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## MIGRATION THREATS OF EXTERNAL EU BORDERS

## ZAGROŻENIA MIGRACYJNE ZEWNĘTRZNYCH GRANIC UE

## МИГРАЦИОННЫЕ УГРОЗЫ ДЛЯ ВНЕШНИХ ГРАНИЦ ЕС

### Abstract

*Migration is a mass phenomenon with a global reach as well as a global impact. Threats determined by migratory movements are also supranational. Bearing in mind the threats that migration flows may cause, European Union countries operate by means of developed principles to increase the level of security in the Community. An important process in the field of counteracting migration threats is the identification of risks determined by the mobility process.*

**Keywords:** migration, threats, migration threats, illegal migration, smuggling, counterfeiting

### Streszczenie

*Migracja to zjawisko masowe o globalnym zasięgu, jak i o globalnym wpływie. Zagrożenia determinowane przez ruchy migracyjne również mają charakter ponadnarodowy. Mając na uwadze zagrożenia, które może spowodować napływy migrantów, państwa Unii Europejskiej działają za pomocą opracowanych zasad w celu zwiększenia poziomu bezpieczeństwa na terenie Wspólnoty. Istotnym procesem w zakresie przeciwdziałania zagrożeniom migracyjnym jest zidentyfikowanie ryzyk determinowanych przez proces mobilności.*


**Słowa kluczowe:** migracja, zagrożenia, zagrożenia migracyjne, nielegalna migracja, przemyt, podrabianie dokumentów

### Аннотация

*Миграция представляет собой массовое явление с глобальным охватом, а также глобальным воздействием. Угрозы, определяемые миграционными перемещениями, также являются наднациональными. Принимая во внимание угрозы, которые могут вызвать потоки мигрантов вызывают небольшие, страны Европейского союза действуют по разработанным принципам для повышение уровня безопасности в Сообществе. Важным процессом в области противодействия*

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угрозам, связанным с миграцией, является идентификация рисков, определяемых процессом мобильности.

**Ключевые слова:** миграция, угрозы, миграционные угрозы, нелегальная миграция, контрабанда, контрафакция

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### **Statement of the problem in general outlook and its connection with important scientific and practical task.**

Many researchers have tried to define cross-border crimes, but they do not exhaust the problem of security threats to the external borders of the European Union. When undertaking the above topic, it is necessary to formulate a research problem, which is: What are the main threats to the security of the EU's external borders? In the era of intensification of migration flows, ensuring border security is a key for ensuring security throughout the entire territory of the European Union.

The history of migration indicates that the need for migrating has accompanied mankind since the beginning. Both the reasons and the consequences of the migration process are complex and imply consequences in various areas of the functioning of the

state. In Europe, migration is closely related to the issue of security, threats and challenges resulting from migration. Identifying threats at the borders and developing effective tools to counteract them are important problems from the ensuring the security of the EU and the Schengen Area point of view. "In thinking about safety - one of the most desirable and valued by humanity goods, two basic strategies can be distinguished. The first focuses on preparatory activities to protect against threats, while the second focuses on shaping the surroundings in order to distance and minimize the possibility of threats appearing. In both cases, the threat is a key category" (Jakubczak R., Wiśniewski B., 2015, p. 49).


### **Analysis of latest research where the solution of the problem was initiated.**

Interpreting the concept of threat, it should be stated that it is understandable intuitively. In ordinary language, the threat means the occurrence of a dangerous situation (in a subjective or objective assessment) that affect a specific subject, object or system. The threat may affect a single person, a nation or a differently defined group in a specific area.

Interpretation of the threat category is ambivalent and antithetic. B. Hołyst refers to the ambiguity of the concept, he states that

"the threat is not unequivocal; it is a situation that is realized by an object that is affected by a given situation" (Hołdys B., 1997, pp. 64-65). Ryszard Ziemia is assuming that the threat may be a "state of mind, caused by the perception of situations that are assessed as unfavorable or dangerous. The assessments formulated by a given entity are particularly important, as they are the basis for actions taken to strengthen its security. In this approach, the threat is in the

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sphere of consciousness and it has subjective nature "(Zięba R., 2-16, p. 911). There is a thread when "(...) a man is afraid of losing highly valued values with his own life

in the first place" (Tomaszewski T., 1971, p. 127). This is the opposite of security, causing anxiety and feeling of danger (Zięba R., 2016, p. 9).

