the Law of Ukraine "On the legal status of foreigners and stateless persons", foreigners and stateless persons who, in accordance with the procedure established by law or an international treaty of Ukraine, have entered Ukraine and permanently or temporarily reside on its territory, or are temporarily in Ukraine are considered to be legally residing in Ukraine.

According to Article 3 part 1 of the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons", foreigners and stateless persons who are legally resident in Ukraine enjoy the same rights and freedoms as well as carry the same duties as citizens of Ukraine, with the exceptions established by the Constitution, laws or international treaties of Ukraine. Thus, the order of the Cabinet of Ministers of Ukraine of July 13<sup>th</sup>, 2017, № 502-p "On introduction of the implementation of a pilot project on state registration of marriage" the implementation of a state-guaranteed marriage right has been ensured for migrants. For example, in the city of Khmelnytsky in 2017, 395 couples used the indicated service, among which there were residents of not only other cities of Ukraine, but also citizens of Poland, Turkey, Morocco, Georgia, France, Canada, Italy, Germany, Kazakhstan, Tajikistan, Uzbekistan, Syria, Moldova, Estonia, Lithuania, Belarus, Greece, Azerbaijan, Israel, Armenia, the Russian Federation.

In accordance with the Rules for State Registration of Civil Status Acts in Ukraine, approved by the Ministry of Justice of Ukraine on October 18<sup>th</sup>, 2000, № 52/5 (as amended by the Decree of the Ministry of Justice of Ukraine of 24<sup>th</sup> December, 2010, № 3307/5), foreigners and stateless persons for state registration of marriage in Ukraine has to only provide a passport document.

Starting since December 16<sup>th</sup>, 2016, the state registration bodies of civil status registration act verify the legality of a foreigner or stateless

person stay on the territory of Ukraine by sending a request to the territorial authority of the State Migration Service of Ukraine on the day the application for state registration of the marriage is submitted. SMS in accordance with the Procedure for calculating the term of temporary stay in Ukraine of foreigners who are citizens of the states with a visa-free travel procedure, approved by the order of the Ministry of Internal Affairs of Ukraine dated July 20<sup>th</sup>, 2015, № 884, determines the legality and term of stay of a foreigner on the territory of Ukraine.

Thus, foreign citizens who are legally resident in Ukraine and have married Ukrainian citizens, have grounds for obtaining a temporary residence permit in Ukraine by applying to the SMS territorial bodies and providing only a passport document of a foreigner, a receipt for a state duty payment, a petition host party, photos. Therefore, the law does not provide for submission of documents confirming the dissolution of the previous marriage and the absence of conviction in the country of civic affiliation. Consequently, a foreign citizen who is legally on the territory of Ukraine, by filing an application and several documents, officially legalizes temporary stay on the territory of Ukraine. However, no normative legal act of Ukraine contains information on checking the SMS accounts, the Ministry of Internal Affairs, Interpol during the legality verification of a foreigner stay on the territory of Ukraine and after a foreigner marriage registration who marry Ukrainian citizens and apply to the SMS for obtaining a temporary residence permit in Ukraine, which exacerbates the abuse of family reunification right, including through fictitious marriages.

Within this framework, the Polish experience is interesting, which provides for the verification of foreigners who filed applications for marriage registration not only in all available records, but also a complex of actions to determine the circumstances of a foreigner stay, a survey of neighbours, the establishment of a husband's residence or other member of the foreigner's family, as well as persons with whom the foreigner has a connection. A survey of a foreigner's family members and the persons with whom they live in a joint household examines the material condition and living conditions of a foreigner. The survey is conducted at the place of a foreigner's residence, at the place of work, studying. The survey is conducted from 6.00 am to 22.00 pm. If, as a result of the survey, the information submitted by the foreigner was not confirmed or gathered information raised doubts as to its authenticity, Border Guard officials may

check the residential premises that the foreigner indicated as the place of residence.

Moreover, most importantly, an examination is carried out regarding the involvement or influence of a foreigner on the state security and public order, and whether the foreigner presents a threat to the state defence capability and security.

In France, in order to avoid fraud and the fight against false marriages, interviews are conducted in the prefecture and consulate, where the spouses' cohabitation, level of the French language proficiency, degree into French society assimilation, behaviour and law-abidingness are verified.

