

## INTERACTION OF INTERPOL UKRBUREAU UNITS WITH THE STATE MIGRATION SERVICE OF UKRAINE TO COMBAT ECONOMIC CRIMES COMMITTED BY FOREIGNERS

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**Abstract.** Joint counteraction against international crime by all law enforcement agencies of different countries brings common results in eradicating this phenomenon in the world and reducing the number of crimes in a single state. This is one of the most relevant areas of international cooperation worldwide. That is why the issue of interaction in the field of law enforcement acquires special attention and relevance. That is why special attention is paid to the content of the concept of "interaction" and "interaction of law enforcement agencies". Today there is a significant increase in economic crime, with international transnational crime paying particular attention to economic crimes committed by foreigners. A significant role in countering this phenomenon is played by specially formed international institutions (bodies), namely: international organizations; international conferences; international commissions and committees. The most famous of these include the following: United Nations (UN) Commission on Crime Prevention and Criminal Justice; UN Office on Drugs and Crime; Council of Europe (Council of Europe Committee of Experts on the Evaluation of Anti-Money Laundering Measures); European Committee on Crime Problems; International Criminal Police Organization (Interpol), etc. The central body for combating international crime is the International Criminal Police Organization – Interpol, which began its activities after the entry into force (June 13, 1956). The purposes of Interpol are: to ensure and develop the widest possible mutual assistance between all criminal police agencies within the framework of the laws in force in the various countries and in the spirit of the Universal Declaration of Human Rights; creation and development of institutions capable of successfully contributing to the prevention and suppression of criminal offenses (Art. 2 of the Interpol Charter). The structure of the internal organs of Interpol consists of: General Assembly; Executive Committee; General Secretariat; National Central Bureaus; Counselors; File Control Commission. INTERPOL maintains relations with many international organizations on issues related to its sphere of activity. Interpol maintains a National Central Bureau of Interpol in each of its member countries, through which international police cooperation is regulated. The National Central Bureau is an authorized police authority or entity with the status of an Interpol representative in its country. The main purpose of national central bureaus is to involve the police authorities of the country in the international fight against crime, to establish and maintain contacts with other national central bureaus and the General Secretariat of Interpol by ensuring a continuous, rapid and high-quality exchange of information. In Ukraine, such a unit is the National Central Bureau of Interpol, which operates within the structure of the National Police of Ukraine and organizes international cooperation of all law enforcement agencies of our state within the framework of the Organization. As part of combating crime, the National Central Bureau of Interpol cooperates with the State Migration Service of Ukraine, organizes cooperation, as well as initiates and coordinates operational and investigative activities aimed specifically at preventing and solving crimes, identifying and deporting from Ukraine persons – citizens of foreign countries involved in criminal activity, in particular members of transnational organized crime networks, persons who have committed sexual crimes against children, and the like. A special area of interaction is the fight against economic crimes committed by

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foreigners that disrupt the economic systems of various states. The State Migration Service of Ukraine sends requests about economic crimes committed by foreigners to the Interpol National Central Bureau.

**Key words:** interaction, Interpol Ukrbureau divisions, law enforcement agencies, crime, State Migration Service of Ukraine, inquiry, cooperation, information, foreigner.

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## 1. Introduction

The concept of interaction of bodies endowed by the state with subordinating powers, to date, has no unified concept both in the theory of law and in practice. It should be noted that subordination relations are built on the basis of direct subordination, in terms of relations with public administration bodies. Subordination arises between bodies located in co-subordinate structural units, between which there are managerial relations and operate according to the principle of verticality. Independent actors have the power to coordinate structural relations among themselves. By interacting, they pursue a common goal.

Before considering the content of interaction between Interpol's Ukrbureau and law enforcement agencies of Ukraine, it is necessary to consider the content of the concept of "interaction" and "interaction of public administration authorities with Interpol".

**Interaction** is the cooperation of subjects on the basis of mutual assistance of their structural parts and elements in order to fulfil the set goals and objectives.