### **Aims of paper. Methods.**

The purpose of this article is to define the security threats to the external borders of the European Union. Combating and counteracting them, due to their universal character and high level of harm, is a priority for the services and organizations dealing with border protection and security. The author focused on selected aspects of security threats to the external borders of the European Union - crimes and practices that negatively affect the security of these areas in the most significant way. These include

cross-border crimes such as: illegal migration, human trafficking, counterfeiting documents and smuggling.

The solution of the problem and its verification required the use of the empirical method of testing secondary quantitative sources and theoretical methods, i.e. analysis and inference. Statistic reports prepared by Frontex were used for the elaboration of this article. Research and analysis of statistical data allowed making conclusions in an interesting scope.

### **Exposition of main material of research with complete substantiation of obtained scientific results. Discussion.**

#### **Migration threats**


International migration, especially massive mobility, is currently being analyzed in terms of threats to public safety and order. Migration processes are a typical manifestation of human activity.

Considering the migration as a source of benefits and threats, it should be assumed that many factors determine the consequences of human mobility. To resolve this issue, the political, social and demographic context in which the mobility process takes place is significant. The prospect of assessing the phenomenon, conditions and consequences of the process is also important. Migration can be considered from the perspective of sending countries, host countries and transit countries. An institution involved in migration management and control may have a different point of perception than normal people and their families. Active entities in the migration process also have an interest that is often not consistent, i.e. what may be an undesirable phenomenon for a managing authority can be

perceived as a measurable benefit of a single migrant. The implications of mobility will also vary due to the perspective within which they are considered. Other effects of migration may be identified by economists, sociologists and demographers. The different interpretation of the categories of migratory flows can be also stated by the representatives of institutions ensuring public safety and order (see Szulecka M., 2017, p. 427).

The migration process is complex and multidimensional; the threats that are determined by it are also difficult to define. "These threats are multifaceted, i.e. legal, social, economic or political. Each threat may occur independent or be a compilation of many circumstances conducive to a sense of insecurity" (Tomaszycki K., 2017, p. 198). The issue of migration threats extends to a series of events and activities that occur in relation to the process of movement, i.e. crossing the border as well as settling and creating a life activity environment in a given place.

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Migrations, in the course of which citizens of one country move to another and settle there their life activities, challenge the concept of nationality and citizenship, as well as the obligations of citizens towards the country. Migration processes not only trigger institutional and systemic changes, but also affect the transformation of the social structures of host countries. The influx of migrants is a challenge not only for the state and its institutions, but above all for the host societies. Mobility can generate threats to cohesion and social stability in the realities of economic stress that migrants may have. The awareness of citizens that migrants use the social and health benefits, as well as social and housing infrastructure may cause resentment and hostility (Bali S., 2012, p. 481). "Regarding the challenges for the host society, we should mention the increase in the uncertainty of individuals, the sense of threat, misunderstanding" (ed. Sansal S., 2015, p. 58). The influx of migrants is associated with tensions in social relations, strongly related to identity. Taking into account the functioning of mono-ethnic societies, the increase in the number of migrants and functioning in the realities of cultural pluralism may determine xenophobic or racist behavior.

The subject of interest of this study are those groups of negative events determined by mobility, which are identified directly with the borders and constitute the object of activity of the services managing the migration processes and services ensuring security and public order. In this context, we can talk about migration threats remaining in the Border Guard's jurisdiction, i.e.:

- □ illegal transit migration and intensification of residence migration,
- □ falsifying documents authorizing to cross the border,
- □ smuggling of excise goods, drugs, weapons, ammunition and other goods,
- □ human trafficking.

Such an understanding of the threat is connected with the theoretical approach to the complex of phenomena that can be described as a combination of links between migration and the state of security. The types of border security threats presented above are constantly evolving, being at the same time directly or indirectly related to each other.

### **Illegal migration**

The strategic threat associated with migration is illegal crossing the border. The term "illegal immigration" - as a very broad concept - is used to describe various phenomena accompanying mobility processes. The main actors of illegal migration are foreigners who illegally cross the state border by land, sea and air. This is often done with the use of false documents or through a network of organized crime, clusters, smugglers and traffickers. The essence of illegal migration from the formal and legal point of view is the presence of foreigners against the legal norms regulating their entry and exit in force in a given country (Lubiewski P., 2016, p. 44).

The wording "illegal migration" includes:

- □ illegally crossing the border (by sea, land, air),
- □ legally arriving and illegally staying,
- □ crossing the border with false documents.

