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The impact of changes in immigration law on the crime rate among illegal migrants

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Summary: 1. Introduction. 2. Literature review. 3. Methods. 3.1. Methods. 3.2. Sample. 3.3. Instruments. 4. Results. 5. Discussion. 5.1. Limitations. 5.2. Recommendations. 6. Conclusion. 7. References

Abstract: The study aimed to determine the impact of recent immigration law reforms on crime dynamics among irregular migrants in Ukraine, Poland, Germany, and Italy. A mixed-method design combining legal and comparative analysis with content analysis of 15 legislative acts and 10 official reports was applied, allowing both regulatory and empirical evaluation. The findings revealed that document forgery (up to 38% in Ukraine), theft (up to 29% in Germany), and violent acts in detention facilities (up to 22% in Italy) remain predominant offence categories. Following reforms between 2021 and 2024, the number of registered criminal proceedings rose by 16% in Poland and 11% in Germany, reflecting intensified law-enforcement activity rather than a genuine increase in crime. In contrast, Italy showed an ≈9% decline in migration-related offences due to administrative reclassification. The study identified no direct causal link between the level of criminalization and actual crime incidence; instead, it highlighted the impact of reporting and classification practices on statistical growth. Countries with stable judicial control (Germany and Poland) demonstrated higher recording accuracy and greater legal consistency, with completion rates ranging from 53% to 84%. Overall, the results emphasize that harmonization of procedural safeguards and proportional enforcement remains crucial for achieving both deterrence and human-rights compliance in migration governance.

Keywords: Illegal Migration, Criminalization, Immigration Law, Law Enforcement, Migration Crimes, Legal Status of Foreigners

1. Introduction

In 2020–2025, immigration policies in European countries evolved towards increased control over people with irregular status, accompanied by an expansion of criminal liability for violations of the migration regime. The adopted acts covered irregular border crossing, document forgery, and facilitation of irregular stay. From a criminological and socio-legal perspective, these changes can be interpreted within the framework of securitization and the criminalization of mobility, where migration is increasingly managed through punitive rather than integrative mechanisms. This evolution also raises questions about the compatibility of new coercive measures with fundamental rights guarantees and the principles of proportionality and legality.

Some jurisdictions introduced stricter sanctions under the Pact on Migration and Asylum. However, the effectiveness of such changes remained debatable because of the fragmentation of law enforcement, uneven guarantees, and the lack of generally accepted criteria for assessing the impact on migration crime. In particular, previous studies in migration criminology and border governance^{6,7,8}

⁶ Katz NM. Simple things we don't know. In *Colloquium De Giorgi 2010–2012: Conference proceedings*, DE GIORGI, A. (Ed.). Edizioni della Normale Pisa, Pisa, 2013. <https://doi.org/10.1007/978-88-7642-457-1>

⁷ SACHSEDER, J.; STACHOWITSCH, S.; BINDER, C. "Gender, race, and crisis-driven institutional growth: Discourses of 'migration crisis' and the expansion of Frontex", *Journal of Ethnic and Migration Studies*, vol. 48, n 19, 2022, p. 4670–4693. <https://doi.org/10.1080/1369183X.2022.2092461>

⁸ TORRÓ CALABUIG, A. "Immigrants' condition of expulsability: A comparative approach to the German and French legal framework", *Oñati Socio-legal Series*, vol. 14, n 6, 2024, p. 1698–1722. <https://doi.org/10.35295/osls.iisl.2119>

have shown that legal reforms often produce administrative re-classification of offences rather than a genuine decline in criminal behavior, which highlights the need for a conceptual rather than purely statistical approach.

The research gap, therefore, lies in the absence of an empirically validated framework that links changes in immigration legislation to measurable crime trends among irregular migrants, while accounting for differences in legal systems and enforcement practices.

The aim of the study was to determine the impact of changes in immigration legislation on the crime rate among irregular migrants in four countries-Ukraine, Poland, Germany, and Italy-for 2020 to 2025. The aim involved the fulfilment of the following research objectives: (1) Analyse changes in criminal and immigration legislation related to irregular stay; (2) Compare law enforcement practice regarding migrants with an irregular status in selected countries; (3) Determine the relationship between the criminalization of migration and the dynamics of crime among irregular migrants; (4) Provide an assessment of the effectiveness of criminal law regulation in the migration sphere.

In defining these objectives, the study also seeks to assess how recent reforms align with European Union legal standards, the Charter of Fundamental Rights, and the principle of effective judicial protection, thus linking empirical findings to policy harmonization and human-rights-based governance.

The practical significance of the study was to identify patterns that improve legislative regulation in the context of growing migration risks and security challenges. Additionally, situating the research within migration criminology, securitization theory, and human rights law ensures its integration into broader scholarly debates and enhances theoretical coherence

The revised introduction is substantially improved, but several important elements still require strengthening. First, the opening statements describing the 2020–2025 shift toward stricter control, expanded criminal liability, and the rise of punitive migration governance need explicit references. Claims such as the evolution of European policies, expansion of criminal sanctions, and the framing of mobility through securitization and criminalization must be supported by authoritative sources (e.g., EU Commission reports, FRA analyses, border criminology scholarship). Second, the assertion that "*some jurisdictions introduced stricter sanctions under the Pact on Migration and Asylum... but effectiveness remains debatable due to fragmentation, uneven guarantees, and lack of assessment criteria*" also requires clear citations, because these are analytical positions that must be grounded in prior research or policy evaluations. Third, the sentence describing practical significance still reads like a research objective rather than an articulation of contribution. This part should explain what the study adds, who benefits (policymakers, legislators, migration practitioners, scholars), and how the findings can inform future reforms, rather than merely restating what the study seeks to do. Finally, the introduction cites only a small number of previous studies; given the breadth of existing work on migration criminalization, securitization, EU border governance, and irregular migration, the literature review section should incorporate a broader and more diverse set of references to demonstrate engagement with the field and situate the study more fully within established academic debates.