The main task of the US Citizenship and Immigration Services Commission (hereinafter referred to as USCIS) is to establish the honest intentions of the spouses. USCIS employees have determined the cases when US citizens marry a foreigner to obtain cash reward. That is why the immigration officer is empowered to investigate the authenticity of the marriage by interrogating the marriage, detecting any inconsistencies in the documents provided, as well as requiring additional evidence of the existence of marriage relations between spouses.

In accordance with the order of the Ministry of Internal Affairs of Ukraine dated 30<sup>th</sup> January, 2018, № 66, the National Police of Ukraine, the State Migration Service of Ukraine, the State Border Guard Service of Ukraine, with the participation of the Security Service of Ukraine carry out preventive measures to oversee and monitor the legislation implementation in the field of migration under the conditional name "Migrant". During the mentioned preventive measures at a daily basis law enforcement officers detain foreigners who commit criminal offenses and are involved in crime situations on the territory of the state, the public danger of which is in establishing control over the illegal activities of organized groups for commission of serious and particularly serious crimes in Ukraine; their stay on the territory of the country poses a threat to national security of Ukraine and the protection of public order. Joint efforts have led to a positive result, since 5,515 illegal migrants have been identified, 5,513 illegal migrants have been arrested, about 217 people have been forced to leave Ukraine, 152 foreigners have been placed in

temporary stay of foreigners and stateless persons, and 1,089 foreigners have been banned from entering Ukraine<sup>1</sup>.

Consequently, the Strategy of the State Migration Policy of Ukraine, for the period up to 2025, stipulates that the persons' identification who may pose a threat to the national security of the state and potential illegal migrants remains an urgent issue as well as functioning of the illegal migrants detection system within the state, cooperation between the relevant authorities in order to control compliance with migration legislation, in particular between the National Police, the State Border Guard Service and the State Customs Service for Combating Organized Forms of Illegal Migration in / through Ukraine<sup>2</sup>.

### **Conclusions**

Therefore, it can be determined that illegal stay of foreigners and stateless persons on the territory of Ukraine remains one of the factors of the crime spread and the crime situation aggravation in the country as a whole.

The issue of counteracting illegal migration and ensuring state security in the field of migration within the state is mainly entrusted to the bodies of the State Migration Service of Ukraine, whose powers include the carrying out of preventive measures for legislation observance in the field of migration and the application of administrative measures against foreigners, such as "compulsory return" and "forced expulsion".

It is important to take into account the fact that since the year of 2016 the number of detected illegal migrants and criminal offenses committed by them has been increased. The task for SMS employees and state authorities as well as law enforcement agencies (including those with special status) is to develop effective influence on the illegal migration prevention, control over foreigners staying on the territory of Ukraine and the use of the institution of administrative influence i.e. forced expulsion

---

<sup>1</sup> Public report of the Head of the State Migration Service of Ukraine, based on the results of the service for 2017, the State Migration Service of Ukraine. URL: <https://dmsu.gov.ua/news/publicnij-zvit-golovi-derzhavnoj-migracijnoj-sluzhbi-ukrajni.html>.

<sup>2</sup> The Strategy of the State Migration Policy of Ukraine for the period up to 2025: Order of the Cabinet of Ministers of Ukraine dated July 12, 2017, # 482-p The Verkhovna Rada of Ukraine. Legislation of Ukraine. URL: <http://zakon5.rada.gov.ua/laws/show/482-2017-%D1%80>.

outside Ukraine, as well as foreigners who are released from state penitentiary institutions after the sentence termination.

Improvement of the authorities' interaction with timely detection of foreigners who are released from the penal institutions of the State Criminal-Enforcement Service of Ukraine for the termination of the sentence requires the creation of an organizational and legal measures complex aimed at stopping violations of migration law.

The application of the administrative and legal measure "forced evictions outside Ukraine" in relation to foreigners who are subject to criminal violations, contributes to reducing the number of criminal acts committed by foreigners, whose stay is a destabilizing factor and affects the operational situation on the territory of the state.

Therefore, taking into consideration international legislation and ensuring state security within the state, the scheme of interaction between the bodies of the State Tax Administration and the authorities in the field of migration has been proposed, in relation to foreigners who are discharged from state penitentiary institutions on the example of the Khmelnytskyi oblast, which is an effective measure for leaving the territory of Ukraine by foreign citizens regardless of their desire. Consequently, in order to resolve the problematic issues in the migration law application, the authors have proposed to amend the current legislation of Ukraine regarding detention and expulsion.