In the context of globalization, as the world undergoes processes of integration and transformation, international interaction with different countries is of particular importance. The world community has reached a level of development in which all of humanity or some part of it is trying to exist, to develop as a single organism. There is a constant search for dialogue between different cultures, worldviews, and political systems. In the context of the development of interstate relations, interaction in the law enforcement sphere, aimed at countering offenses and solving crimes, is of particular importance. Interpol is one of the central international organizations that organize and coordinate international law enforcement cooperation among member states. This International Criminal Police Organization includes 188 countries around the world. Interpol police cooperation is based on actions taken by these agencies on the territory of their countries and in strict compliance with their national laws. All Interpol member countries have equal rights, regardless of the size of their financial contributions. Interpol is an administrative organization that acts as an intermediary between police agencies around the world. It has no authority and therefore relies heavily on the cooperation of national law enforcement agencies in processing requests from abroad. Accordingly, each member country establishes an Interpol National Central Bureau

organization with the status of Interpol representative in its country, the main purpose of which is to involve law enforcement agencies of the country in the international fight against crime in cooperation with other national central bureaus and the General Secretariat of Interpol. Organizations of the Interpol National Central Bureau of member countries interact with them, ensuring the continuous, rapid and high-quality exchange of information related to international crime and other offenses.

Thus, **the interaction between the units of Interpol's Ukrbureau and law enforcement agencies of Ukraine** is a systematic activity of the body, which ensures the exchange of official and confidential operational and investigative information within Interpol and law enforcement agencies of Ukraine to combat crimes in the field of foreign economic activity, fuel and energy complex, crimes related to the theft of vehicles and in the financial and banking sector, as well as crimes committed with the use of firearms and explosives, crimes related to drug trafficking and illegal migration.

## 2. Research methodology

Methodology implements such functions as determining how to obtain scientific knowledge that reflects dynamic processes and phenomena; foreseeing a special way to a specific research goal; ensuring the completeness of information about the process or phenomenon under study; assistance in introducing new information into the fund of science theory; providing clarification, enrichment, systematization of terms and concepts in science; creating a system of scientific information based on objective facts; and is a logical and analytical tool of scientific knowledge.

The methodology of the study of interaction between Interpol Ukrbureau and the State Migration Service of Ukraine to combat economic crimes committed by foreigners is based on the methodological basis of scientific research on the fight against transnational crime. The methodological framework is a scientific foundation from the position of which the explanation of the main scientific phenomena and identification of their regularities are given. In a broad sense, it is the basic assumptions on which the study is based. The methodological foundations of the study of interaction between Interpol Ukrbureau and the State Migration Service of Ukraine to combat economic crimes committed by foreigners consist of a system

of different methods of studying general and specific patterns of emergence, development and functioning of phenomena and processes.

The concept of "method" in a broad sense means "the way to something" or the way of subject activity in any form. In other words, method is a way of cognition and practical transformation of reality, a system of techniques and principles governing the practical and cognitive activity of people (subjects). Consequently, the method is reduced to a set of certain rules, techniques, methods and norms of knowledge and action.

In this article, scientific methods were used to translate the topic of interaction between the units of Interpol Ukrbureau and the State Migration Service of Ukraine regarding the counteraction of economic crimes committed by foreigners from the theoretical to the practical dimension on the basis of reasonable objective laws of the world, to identify the features of interaction between Interpol and the State Migration Service of Ukraine, the specifics of requesting and receiving information, to highlight and analyze the legal regulation of cooperation in combating economic crimes committed by foreigners. The theoretical level assumes not direct but mediated by forms of thinking contact with reality, the empirical level – aimed directly at the sensually perceived object, it is a specific unity of sensory and mental reflection of reality, in which the sensory reflection comes to the fore. Sensory information is then processed by rational means. Accordingly, in this scientific study were used general scientific and private methods, namely: 1) methods of isolation and research of empirical object (observation, experiment, model experiment, scientific fact); 2) methods of processing and systematization of obtained knowledge (analysis and synthesis, induction and deduction, analogy, systematization, classification, empirical law, empirical (descriptive) hypothesis, observation, experiment, model experiment, scientific fact).