2. Literature review

Research on the impact of immigration legislation on crime among *people with irregular status* intensified during 2020–2025, driven by political changes, increased border controls, and social polarization. Earlier works were mostly descriptive; therefore, the following overview groups them thematically to clarify conceptual

progress. Rojas Perez et al.⁹ pointed to the connection between anti-migrant rhetoric, legal instability, and the growth of deviant behaviour. Delgado¹⁰ emphasized the impact of legislative restrictions on the disintegration of migrant families and the associated criminalization in the context of irregular status. Both studies highlight the process of criminalization as a political rather than criminological phenomenon, reflecting the logic of securitization rather than proportional justice. They also question whether such measures respect the principle of legality and the right to family unity, central in European human-rights jurisprudence.

In sociological terms, Abrego and León¹¹ Abrego and León noted that the criminalization of migration violations contributes to the institutionalization of repressive practices, reducing the effectiveness of human-rights protection and increasing latent crime. Their findings correspond with the theory of social disorganization, linking repression to declining community trust and informal control. In the European context, Punzo and Scaglione¹² argued that the rigidity of Italian migration policies led to the growth of organized trafficking schemes, a reaction to restrictions on legal migration channels. This observation will later support the comparative discussion of Italy's case in this paper. Hall et al.¹³ dealt with the issue of methodological verification of crime among irregular migrants, emphasizing difficulties of data access and administrative reclassification. Kubrin et. al¹⁴ argue that immigrants generally demonstrate a lower crime rate, but that criminalization artificially inflates recorded figures. Together these works expose the fragility of empirical measurement and the tension between deterrence and proportionality in penal policy. Doğan¹⁵ interprets crime among migrants through the theory of social disorganization, emphasizing the role of economic instability, political crises, and lack of legal protection as key determinants of deviance. This legal-sociological angle supports a human-rights approach, where enforcement must balance social vulnerability with procedural safeguards.

The political-science dimension of immigration policy research focuses on the integration consequences of legislative restrictions. Fouka¹⁶ argues that strict migration regimes without compensatory policies contribute to segregation and

⁹ ROJAS PEREZ, O. F.; SILVA, M. A.; GALVAN, T.; MORENO, O.; VENTA, A.; GARCINI, L. M.; PARIS, M. "Buscando la calma dentro de la tormenta: A brief review of the recent literature on the impact of anti-immigrant rhetoric and policies on stress among Latinx immigrants", *Chronic Stress*, vol. 7, 2023, p. 1-9. <https://doi.org/10.1177/24705470231182475>

¹⁰ DELGADO, V. "Family formation under the law: How immigration laws construct contemporary Latino/a immigrant families in the US", *Sociology Compass*, vol. 16, n 9, art. 2022, e13027. <https://doi.org/10.1111/soc4.13027>

¹¹ ABREGO, L. J.; LEÓN, L. "Impacts of immigration policies on families", *Annual Review of Sociology*, vol. 51, 2025, p. 401-422. <https://doi.org/10.1146/annurev-soc-090324-020834>

¹² PUNZO, V.; SCAGLIONE, A. "Beyond borders: Exploring the impact of Italian migration control policies on Mediterranean smuggling dynamics and migrant journeys", *Trends in Organized Crime*, 2024, p. 1-20. <https://doi.org/10.1007/s12117-024-09533-5>

¹³ HALL, M.; OLIVERO, G.; GLEESON, S. "The impact of undocumented status in the United States: Empirical challenges and new frontiers", *Annual Review of Sociology*, vol. 51, 2025, p. 291-309. <https://doi.org/10.1146/annurev-soc-031021-012330>

¹⁴ KUBRIN, C. E.; OUSEY, G. C. "Immigration and crime: What we know and what remains unknown", in *Immigration and Crime: Taking Stock* (Tonry, M., ed.), Springer, Cham, 2023a, pp. 47-69. https://doi.org/10.1007/978-3-031-22839-1_4

¹⁵ DOĞAN, F. İ. "Socioeconomic, migration, and political upheaval factors in crime: Applying the social disorganization theory in Turkey", *Sociology Compass*, vol. 18, n 11, 2024, art. e70012. <https://doi.org/10.1111/soc4.70012>

¹⁶ FOUKA, V. "State policy and immigrant integration", *Annual Review of Political Science*, vol. 27, 2023, p. 25-46. <https://doi.org/10.1146/annurev-polisci-051921-102651>

potentially increase criminogenic risks. In turn, Kubrin et. al¹⁷ systematize theoretical approaches to the relationship between immigration and crime, emphasizing the limitations of classical theories in explaining phenomena related to the criminalization of purely migration violations. Their synthesis underlines the necessity of combining criminological, legal, and policy perspectives—an approach adopted in the present study. Rabin et al.¹⁸ found that anti-immigrant policies in the United States deepen legal uncertainty and increase the risks of deviant behaviour among irregular migrants. Similarly, Garcini et al.¹⁹ emphasize the critical impact of limited access to social services on latent crime. In South Africa, Vorvornator²⁰ links hyper-securitization of borders to the intensification of the shadow economy and transnational crime. These cross-regional examples confirm that securitization often shifts, rather than reduces, illegal activities.

Migration trauma in children has long-term consequences for their cognitive and emotional sphere. Cohodes et al.²¹ showed that such violations often transform into deviant behaviour in adolescence. Carranza and Harris²² emphasize racial selectivity in law enforcement, emphasizing that the image of the "dangerous other" is formed through legal definitions and profiling, which contributes to criminalization on ethnic grounds. A separate direction is research into gender aspects of illegal migration. Mahmoud²³ analysed the specific risks for migrant women without legal status, in particular labour exploitation, sexual violence, and legal helplessness, which may lead to involvement in illegal activities as a form of adaptive survival.