A large number of foreigners legally enter the country, present a visa or use a visa-free system, but extending their stay without the consent of the authorities makes their stay illegal. Another situation related to the illegalization of residence concerns the situation when the residence permit is withdrawn by the competent authority. A form of illegal stay may also be the conclusion of an apparent marriage which purpose is to legalize the stay of a foreigner (Perkowska M., p. 67). Illegal immigrants are also asy-

lum seekers who remain in the country concerned, even though a final refusal was made on them.

The negative effects that accompany illegal migration are:

- □ illegal transfer of people, transplants, movement of people related to economic and sexual exploitation,
- □ the ability to move terrorists,
- □ organized criminal activity related to violation of human rights, humiliation of migrants and corruption of officers appointed to protect the legal order (Jurczyk D., 2012, pp. 52-53).

Illegal migration is one of the forms of border crime. The phenomenon of illegal crossing of borders by foreigners is identified with two forms: illegal transfer and smuggling of people. "A characteristic feature of both these concepts is illegal crossing of the border by foreigners or illegal stay in the territory of a given state, participation of third parties or organized groups in illegally crossing the border, as well as gaining material benefits for services rendered by these people or groups" (Sudoł R., p. 376).

**Table 1 Statistical image of illegal migration in the EU.**

Form	2011	2012	2013	2014	2015	2016
Illegal crossing of the border outside border crossing points	141 051	72 437	107 365	283 532	1 822 177	511 371
Migrant smuggling	282	591	599	3 052	3 303	2 028
Using a false document	5 255	7 804	9 804	9 420	12 023	12 568
Refusal of entry	118 277	116 524	129 235	114 887	139 115	206 656
Illegal stay	350 948	344 928	345 098	441 780	699 374	491 891
Issued decisions requiring return	231 385	269 949	224 305	252 003	286 725	305 365
Made decisions requiring return	149 045	158 955	160 418	161 309	175 173	176 223

Source: Frontex, Annual Risk Analysis, <http://statewatch.org/news/2018/mar/eu-frontex-report-risk-analysis-2018.pdf>

Analyzing the situation at the EU's external borders in terms of the movement of people, the Frontex Agency, in addition to indicating the number of people crossing borders and the number of visas issued, provides data according to specific indicators, which include the number of people who:

- illegally crossed the borders outside the border crossing,
- crossed the border through a border crossing in hiding,
- used false documents when crossing the border,
- received a decision refusing entry,
- reside illegally on the EU territory,
- received a decision to return,

- to whom a decision to return has been made,
- with their behavior facilitated illegal crossing of the border.

The statistical picture of illegal migration in accordance with the indicators proposed by Frontex is presented in the table 1.

According to analyzed data, it can be said that the largest number of illegal migrants are people who illegally crossed the border outside border crossing points and persons who stayed in the EU despite the lack of a legal title. In the analyzed period, the year 2015 has the highest scale of illegal entrances for all coefficients. The data indicate that in 2016 and 2017 the number of migrants who illegally crossed the border

outside the border crossing points and illegally stay within the EU / Schengen Area decreased. The continuing increase in border crossings on the basis of false documents is worrying.

Illegal migration remains a serious threat to the EU. The number of border crossings on the basis of false documents increased from 12 023 in 2015 to 12 568 in 2016. In 2017, Member States reported 435 786 illegally staying persons, which was a decrease compared to 2016. - 491 891 cases of illegal residence, which was a comparable downward trend from 2015. Until 2016, Germany maintained the status of a leader as the main destination for the majority of migrants who crossed the border illegally. France was located as the most important transit state for migrants who illegally entered the EU with the intention of reaching Great Britain.

#### **Falsification of documents authorizing crossing the border**

The legal relocation is associated with the possession of documents entitling to enter certain territory. The analyzed threat manifests itself mainly in document falsifications, extortion and counterfeiting (see European Migration Network).

The activity consisting in the counterfeiting or changing the documents is dealt with by specialized criminal groups. By using counterfeit documents, persons committing such activities follow the pattern. First, they obtain false documents and only after legal crossing the border they begin to use them. In order to reduce the vigilance of border guards during inspections inside the country they use a set of documents of that country (passport, ID card, driving license). In

this way they give credence to their nationality. In passports, pages with personal data are most often changed. The implementation of the entire passport, following the original model, is very difficult due to the security measures used; therefore it is easier to make small changes in the original passport. In the case of an ID card, both the document being processed and counterfeited are found. Driving license as a document that does not authorize to cross the border is falsified carelessly or performed as a "fantasy" document, without its counterpart in reality.