### **3. Peculiarities of interaction between units of Interpol Ukrbureau and law enforcement agencies of Ukraine**

Interaction between the police of different countries in the INTERPOL system as part of state cooperation in the fight against crime can be developed only in strict compliance with the general principles of international law and, above all, the principle of cooperation, the sovereign equality of states, non-interference in their internal affairs, the principle of respect for human rights, as well as ensuring the inevitability of punishment for an unlawful act committed.

According to the Decree of the Cabinet of Ministers of Ukraine "On the National Central Bureau of

Interpol" of 25 March 1993<sup>1</sup> 220, the interaction of law enforcement agencies of Ukraine with the competent authorities of foreign countries in addressing issues of combating crime of transnational nature or going beyond the borders of the country is carried out only through the National Central Bureau of Interpol. The National Police performs the functions of the National Central Bureau of Interpol.

In Ukraine, the specifics of cooperation of the National Central Bureau of Interpol with all law enforcement agencies in the territory of an Interpol member state, which conduct criminal and operational-search cases, are normatively defined. The National Central Bureau of Interpol ensures cooperation of Ukrainian law enforcement agencies in the fight against crime by:

- 1) coordination and cooperation with law enforcement agencies within the country;
- 2) interaction with international law enforcement agencies of foreign member states;
- 3) interaction with the General Secretariat as the central body in the fight against international crime: the International Criminal Police Organization – Interpol;
- 4) analytical and prognostic activities on the state of crime in Ukraine and the level of threat of criminal activity of Ukrainian citizens abroad.

That is, interaction can be internal and external, and, accordingly, the purpose and objectives of interaction change. At the same time, cooperation can be both between states and international organizations. Interpol as an international organization is characterized by universal interaction and multilateral content. Thus, representatives of various state authorities empowered on behalf of Ukraine, the activity of which is related to the implementation of state functions in the field of law enforcement, provide representation of the interests of Ukraine in treaty and institutional forms of international cooperation on law enforcement, both bilateral and multilateral levels, including international legal assistance issues.

Interaction with law enforcement agencies within the country is done by sending requests. Law enforcement agencies of Ukraine send requests directly to the Interpol National Central Bureau or through the territorial units of the Interpol National Central Bureau – departments and groups of the Interpol National Central Bureau, ensuring coordination with:

- the Ministry of Internal Affairs of Ukraine;
- divisions of the National Police of Ukraine;
- other law enforcement agencies of Ukraine;
- territorial divisions of other ministries and central executive authorities of Ukraine.

Exchange of information between law enforcement agencies of different states, real-time access to information resources and databases of the General Secretariat of Interpol, as well as analytical, statistical and reference materials are carried out using a global

telecommunications system I-24/7 (Interpol 24/7), which was introduced in 2002. It is a tamper-proof network with a limited number of users that is unparalleled globally and is an effective tool for international law enforcement cooperation. I-24/7 communications are the exclusive domain of the Interpol National Central Bureau and the General Secretariat. Through the I-24/7 system, authorized law enforcement officers of Member States are authorized to access the following databases of the General Secretariat: Persons and notices; Forensic data; Travel and official documents; Stolen property; (Firearms and dangerous materials); (Organized crime networks).

According to the order of the Ministry of Internal Affairs of Ukraine, Prosecutor General's Office, National Anti-Corruption Bureau of Ukraine, the Security Service of Ukraine, State Bureau of Investigation, Ministry of Finance of Ukraine, Ministry of Justice of Ukraine № 613/380/93/228/414/510/2801/5 dated August 17, 2020 "On Approval of the Instruction on the Procedure for the Use by Law Enforcement Agencies of Ukraine of the Information System of the International Criminal Police Organization – Interpol" established the procedure for sending requests to the National Central Bureau of Interpol, their standard form and content.