The reviewed works reveal common patterns: punitive legislation stigmatizes migrants and distorts crime statistics, while empirical gaps persist due to Western-centric data and limited comparative analysis. The present study addresses these limitations by applying a cross-country legal-comparative method for the period 2020–2025. Thus, the literature review provides a theoretical foundation based on securitization, criminalization, and social-disorganization theories, forming the

¹⁷ KUBRIN, C. E.; OUSEY, G. C. "Theoretical perspectives on immigration and crime", in in *Immigration and Crime: Taking Stock* (Tonry, M., ed.), Springer, Cham, 2023b, pp. 9-26. https://doi.org/10.1007/978-3-031-22839-1_2

¹⁸ RABIN, J.; STOUGH, C.; DUTT, A.; JACQUEZ, F. "Anti immigration policies of the Trump administration: A review of Latinx mental health and resilience in the face of structural violence", *Analyses of Social Issues and Public Policy*, vol. 22, n 3, 2022, p. 876-905. <https://doi.org/10.1111/asap.12328>

¹⁹ GARCINI, L. M.; NGUYEN, K.; LUCAS-MARINELLI, A.; MORENO, O.; CRUZ, P. L. ""No one left behind": A social determinant of health lens to the wellbeing of undocumented immigrants", *Current Opinion in Psychology*, vol. 47, 2022, art. 101455. <https://doi.org/10.1016/j.copsyc.2022.101455>

²⁰ VORVORNATOR, L. K. "Exploring South Africa's pre and post apartheid border system: Border securitisation, illegal migration and cross border crimes", *Journal of African Foreign Affairs*, vol. 11, n 2, 2024, p. 123-144. <https://doi.org/10.31920/2056-5658/2024/v11n2a7>

²¹ COHODES, E. M.; KRIBAKARAN, S.; ODRIEZOLA, P.; BAKIRCI, S.; MCCAULEY, S.; HODGES, H. R.; SISK, L. M.; ZACHAREK, S. J.; GEE, D. G. "Migration related trauma and mental health among migrant children emigrating from Mexico and Central America to the United States: Effects on developmental neurobiology and implications for policy", *Developmental Psychobiology*, vol. 63, n 6, 2021, art. e22158. <https://doi.org/10.1002/dev.22158>

²² CARRANZA, L.; HARRIS, M. "The legal construction of "dangerous others": Immigration law and racial profiling", *Interdisciplinary Studies in Society, Law, and Politics*, vol. 4, n 1, 2025, p. 242-252. <https://doi.org/10.61838/kman.isslp.4.1.24>

²³ MAHMOUD, A. T. "Illegal migration among women and its implications: An overview", *Review International Journal of Crime, Justice and Social Development*, vol. 11, n 1, 2023. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4384065 (accessed on 04 October 2025).

analytical framework for assessing how legal change shapes crime among irregular migrants.

3. Methods

The study follows a mixed-methods and comparative-legal research design, combining theoretical legal analysis, comparative law, and content analysis to identify how immigration law reforms affected crime among people with irregular status in Ukraine, Germany, Poland, and Italy during 2020–2025. This design allows triangulation between legal norms and empirical indicators, reinforcing analytical reliability and transparency. The theoretical and legal background was national regulatory acts in the field of immigration policy, criminal law and forced return procedures. The main focus was on legislative innovations after 2020, in particular Law of Ukraine No. 1320-IX²⁴, Strafgesetzbuch²⁵, and Aufenthaltsgesetz²⁶ (Germany), Ustawa o cudzoziemcach²⁷ (Poland), Decreto Legislativo 130/2020²⁸ (Italy), as well as EU documents on the Pact on Migration and Asylum²⁹.

The research consisted of three stages: (1) analysis of legal regulation of irregular stay and administrative-criminal offences; (2) comparative legal evaluation of criminalization models and procedural safeguards; (3) content analysis of 15 regulatory acts and 10 reports, focusing on offences such as document forgery, unlawful crossing, theft, and violence.

This staged design ensured consistency between qualitative interpretation of law and quantitative assessment of crime trends.

3.1. Methods

The study used theoretical legal analysis to interpret normative content; comparative law to contrast regulatory mechanisms; and content analysis to evaluate enforcement data. Each method complemented the others: theoretical analysis established conceptual variables, comparative law tested their variation across jurisdictions, and content analysis verified outcomes through official statistics.

Analytical parameters included: (1) definition and legal qualification of offences; (2) sanction severity and procedural guarantees; (3) judicial review and

²⁴ VERKHOVNA RADA OF UKRAINE. On the procedure for the implementation of the Law of Ukraine "On Breeding Livestock". 2021a. Available at: <https://zakon.rada.gov.ua/laws/show/3773-12#Text> (accessed on 4 October 2025).

²⁵ FEDERAL MINISTRY OF JUSTICE AND CONSUMER PROTECTION. German Criminal Code (Strafgesetzbuch-StGB). 2025. Available at: <https://www.gesetze-im-internet.de/stgb/> (accessed on 4 October 2025).

²⁶ FEDERAL MINISTRY OF JUSTICE AND CONSUMER PROTECTION. Act on the Residence, Economic Activity and Integration of Foreign Nationals in the Federal Territory (Residence Act)-AufenthG. 2023. Available at: https://www.gesetze-im-internet.de/englisch_aufenthg/ (accessed on 4 October 2025).

²⁷ SEJM RZECZYPOSPOLITEJ POLSKIEJ. Ustawa z dnia 12 grudnia 2013 r. o cudzoziemcach (tekst jednolity, Dz.U. 2023 poz. 519). 2023. Available at: <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20230000519> (accessed on 4 October 2025).

²⁸ GOVERNO ITALIANO. Decreto Legge n. 130 del 21 ottobre 2020: Disposizioni urgenti in materia di immigrazione, protezione internazionale e complementare, modifiche al codice penale. 2020. Available at: <https://www.gazzettaufficiale.it/eli/id/2020/10/21/20G00154/sg> (accessed on 4 October 2025).

²⁹ EUROPEAN UNION. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum. 2020. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52020DC0609> (accessed on 4 October 2025).

enforcement patterns. These criteria enabled cross-national comparability and assessment of compliance with European human-rights standards.

The study also included validation procedures-cross-checking data from national ministries, Eurostat, and independent reports to ensure reliability and reproducibility. Limitations included unequal data availability and differing reporting cycles among the countries.