The officers checking the documents and discovering the forgery, usually in the driving license, start a thorough analysis of other documents, in which the detection of counterfeiting is very difficult.

Most cases of document fraud in connection with migrations of persons to the European Union are detected at airports (Table 2). The largest number of travelers with such documents came from airports in Turkey and Senegal (see the European Migration Network). Among the distinguished nationalities using false documents, the citizens of Morocco and Ukraine are found the most. Attention should also be paid to the Syrian citizens, who at the beginning of the analyzed period were also in the group of citizens with the largest number of border crossings using false documents.

The largest decrease in the use of fake documents, as compared to the previous year (2016) was found in the case of Iraqi and Ukrainian citizens. The number of people crossing the border with false documents decreased respectively by 42% and 34%.

**Table 2: Persons using fake documents - EU external border**

	2014	2015	2016	2017	Share in total	Percentage share in relation to the previous year
<b>Type of border</b>						
Air	6 509	5331	<b>4366</b>	<b>4324</b>	64	-1
Land	2 484	2671	<b>2325</b>	<b>1841</b>	27	-21
See	409	359	<b>351</b>	<b>535</b>	8	52
Undefined	1	4	<b>0</b>	<b>25</b>	0	n.a.
<b>Top 10 nationalities</b>						
Morocco	767	867	<b>752</b>	<b>803</b>	12	7
Ukraine	518	1186	<b>1208</b>	<b>801</b>	12	-34
Iran	263	340	<b>375</b>	<b>438</b>	7	17
Albania	570	424	<b>386</b>	<b>346</b>	5	-10
Russia	48	51	<b>143</b>	<b>278</b>	4	94
Turkey	294	114	<b>210</b>	<b>275</b>	4	31
Syria	1448	745	<b>234</b>	<b>208</b>	3	-11
Iraq	338	243	<b>273</b>	<b>159</b>	2	-42
Senegal	232	137	<b>111</b>	<b>124</b>	2	12
All Other	4188	3246	<b>2640</b>	<b>2764</b>	41	5
<b>Total</b>	<b>9399</b>	<b>8363</b>	<b>7042</b>	<b>6725</b>	<b>100</b>	<b>-5</b>

Source: Frontex, Risk Analysis for 2018. <http://statewatch.org/news/2018/mar/eu-frontex-report-risk-analysis-2018.pdf>

The increase in the number of cases of using documents stating the identity of another person on the external border was stated both by the officers of the Polish Border Guard, as well as by border services of other European Union countries. The information provided indicates an increase in the number of cases of use of foreign documents by Ukrainian citizens (see Tomaszewski T., 2015, p. 79).

### **Smuggling**

Smuggling activities are also the threats resulting from migration movements. The crimes of smuggling character are to a large extent related to organized crime, the source of which is seen in migration processes (Wódka M., 2015, p. 156). "As the most important threats for citizens, society and, consequently, also for the country, are crimes related to illegal migration, human trafficking, child pornography and also all kinds of smuggling practices (cigarettes, alcohol, fuels, works of art, noble metals) and trading in narcotic drugs".

The smuggling activity is carried out as:

- Collecting goods from the so-called ant smuggling and spreading it in the country; production of false excise marks, labels for bottles, caps, etc.
- Organization of smuggling of goods of high value, most often from theft (cars and works of art) (Wisniewski B., Piątek Z., 2006, p. 18).

Smuggling, as one of the most frequently committed crimes, conventionally described as borderline crimes, is also multifactorial in its causes, and its development is primarily economic. It affects economic security and, in general, state security. Particularly harmful and severely fought by the international community and individual states is the smuggling of narcotic and psychotropic drugs, radioactive materials, dangerous waste, weapons, ammunition, stolen cars, alcohol and cigarettes, human organs, works of art, protected animals and illegal immigrants.

**Table 3 Detections related to taking over narcotics as part of multitasking operations.**

Operation name	Taken drugs / kilos		Number of detected cases	
	2016	2017	2016	2017
Indalo	69793	87133	66	72
Triton	20261	32440	23	40
Poseidon	2791	13240	7	47
Hera	844	3066	2	16
FocalPoints Sea	0	1135	2	22
Inerva	1602	40	36	3
<b>Total</b>	<b>95291</b>	<b>137054</b>	<b>130</b>	<b>200</b>

Source: Frontex, Risk Analysis for 2018, <http://statewatch.org/news/2018/mar/eu-frontex-report-risk-analysis-2018.pdf>

According to Frontex (Risk Analysis for 2018), around 125 tons of cocaine worth 27 billion EUR are consumed in Europe each year. A significant part of this value is smuggled from Latin America to Europe by sea in containers and hidden compartments of ships. Most often smuggled drugs are cocaine, hashish, marijuana, and heroin. From the indicated list of intoxicants, hashish was detected the most often in the 2016, followed by marijuana and then by cocaine. In 2017, a comparable number of drugs were detected under the same operations. At the same time, it should be noted that in 2017 - 41763 kg more of intoxicants were detected, than in 2016 (Risk Analysis for 2018).