Law enforcement agencies of Ukraine shall send requests/requests for use of Interpol information system to the authorized unit and/or authorized territorial units. Structured subdivisions of the Prosecutor General's Office, the Central Department of the Security Service of Ukraine, the National Anti-Corruption Bureau of Ukraine, the central office of the State Bureau of Investigation, apparatuses of ministries and central executive authorities, the Department of Criminal Sentence Enforcement shall send requests/requests to the authorized unit. Territorial (regional) subdivisions (bodies), departments of law enforcement agencies of Ukraine shall send requests / appeals to the relevant authorized territorial subdivisions. Requests / appeals of territorial (regional) subdivisions (bodies), departments of law enforcement agencies of Ukraine requiring immediate execution may be sent directly to the authorized subdivision. By decision of the director of the State Bureau of Investigation, requests/requests of the territorial offices of the State Bureau of Investigation may be sent to the authorized department through a structural subdivision of the central office of the State Bureau of Investigation determined by this director. Authorized territorial subdivisions within fifteen days pre-process requests/requests of territorial (regional) subdivisions (bodies), departments of law enforcement agencies of Ukraine regarding their validity, completeness, correctness of registration, compliance with Interpol rules and ensure their transfer to the authorized subdivision. It should be noted that

the Cabinet of Ministers of Ukraine on September 13, 2002 № 1371 "On the participation of central executive authorities in the activities of international organizations, of which Ukraine is a member", the National Police is defined as the responsible central body of the executive power of Ukraine, which follows from the membership of Ukraine in the ICPO – Interpol. Thus, based on the membership of our state in ICPO – Interpol, the decision to form the National Central Bureau of Interpol is taken by the Cabinet of Ministers of Ukraine, which determines the central body of executive power that fulfills the obligations of Ukraine as a member of Interpol. Accordingly, it is the National Police of Ukraine. In turn, the determination of the structural unit, which directly performs the tasks and functions of the National Central Bureau of Interpol, falls under the authority of the Chairman of the National Police. Thus, in accordance with Clause 10 of Part 1 of Article 22 of the Law of Ukraine "On National Police", the head of the police approves the provisions of the independent structural subdivisions of the police apparatus. In 2017, in the structure of the National Police of Ukraine the order of the National Police from April 26, 2017 № 64 "On approval of the staff schedule of the apparatus of the National Police" Ukrbureau Interpol was reorganized into the Department of Interpol and Europol of the National Police of Ukraine. Accordingly, in 2017, the Department of International Police Cooperation was created on the basis of the liquidated Department of Interpol and Europol and the Department of International Cooperation of the National Police of Ukraine. Today, it interacts with all law enforcement agencies and considers requests from them.

The basis of international cooperation within the framework of Interpol is:

- the search for a person with a purpose of extradition;
- obtaining information about a person suspected of committing a crime;
- informing law enforcement agencies of other states about an individual's illegal activity;
- establishing the whereabouts of missing people;
- establishing the whereabouts of witnesses or victims;
- identification of persons and unidentified corpses;
- locating and identifying different things;
- obtaining information about the method of committing a crime, information about the actions of persons, events and circumstances related to the crime;
- seizure of prohibited substances and items;
- obtaining information about the illegal activities of organized crime networks and criminal organizations and their members;
- obtaining analytical, scientific, statistical and reference information on law enforcement issues.

Accordingly, international cooperation in combating crime is carried out, as noted above, through requests.