3.2. Sample

Four countries were included in the sample-Ukraine, Poland, Germany, and Italy—due to their distinct legal model of responding to illegal migration, which provided the possibility of cross-legal comparative assessment. The countries were also selected taking into account the geopolitical position of participation in European initiatives and relevance to the Ukrainian context. The selection was made according to the criterion of regulatory relevance to the period 2020–2025. In the Ukrainian legal field, the Criminal Code (CC) of Ukraine³⁰ (Articles 332, 332¹, 358 as amended in 2025), the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons"³¹, as well as Law No. 1320-IX "On Amendments to Certain Laws on Counteracting Illegal Migration"³² were analysed. The Polish segment included the Ustawa o cudzoziemcach³³, provisions of the Criminal Code³⁴, annual reports of the Urząd do Spraw Cudzoziemców³⁵. In the German context, the analysis included the provisions of the Aufenthaltsgesetz³⁶, the provisions of the Strafgesetzbuch³⁷, as well as annual reports of the Federal Office for Migration and Refugees. The Italian sample included the Testo Unico sull'Immigrazione³⁸, and the provisions of the Codice penale³⁹. All selected sources provided a sufficient level of regulatory coverage and allowed for a consistent analysis of changes in the field of regulation of illegal migration and its connection with crime dynamics.

3.3. Instruments

Information was collected from official legislation databases (zakon.rada.gov.ua), ministries of internal affairs, border guard reports, and Eurostat. Qualitative data from legal texts were coded for themes of criminalization, procedural safeguards, and rights protection, while quantitative data were aggregated to track crime dynamics.

³⁰ VERKHOVNA RADA OF UKRAINE. The Criminal Code of Ukraine. 2025. Available at: <https://zakon.rada.gov.ua/laws/show/2341-14> (accessed on 4 October 2025).

³¹ VERKHOVNA RADA OF UKRAINE. 2021a. Ibid.

³² VERKHOVNA RADA OF UKRAINE. On amendments to certain legislative acts of Ukraine regarding prevention of excessive pressure on business entities. 2021b. Available at: <https://zakon.rada.gov.ua/laws/show/1320-20#Text> (accessed on 4 October 2025).

³³ SEJM RZECZYPOSPOLITEJ POLSKIEJ. 2023. Ibid.

³⁴ VERKHOVNA RADA OF UKRAINE. The Criminal Code of Ukraine. 2025. Ibid.

³⁵ URZĄD DO SPRAW CUDZOZIEMCÓW. Roczny raport o działalności UDSC za 2023 rok. 2024. Available at: <https://www.gov.pl/web/udsc/zestawienia-roczne> (accessed on 4 October 2025).

³⁶ FEDERAL MINISTRY OF JUSTICE AND CONSUMER PROTECTION. 2023. Ibid.

³⁷ FEDERAL MINISTRY OF JUSTICE AND CONSUMER PROTECTION. 2025. Ibid.

³⁸ GOVERNO DELLA REPUBBLICA ITALIANA. Testo unico sull'immigrazione (D.Lgs. 286/1998, con modifiche D.L. 130/2020). 2020. Available at: <https://www.normattiva.it/uris/N2Ls?urn:nir:stato:decreto.legislativo:1998-07-25;286!vig=2021-12-07> (accessed on 4 October 2025).

³⁹ GOVERNO DELLA REPUBBLICA ITALIANA. Codice penale: Articoli 495 & 497-bis [Penal Code, arts. 495 & 497-bis]. 2008. Available at: <https://www.normattiva.it/uris/N2Ls?urn:nir:stato:legge:1930-05-19;139!vig=> (accessed on 4 October 2025).

All research procedures adhered to personal-data protection laws and academic-integrity principles, ensuring ethical and methodological transparency.

The section thus establishes a coherent mixed-method framework that can be reproduced in future comparative studies of migration law and crime.

4. Results

In 2020–2025, all the studied countries updated their legislation on criminal liability for violating the immigration regime. To ensure comparability, the analysis distinguishes between criminal, administrative, and removal-related provisions within each national system, aligning terminology with the EU Return Directive.

In Ukraine, Law No. 1320-IX, which amended the Criminal Code to strengthen liability for facilitating irregular migration, and the revised Articles 332, 332¹, and 358 of the Criminal Code expanded criminalization to include the organization of irregular migration, use of false documents, and repeated violations of the stay regime. Detention under the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons" is defined as administrative (up to 90 days), while police custody before court control remains limited to 72 hours. In Poland, the⁴⁰ and Kodeks karny⁴¹ established liability for irregular border crossing and document forgery and introduced a separate qualification for re-entry after expulsion. Removal detention lasting 90–180 days corresponds to national transposition of the Return Directive, whereas short-term police detention is excluded from comparative indicators. In Germany, the Strafgesetzbuch⁴² and Aufenthaltsgesetz⁴³ determined penalties for irregular stay and complicity, with aggravated liability in cases of profit or organized activity. Detention limits are defined as ten days for police custody and up to six months for removal detention under the 2019 Return Directive implementation law, ensuring consistency with European standards. In Italy, partial decriminalization of certain acts is combined with increased administrative supervision, while the Codice penale⁴⁴ maintains criminal liability for falsification of identity data. Post-2020 reforms focused on administrative control and judicial review rather than incarceration, which explains the stable total number of migration-related offences and the moderate (≈9 %) decline in document-forgery and unlawful-entry categories. Table 1 summarizes the key legislative innovations adopted during 2020–2025, indicating the type of change, the year of entry into force, and the focus of the regulatory impact.

The data in Table 1 indicate a general trend towards strengthening criminal control over illegal migration in all four countries. In Ukraine, Poland, and Germany, the approach to expanding the scope of the crime prevailed: from document forgery to organized facilitation of migration violations. The inclusion of re-entry after deportation as a separate criminal act in Poland and Germany is particularly noticeable. At the same time, Italy demonstrates a mixed model, combining partial decriminalization of initial illegal stay with increased administrative pressure.