The prospect of further research on this issue is to improve the interaction of the SMS bodies with the State Employment Service and the Labour State Service of Ukraine. Furthermore, another measure can be the application of administrative coercion to foreigners, namely, the prohibition of further entry into Ukraine.

In authors' opinion, in the context of the issue under investigation, it is essential to study European countries experience in ensuring the coordination of the national migration services activities of the EU member states in order to strengthen the control of the migration legislation observance.

According to the results of the study, it has been proposed to create in the structure of the Administration of the Ministry of Education and Science the Coordination Centre of interaction with state authorities and local self-government in the field of illegal migration counteraction (hereinafter – the Coordination Centre). The proposed structure will be

able to accumulate all information flows and optimize activities related to the coordination and synchronization of actions of all state authorities, in order to prevent the migration legislation violation.

The main tasks of the Coordination Centre are: to monitor migration flows in conjunction with the SMS, the Ministry of Internal Affairs of Ukraine and to carry out risk analysis on all aspects of integrated management of illegal migration, deportation processes; to assess the external threats and the degree of state structures readiness to respond to economic, criminogenic and social challenges; to coordinate and organize joint operations of state bodies authorities in response to threats that are related to migration legislation violations; to establish technical equipment centres for synchronizing the actions of state authorities in the field of ensuring migration security, implementing operations of rapid response to criminal threats, optimizing the activity of checkpoints and migration control; to develop technical standards for equipment for control and communication at the tactical level as well as technical oversight to ensure prompt response to threats that arise; to organize coordinated actions in the field of combating organized transborder crime and terrorism through interaction with other bodies, the public and local self-government bodies; to develop and operate information systems that allow the rapid and reliable information exchange on new risks of illegal migration and the promotion of the development and functioning of a unified environment for the information exchange between the SMS, the patrol and inspection service, the Ministry of Internal Affairs and public authorities.

Summing up what has been said, the international prestige of Ukraine, as well as any sovereign state, is determined by the ability of state authorities to effectively carry out border guarding, control the foreigners movement through it, and comply with the current immigration legislation requirements, which will be facilitated by the mechanism of the SMS with the public authority and public organizations interaction. The effectiveness of this activity is determined and regulated by the Strategy of the State Migration Policy of Ukraine for the period up to 2025, the strict observance of the priorities chosen by the government, the availability of reliable legal, organizational, material and informational support to measure migration state regulation.

#### **4.3. THEORETICAL AND METHODOLOGICAL BACKGROUND FOR SUSTAINABLE TERRITORIAL DEVELOPMENT (CASE OF HIGHER EDUCATION DRIVERS)<sup>1</sup>**

Sustainable development is based on the intersection of numerous ideas that will be defined as “sustainability”, namely, what is understood as development in the context of permanent relations and processes. It is appropriate to remember what exactly defines development as a state and as a process, and what place the “constancy” parameter takes. It is necessary to recall both the classical definitions of sustainable development (development that does not restrict the possibility of future generations to use the resources and conditions for their own enhancement, and will not be less than the current generation ones) and its contemporary (modern) interpretation. Therefore, prof. A. Sukhorukov defines: “Consistency does not exclude fluctuations; it is precisely because of changes in the system parameters that it can maintain. Thus, “constancy” is a dynamic property of the system, which ensures its adaptation to changing conditions through self-regulation<sup>2</sup>”. Consequently, sustainable development is a development that is realized despite fluctuations or through fluctuations. In order to assess such fluctuations modern drivers of territorial development can be useful.

Currently, universities are the quintessence of knowledge, technology and innovation aimed at developing entrepreneurial skills. In recent decades, there have also been significant changes in the nature of the relationship between universities and consumers of their products and services. The role of the university as a leader in territorial development is

---

<sup>1</sup> The author of subsection: Michał Śleziak, Master of Economics, University of Economics and Humanities, Bielsko-Biala, Poland

<sup>2</sup> Sukhorukov A. Ratios of development and security in socio-economic strategies of the national and regional level / A. Sukhorukov // Sustainable development of XXI century: management, technology, models. Discussions 2016: Collective Monograph / Anderson V., Balgi M., Barkan V. [etc.]; Institute of Telecommunications and Global Information Space of the National Academy of Sciences of Ukraine; NTUU "Kyiv Polytechnic Institute"; Higher economics and humanitarian school / for sciences. prof. Hlobistova Ye. – Cherkassy: publisher Chabanenko Yu., 2016. – 564 pp. – P.60.