The request must contain: the name (position) of the requestor, the mailing address or e-mail address and contact telephone number, if any; a general description of the information or the type, title, details or content of the document for which the request is made, if known to the requestor; signature and date, subject to a written request. Upon receipt of a request to a body, division of the Ministry of Internal Affairs, an employee of a special structural unit (responsible person) that organizes access to public information in the prescribed manner shall immediately register the request and send it in the prescribed manner for further consideration by its management. After reviewing the request, the management immediately, but no later than the second working day from the day of receipt of the request, sends the original request to the heads of structural divisions for execution in accordance with the competence. Structural units – co-executors, no later than two days before the end of the execution period, provide the main executor of the request with information and/or draft response within their competence. The official designated as the main executor of the request shall, at least one day before the deadline for the execution of the request, submit a draft response for the applicant to management. The answer to the sent request is provided within five working days from the date of its receipt. Restricted information is not provided to the applicant. The time limit for responding to a request may be shortened if the request is related to the protection of human life or freedom, the quality of food and household items, emergencies that have occurred or have occurred and threaten the safety of citizens, accidents, disasters, to protect information about the state of the environment. These circumstances facilitate quicker responses to such requests; they are provided within 48 hours of receipt. Responses to requests with a large volume of information may be extended by 20 business days with justification for such an extension.

These Interpol databases are supplemented by international wanted notices from Interpol member countries. The Interpol Notification System was established in 1946. The purpose of these reports is to *inform Member States about wanted persons, professional criminals, unidentified corpses, etc.* Today this distribution has the following functions: to inform the member countries of Interpol about the accused, convicted, missing, and internationally wanted persons. It is also reported about persons prone to committing crimes and other unlawful acts; *petition-appeal to the member states of Interpol* about persons who have committed a crime in the territory of the petitioning country, their residence, relocation, detention with a view to extradition, request for the indication of an unidentified corpse, etc. The system of international communications is obliged to comply with the Constitution of Interpol, and the General Secretariat even has the right to cancel it in case of violations of the rules of Interpol. At the same

time, the large number of them makes it impossible to verify each one. That is why today there is a need to develop a mechanism of responsibility of Interpol member countries for violation of sending international communications. *Accordingly, this paper proposes the imposition of financial penalties for countries that send international communications containing incorrect data and declaring certain persons internationally wanted.*

The procedure for appealing "red notices" to the Commission for the Control of INTERPOL's Files is also imperfect, since the said Commission meets only a few times a year, which makes the efficiency of the appeal consideration mechanism impossible. That is why *it is proposed by the authors to increase the number of meetings of the Commission for the Control of INTERPOL's Files to once a quarter.*

#### **4. Cooperation between Interpol Ukrbureau units and the State Migration Service of Ukraine: content and specific features**

The State Migration Service of Ukraine is one of the central bodies of executive power, interacting with the divisions of the Interpol Ukrbureau. The main tasks of this body are as follows: 1) participation in the formation and implementation of state policy in the field of migration, citizenship, immigration and registration of individuals; 2) procedures, within its competence, related to: consideration of documents on the acquisition / termination of Ukrainian citizenship; preparation of materials for consideration by the Commission on Citizenship Affairs under the President of Ukraine; making decisions on the granting, loss and cancellation of refugee status in Ukraine; 3) generalization of the practice of application of legislation in the field of migration, in particular granting refugee status, as well as on issues of citizenship, registration / deregistration at the place of residence / stay of individuals, immigration and emigration of Ukrainian citizens or foreigners and stateless persons, development and introduction of proposals for its improvement in the prescribed manner. The peculiarities of the State Migration Service of Ukraine are as follows: issuance of passports and other identity documents to citizens of Ukraine permanently residing in Ukraine, as well as documents for entry to Ukraine, staying in Ukraine and a departure from Ukraine or permanent residence on its territory and refugee certificates to foreigners and stateless persons; ensuring the protection of the rights of refugees and other categories of migrants; registration / deregistration at the place of residence / staying of individuals, identification of citizens of Ukraine who have lost their passport and other identity documents, as well as address and reference work; creating and ensuring the functioning of the state information system of registration of individuals and their documentation; implementation

of international readmission agreements; identification of foreigners and stateless persons who have lost their passport documents.