The analysis recorded significant differences in the regulation of violations related to irregular stay. In Ukraine, administrative detention lasts up to 72 hours, while removal detention for return procedures may extend to 90 days under the Law "On the Legal Status of Foreigners and Stateless Persons." Judicial control is provided but not always implemented effectively, which raises concerns regarding the principle of legality and legal certainty (Law "On Border Control"). In Poland⁴⁵,

⁴⁰ SEJM RZECZYPOSPOLITEJ POLSKIEJ. 2023. *Ibid.*

⁴¹ SEJM RZECZYPOSPOLITEJ POLSKIEJ. Internetowy System Aktów Prawnych (ISAP). 2025. Available at: <https://isap.sejm.gov.pl/isap.nsf/home.xsp> (accessed on 4 October 2025).

⁴² FEDERAL MINISTRY OF JUSTICE AND CONSUMER PROTECTION. 2025. *Ibid.*

⁴³ FEDERAL MINISTRY OF JUSTICE AND CONSUMER PROTECTION. 2023. *Ibid.*

⁴⁴ GOVERNO DELLA REPUBBLICA ITALIANA. 2008. *Ibid.*

⁴⁵ SEJM RZECZYPOSPOLITEJ POLSKIEJ. 2023. *Ibid.*

the Ustawa o cudzoziemcach establishes a clear procedure with mandatory judicial review, access to legal counsel, and a maximum period of removal detention of 180 days. These provisions comply with the national transposition of the Return Directive and safeguard the proportionality of coercive measures. In Germany (Aufenthaltsgesetz, §§57–62), the period is limited to 10 days with subsequent submission to the court; individuals are provided with free legal aid. In Germany (Aufenthaltsgesetz, §§ 57–62), detention before court review (*police custody*) is limited to 10 days, while *removal detention* may last up to six months, subject to court authorization; individuals are provided with free legal aid.

Table 1. Main changes in criminal legislation on illegal migration (2020–2025).

Country	Regulatory framework	Types of changes	Year of entry into force	Direction of influence
Ukraine	CC of Ukraine (Art. 332, 332 ¹ , 358); Law No. 1320-IX ⁴⁶	Strengthening criminal liability for organizing the smuggling of persons across the border; criminalization of repeated violations	2021 (amendments in the CC-2025)	Criminalization of migration actions, integration with security policy
Poland	Kodeks karny ⁴⁷ , Ustawa o cudzoziemcach ⁴⁸	Clarification of the elements of the crime under Articles 264 and 270; criminalization of re-entry after expulsion	2023–2025	Harmonization with EU norms; expansion of the use of criminal instruments
Germany	Strafgesetzbuch ⁴⁹ , Aufenthaltsge setz ⁵⁰)	Expanding the elements of the crime of aiding and abetting and organized actions; gradation of liability	2023–2025	Strengthening control over migrant flows; application of individualized responsibility
Italy	Codice penale ⁵¹ , Testo Unico sull'Immigrazione ⁵² , D.L. 130/2020	Decriminalization of initial illegal stay; preservation of criminal liability for document forgery	2020–2025	Combination of administrative regulation with targeted criminalization

Source: developed by the author based on regulatory legal acts^{53,54,55,56,57,58,59,60} and analytical reports^{61,62,63}.

⁴⁶ VERKHOVNA RADA OF UKRAINE. 2021a. Ibid.

⁴⁷ SEJM RZECZYPOSPOLITEJ POLSKIEJ. 2025. Ibid.

⁴⁸ SEJM RZECZYPOSPOLITEJ POLSKIEJ. 2023. Ibid.

⁴⁹ FEDERAL MINISTRY OF JUSTICE AND CONSUMER PROTECTION. 2025. Ibid.

⁵⁰ FEDERAL MINISTRY OF JUSTICE AND CONSUMER PROTECTION. 2023. Ibid.

⁵¹ GOVERNO DELLA REPUBBLICA ITALIANA. 2008. Ibid.

⁵² GOVERNO DELLA REPUBBLICA ITALIANA. 2020. Ibid.

⁵³ VERKHOVNA RADA OF UKRAINE. 2021a. Ibid.

⁵⁴ VERKHOVNA RADA OF UKRAINE. The Criminal Code of Ukraine. 2025. Ibid.

⁵⁵ SEJM RZECZYPOSPOLITEJ POLSKIEJ. 2023. Ibid.

⁵⁶ SEJM RZECZYPOSPOLITEJ POLSKIEJ. 2025. Ibid.

⁵⁷ FEDERAL MINISTRY OF JUSTICE AND CONSUMER PROTECTION. 2023. Ibid.

⁵⁸ FEDERAL MINISTRY OF JUSTICE AND CONSUMER PROTECTION. 2025. Ibid.

⁵⁹ GOVERNO DELLA REPUBBLICA ITALIANA. 2008. Ibid.

⁶⁰ GOVERNO DELLA REPUBBLICA ITALIANA. 2020. Ibid.

⁶¹ BUNDESKRIMINALAMT. Police Crime Statistics 2023. 2023. Available at: <https://www.bka.de/EN/CurrentInformation/Statistics/PoliceCrimeStatistics/2023/pcs2023.html> (accessed on 4 October 2025).

⁶² MINISTRY OF INTERNAL AFFAIRS OF UKRAINE. Annual consolidated financial statements of the Ministry of Internal Affairs for 2023. 2024. Available at:

In Italy (Testo Unico sull'Immigrazione), detention lasts up to 30 days and can be extended to 90 by court decision, though the exercise of interpretation and presence rights remains inconsistent across jurisdictions. This variation reflects ongoing challenges in harmonizing national procedures with EU standards on procedural fairness. Comparative results show that while formal limits are broadly aligned with the Return Directive, effective safeguards-such as timely judicial control and access to legal aid-remain uneven, demonstrating institutional variability and differing degrees of enforcement rigor among the countries.

Table 2 systematizes comparative parameters of enforcement models, including key procedural elements.