Among the other goods that were detained were mostly cigarettes. As in the case of drugs in 2017, the effectiveness of services increased (they stopped 92 875 336 packs of cigarettes more than in 2016). As for other items that have been detained there are parts of cars and ammunition.

Director of the department to fight organized crime from Europol Michael Rauschenbach points out that "(...) for drug traffickers, illegal immigration is becoming more and more attractive. We have specific

information that serious criminals are gaining more and more profits from smuggling people. Now, their activities are directed to organized networks of smuggling people into the European Union from the Middle East and Africa (...) [24].

When analyzing the issue of smuggling, it is necessary to pay attention to the change of quality of this process. Criminal groups, using refugees, entrust them with the smuggling of things of very high material value, eg gemstones, money (Gwoździewicz S., Tomaszycy K. (eds.), 2017, p. 201).

**Human trafficking**

Human Trafficking is another activity of specialized organized criminal groups specializing in cross-border crime. These groups are characterized by full professionalism, have appropriate contacts both in the countries to which recruitment victims are to be delivered, as well as in places of recruitment. They are equipped with financial resources, transport, communication and very well armed; have the appropriate knowledge allowing for convenient border crossing. Human trafficking is currently one of the most profitable forms of organized crime. Europe is an important market



for the exploitation of victims, through sexual exploitation, forced labor, criminal activity, begging and illegal adoption. The most common victims of trafficking are primarily children and women, and to a lesser extent men. Poland is a transit country, especially for women from the countries of the former USSR and Eastern and Southern Europe. Countries of destination are developed and prosperous countries of Western Europe. Women are sold by criminal groups as prostitutes, forced labor and are used for smuggling or theft. Children are usually devoted to begging, illegal adoption, slave labor, child prostitution, sexual exploitation or child pornography; to perform minor offenses, and transport or distribute illegal products. Men are used for slave labor by taking them to secluded places and taking their identity documents. Statistically described phenomenon of human trafficking requires the analysis of available data as well as the specificity of human trafficking. "This crime is characterized by a small number of acts revealed by the competent authorities, combined with the public conviction about the large number of actually committed crimes" (Wawrzuszczyński A., 2012, p. 143). The number of all crimes identified related to human trafficking is significantly higher each year

than the number of committed human trafficking. Knowledge about the scale of the whole phenomenon takes the form of estimates that do not find any justification and reflection in the data collected by law enforcement and judicial authorities (see Wiśniewski M., 2007, pp. 97-110). According to Frontex in the EU, 158,46 victims were identified and alleged victims of human trafficking in 2013 and 2014. The largest number of these victims was smuggled into the EU in order to benefit from the sexual services provided by these people. This was the destination until 2012, 67% of 12,775 people. The number of identified victims of human trafficking destined for forced labor has also increased over the past few years. A significant position in the trafficking in human beings is also child trafficking, which in recent years has also shown an upward trend. In 2013-2014, approximately 15% of registered victims of human trafficking were children. Available statistics indicate that in 2013-2014 from 15 846 victims registered in the EU, 2 375 were children. The phenomenon of child trafficking deepened due to the migration crisis. Victims are children who come to the EU as part of unregulated migration flows or are separated from their families.

## Conclusions.

The European Union operates under the specific conditions of Schengen Area, which influenced the change of the concept of borders. "A distinction has been made between the external and internal borders of the European Union, with the transfer of the classic function of the border, as a barrier to external boundaries" (Balawajder G., 2017, p. 220). In the area of protection of the external EU border, there was a problem of their tightness in the conditions of inflow of

illegal migrants. Illegal crossing of the border is connected to a number of activities that are identified as security threats. The EU institutions have created a legal and institutional system aimed at identifying and responding to threats at the EU's external borders. The migration crisis revealed the insufficiency of the border protection system; therefore it is necessary to constantly improve the institutional and normative tools that protect the boundaries against cross-border threats.

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