The State Migration Service of Ukraine cooperates with the units of the Interpol Ukrbureau on issues of obtaining information databases and providing information on the search for criminals, missing persons, forged documents, etc. Accordingly, the Instruction on the procedure for making decisions about exclusion of foreigners and stateless persons by the State Migration Service of Ukraine and its territorial bodies, approved by order of the Ministry of Internal Affairs of Ukraine on December 17, 2013 № 1235, states that decisions about prohibiting the entry into Ukraine are made by the State Migration Service of Ukraine and its territorial bodies on the initiative of the units of the Interpol Ukbureau – in case of establishing grounds for prohibiting the entry into Ukraine to persons in the process of cooperation with the law enforcement agencies of other states and international law enforcement organizations.

With regard to combating economic crimes committed by foreigners, the State Migration Service of Ukraine can obtain the following information through the National Central Bureau of Interpol when requesting operational and investigative activities related to the detection of crimes in the field of economic activity:

- official names of commercial structures and other legal entities – subjects of entrepreneurial activity located abroad;
- date of registration with the relevant state authorities, legal address, telephone numbers and other means of telecommunication;
- the names and surnames of the heads of such structures;
- key focus areas;
- the amount of the authorized capital;
- information about termination;
- information of a criminal nature about their supervisors and other employees.

The National Central Bureau of Interpol may refuse to respond to a request (in part or in full) if:

1. the request does not fall within the competence of Interpol;
2. the request has political, religious, racial, military content;
3. the sovereignty and security of one's own State or the requested State would be violated by responding to the request;
4. providing a response to a request would violate human rights;
5. the request is made in violation of the requirements;
6. responses to inquiries from individuals are not provided.

It should be noted that information about the opening of financial accounts in foreign banks by individuals, including citizens of Ukraine, and legal entities, as well as about the movement of funds is usually a banking

or commercial secret and may be reported by foreign law enforcement agencies only after consideration of an official request of the General Prosecutor's Office of Ukraine by the highest justice agency (prosecutor's office) of the requested state in the process of providing legal assistance in a criminal case.

## 5. Conclusion

It should be noted that although the main purpose of the National Central Bureau of Interpol is cooperation with law enforcement authorities of Ukraine in combating crime, the legislator in the Criminal Code of Ukraine has not addressed the unregulated issue of international cooperation, the content of which is the implementation of requests for international legal assistance in accordance with international treaties, as well as has not established the specifics of the legal status of the subject of interaction with law enforcement authorities of Ukraine. There are no specific features of the legal regulation of the interaction of the National Central Bureau of Interpol with the law enforcement agencies of Ukraine and in the laws of Ukraine recognizing their legal status. Therefore, it is considered necessary to immediately fill this gap by supplementing the Criminal Code of Ukraine with the following article: *"The National Central Bureau of Interpol exchanges information on law enforcement issues and coordinates actions in the fight against crime that transcends Ukrainian borders or is transnational in nature. At the request of Ukrainian law enforcement authorities, the National Central Bureau of Interpol shall organize and coordinate an international search for suspects, accused (defendants) and convicted persons hiding from bodies of pre-trial investigation, court, evading criminal punishment, as well as missing persons, and at the request of foreign authorities – search in Ukraine for persons hiding from pre-trial investigation, court, evading criminal punishment, as well as missing persons and other persons in cases determined by law. Organizes and carries out international cooperation to ensure public safety and order during the preparation and holding of international mass events, the exchange of information with the General Secretariat of Interpol, Europe, law enforcement agencies and other state bodies of Ukraine, as well as with the competent authorities of foreign states on the fight against crime. Provides organization and coordination, within its competence, of the work of representatives of the National Central Bureau of Interpol in foreign diplomatic institutions of Ukraine and international organizations, exchange of information with the intelligence services of Ukraine on issues of combating crime. Provides information and analytical support to law enforcement agencies and other state bodies".* And also to supplement the laws of Ukraine, which define the legal status of law enforcement agencies of Ukraine, with the Article "On international cooperation with the National Central Bureau of Interpol".

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