Table 2. Comparative parameters of law enforcement in the field of illegal migration.

Country	Legal framework	Detection procedure	Detention (max.)	Judicial review	Defence & translation rights	Deportation procedure	Appeal mechanisms
Ukraine	Law of Ukraine "On the Legal Status of Foreigners", CC of Ukraine, Criminal Procedure Code of Ukraine	State Border Guard, National Police, Security Service of Ukraine (SSU)	Up to 90 days (administrative removal); 72 h police custody before court review	Partly applied, depends on case and court workload	Not automatically guaranteed; varies by case type	State Migration Service (SMS) or court decision; identification delays common	Possible, but procedure not uniformly regulated
Poland	Ustawa o cudzoziemcach, Kodeks postępowania karnego	Border Guard, Police, Voivode	90 days (extendable to 180 days)-Return Directive Art. 15	Mandatory for every detention	Right to lawyer and translation ensured	After court decision; includes readmission agreements	Administrative and judicial appeal available
Germany	Aufenthalts gesetz, Strafprozess ordnung	Police, BAMF, Border Police	Up to 6 months (removal detention); 10 days police custody-Return Directive transposition (2019)	Mandatory; court authorization required for extension	Free legal aid and translator provided	Administrative decision + court control (BAMF oversight)	Court appeal allowed within general proceedings
Italy	Testo Unico sull'Immigrazione, Codice di procedura penale	Police, Guardia Finanza, Migration Inspectorate	30 days (extendable to 90 days)-Decreto Legislativo 130/2020	Mandatory, but often formal	Declared by law, but inconsistently applied	Prefect's decision with possibility of appeal	Appeal permitted but time-limited

Source: developed by the author based on current legislation and official reports^{64,65,66,67,68,69,70,71}.

⁶⁴ <https://mvs.gov.ua/en/byudzhet-dlya-gromadyan/finansova-zvitnist/ricna-konsolidovana-finansova-zvitnist-mvs-za-2023-rik> (accessed on 4 October 2025).

⁶⁵ URZĄD DO SPRAW CUDZOZIEMCÓW. 2024. Ibid.

⁶⁶ VERKHOVNA RADA OF UKRAINE. The Criminal Code of Ukraine. 2025. Ibid.

⁶⁷ VERKHOVNA RADA OF UKRAINE. 2021b. Ibid.

⁶⁸ SEJM RZECZYPOSPOLITEJ POLSKIEJ. 2023. Ibid.

⁶⁹ FEDERAL MINISTRY OF JUSTICE AND CONSUMER PROTECTION. 2023. Ibid.

⁷⁰ GOVERNO DELLA REPUBBLICA ITALIANA. 2020. Ibid.

⁷¹ BUNDESAMT FÜR MIGRATION UND FLÜCHTLINGE. Jahresbericht des Forschungszentrums Migration, Integration und Asyl 2022 [Annual report of the Research Centre Migration, Integration and Asylum]. 2023.

⁷² <https://doi.org/10.48570/bamf.fz.jb.2022.d.07/2023.jahresberichtfz.1.0> (accessed on 4 October 2025).

⁷³ MINISTRY OF INTERNAL AFFAIRS OF UKRAINE. 2024. Ibid.

⁷⁴ URZĄD DO SPRAW CUDZOZIEMCÓW. 2024. Ibid.

Table 2 shows significant jurisdictional variation in the regulation of procedures for the detection, apprehension, detention, and deportation of irregular migrants. Poland and Germany follow a highly formalised model, where detention periods, judicial control and access to legal aid are clearly defined. In Germany, this is ensured through a legislative division of competences between the police, administration and courts, with a short maximum detention period (up to 10 days) that can only be extended by court order.

In Ukraine, migration-law procedures remain fragmented, with uneven judicial oversight and limited procedural safeguards. Detention may last up to 72 hours before court involvement and up to 90 days under removal procedures. This gap between *de jure* and *de facto* control raises concerns about adherence to the principles of legality and proportionality. In Italy, the administrative model provides primarily formal guarantees, where access to translation and legal defence is restricted in practice. Although the *Testo Unico sull'Immigrazione* establishes judicial review, its implementation is inconsistent, limiting effective protection. In contrast, Germany and Poland have more structured removal systems incorporating readmission, appeal mechanisms, and consular coordination. These frameworks are largely harmonized with the EU Return Directive, ensuring regular court review and access to legal aid. However, in Ukraine and Italy, the enforcement of return procedures is hindered by identification delays and dependence on court decisions, reflecting institutional weaknesses and partial implementation of procedural standards. Content analysis of the 2020–2025 reports revealed four recurrent offence categories: document forgery, theft, violent acts in detention facilities, and participation in smuggling networks. In Ukraine, proceedings under Articles 332 and 358 of the Criminal Code predominated; in Poland, cases of re-entry after expulsion increased; in Germany, offences related to aiding and abetting in organized form were most frequent; and in Italy, falsification of identification data (Article 495 of the Criminal Code) remained the dominant category.

Table 3 shows the most common types of crimes among illegal migrants by country for 2020–2025 and summarizes the most common types of crimes committed by illegal migrants in 2020–2025, with a breakdown by country and average percentage of total criminal proceedings. The highest share in Ukraine was crimes related to the organization of illegal smuggling of persons, in Poland-re-entry after deportation, in Germany-group aiding and abetting, and in Italy-forgery of identity documents.

Table 4 systematizes the changes in the structure of crime among illegal migrants after legislative reforms. The data in Table 4 show a clear increase in the share of offences related to document forgery, especially in Italy (+6%) and Poland (+5%), which may be related to the criminalization of the use of false identification data. At the same time, violent acts showed an overall decrease in all countries, with the largest decline in Ukraine (−5%) and Italy (−6%), indicating a decrease in interpersonal conflicts or a change in the emphasis of law enforcement. Involvement in human smuggling increased the most in Germany (+10%) and Poland (+8%), which correlates with increased control over migration routes. Changes in the theft category were moderate, not exceeding 2%, and demonstrate the stability of this type of crime regardless of legislative changes.

Table 3. Most common types of crimes among illegal migrants for 2020–2025 (by country).

Country	Crime type	Average percentage of total cases (%)	Source
Ukraine	Organization of illegal smuggling	42	Report of the Ministry of Internal Affairs of Ukraine ⁷²
Ukraine	Use of forged documents	31	
Ukraine	Violence	9	Zakarpattia Region Prosecutor's Office ⁷³
Poland	Re-entry after deportation	38	Ministry of the Interior and Administration of Poland ⁷⁴
Poland	Forgery of documents	27	Urząd do Spraw Cudzoziemców ⁷⁵
Poland	Theft	18	Policja ⁷⁶
Germany	Group complicity in smuggling	34	Bundesamt für Migration und Flüchtlinge ⁷⁷
Germany	Illegal stay using false data	22	Bundeskriminalamt ⁷⁸
Germany	Theft	11	Bundeskriminalamt ⁷⁹
Italy	Forgery of identity documents	41	Ministero dell'Interno
Italy	Participation in migration channels	26	Direzione centrale dell'immigrazione e della polizia delle frontiere
Italy	Violence in detention centres	14	Polizia di Stato

Source: developed by the author based on official statistics and reports of state authorities^{80,81,82,83,84,85,86}.

⁷² MINISTRY OF INTERNAL AFFAIRS OF UKRAINE. 2024. Ibid.

⁷³ ZAKARPATTIA REGION PROSECUTOR'S OFFICE. Report on the work of the prosecution bodies for 12 months of 2022. 2023. Available at: https://zak.gp.gov.ua/ua/list_data_sets_made_public_data.html?_m=publications&_t=rec&id=325937**%E3%80%90web%E2%80%A0source%E3%80%91 (accessed on 4 October 2025).

⁷⁴ MINISTRY OF THE INTERIOR AND ADMINISTRATION OF POLAND. Breakthrough successes of the Polish presidency in the area of Home Affairs. 2025. Available at: <https://www.gov.pl/web/mswia-en/breakthrough-successes-of-the-polish-presidency-in-the-area-of-home-affairs> (accessed on 4 October 2025).

⁷⁵ URZĄD DO SPRAW CUDZOZIEMCÓW. 2024. Ibid.

⁷⁶ POLICJA. Rocznne raporty statystyczne Policja 2022. 2022. Available at: <https://statystyka.policja.pl/st/raporty/> (accessed on 4 October 2025).

⁷⁷ BUNDESAMT FÜR MIGRATION UND FLÜCHTLINGE. Migrationsbericht 2023. 2025. <https://doi.org/10.48570/bamf.fz.mb.2023.d.2025.migrationsbericht.1.0> (accessed on 4 October 2025).

⁷⁸ BUNDESKRIMINALAMT. Police Crime Statistics 2023. 2023. Ibid.

⁷⁹ Ibid.

⁸⁰ MINISTRY OF INTERNAL AFFAIRS OF UKRAINE. 2024. Ibid.

⁸¹ BUNDESAMT FÜR MIGRATION UND FLÜCHTLINGE. 2023. Ibid.

⁸² FEDERAL MINISTRY OF JUSTICE AND CONSUMER PROTECTION. 2025. Ibid.

⁸³ MINISTRY OF THE INTERIOR AND ADMINISTRATION OF POLAND. 2025. Ibid.

⁸⁴ POLICJA. Rocznne raporty statystyczne Policja 2022. 2022. Ibid.

⁸⁵ BUNDESAMT FÜR MIGRATION UND FLÜCHTLINGE. 2025. Ibid.

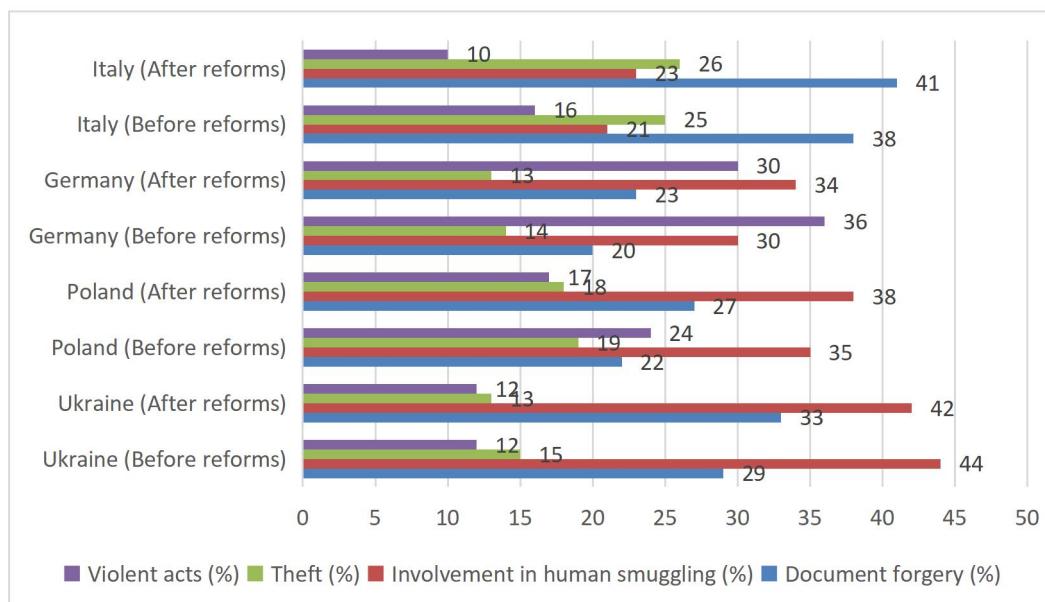
⁸⁶ BUNDESKRIMINALAMT. Police Crime Statistics 2023. 2023. Ibid.

Table 4. Structural changes in types of crimes among illegal migrants after legislative changes.

Crime type	Ukraine (% of change)	Poland (% of change)	Germany (% of change)	Italy (% of change)
Document forgery	4	5	3	6
Theft of private property	2	1	0, 2	1
Violent acts	-5	-2	-1	-6
Involvement in human smuggling	6	8	10	4

Source: developed by the author based on official statistics and reports of state authorities^{87,88,89,90,91,92}.

The analysis showed a stable presence of four categories of crimes in the structure of offences among illegal migrants: document forgery, illegal smuggling, theft, and violent acts. Their ratio varied depending on the country, which is explained by the specifics of legal regulation and migration situation. Repeated commission after deportation prevailed in Poland and Germany, while in Italy—crimes related to concealment of identity. Figure 1 shows the change in the share of offences before and after amendments to the legislation on the status of foreigners.

**Figure 1.** Dynamics of migration crimes before and after legislative reforms (in %). Source: developed by the author based on a comparative analysis of national statistical reports and changes in the legislation of Ukraine, Poland, Germany and Italy^{93,94,95,96,97,98,99,100}.

⁸⁷ MINISTRY OF INTERNAL AFFAIRS OF UKRAINE. 2024. Ibid.

⁸⁸ GOVERNO DELLA REPUBBLICA ITALIANA. 2008. Ibid.

⁸⁹ MINISTRY OF THE INTERIOR AND ADMINISTRATION OF POLAND. 2025. Ibid.

⁹⁰ POLICJA. Rocznne raporty statystyczne Policja 2022. 2022. Ibid.

⁹¹ BUNDESAMT FÜR MIGRATION UND FLÜCHTLINGE. 2025. Ibid.

⁹² BUNDESKRIMINALAMT. Police Crime Statistics 2023. 2023. Ibid.

⁹³ MINISTRY OF INTERNAL AFFAIRS OF UKRAINE. 2024. Ibid.

⁹⁴ BUNDESAMT FÜR MIGRATION UND FLÜCHTLINGE. 2023. Ibid.

⁹⁵ URZĄD DO SPRAW CUDZOZIEMCÓW. 2024. Ibid.

⁹⁶ FEDERAL MINISTRY OF JUSTICE AND CONSUMER PROTECTION. 2023. Ibid.

⁹⁷ VERKHOVNA RADA OF UKRAINE. On amendments to certain legislative acts of Ukraine regarding prevention of excessive pressure on business entities. 2021c. Available at: <https://zakon.rada.gov.ua/go/1320-20> (accessed on 4 October 2025).

⁹⁸ FEDERAL MINISTRY OF JUSTICE AND CONSUMER PROTECTION. 2025. Ibid.

Figure 1 visualizes the change in the share of the main types of crimes among illegal migrants before and after the amendments to the legislation on the status of foreigners. In most countries, there was an increase in the share of crimes related to document forgery (for example, +5% in Poland, +3% in Germany), as well as organized human smuggling (an increase of 4% in Germany). At the same time, a decrease in the level of violent acts after the reforms was recorded in Italy and Poland by 6 and 7 percentage points, respectively. The data indicate a change in the profile of offences after legislative innovations and a reorientation towards documentary and cross-border crimes. Table 5 presents a comparison between the degree of criminalization and the number of registered cases in the migration sector, which made it possible to assess the effectiveness of law enforcement.

Table 5 summarizes the relationship between the level of criminalization of immigration legislation and the number of proceedings against illegal migrants in 2024. Germany demonstrated the highest completion rate of cases (80% at a criminalization level of 8/10). Poland had similar indicators with a slightly higher share of pending proceedings. In Ukraine, only 62% of cases reached a verdict, which indicates problems in proving. In Italy, the completion rate was the lowest (53%) because of the predominance of administrative decisions. Legislative changes had a contradictory effect: the number of proceedings and the share of convictions increased in Poland and Germany, but this was not accompanied by a significant decrease in crime rates. In Italy, the share of recidivism remained stable due to the dominance of administrative sanctions and the absence of resocialization mechanisms. In Ukraine, the low level of completion of proceedings retained, which indicates the need to strengthen institutional efficiency. Figure 2 presents the dynamics of the number of criminal proceedings against illegal migrants in 2020–2025, which demonstrates an increase in countries with high levels of criminalization after the implementation of legislative changes.

Figure 2 shows increased number of criminal proceedings against illegal migrants in Poland (from 780 in 2020 to 1,220 in 2025) and Germany (from 820 to 1,100), which correlates with increased criminalization. In Ukraine, an uneven increase was observed (from 460 to 700), with a peak in 2023. In Italy, the dynamics remained stable (over 1,000 cases per year), indicating a high level of detection, but not necessarily an increase in the effectiveness of the response. Table 6 summarizes the legislative changes, types of crimes and mechanisms of their impact on criminal statistics and law enforcement.

Analysis of Table 6 showed that legislative changes related to the *criminalization of re-entry, the use of forged documents, and facilitation of irregular border crossing* had the greatest impact on the transformation of the crime structure among *people with irregular status*. These reforms intensified the formalization of offences and expanded the scope of prosecutable acts, thereby influencing statistical and legal classifications rather than actual incidence.

While the number of criminal proceedings increased, the trend did not necessarily reflect a real growth in crime, but rather the effects of stricter procedural frameworks and enhanced enforcement reporting. In jurisdictions with limited judicial oversight or insufficient procedural safeguards, such as Ukraine and Italy, the reforms failed to reduce repeat offences, raising questions of proportionality and effective protection.

In contrast, systems with stronger court control and coordinated inter-agency interaction (Poland and Germany) demonstrated greater enforcement coherence and lower recidivism rates. This highlights the importance of a balanced approach that combines criminalization with preventive and supervisory mechanisms. Therefore, further legislative refinement should include clearer delineation of

⁹⁹ SEJM RZECZYPOSPOLITEJ POLSKIEJ. 2023. Ibid.

¹⁰⁰ GOVERNO DELLA REPUBBLICA ITALIANA. 2020. Ibid.

investigative and judicial competences, institutionalized coordination between border, police, and judicial authorities, and post-release or removal supervision measures. Harmonization of offence qualification standards across jurisdictions will promote consistent application of law and strengthen the guarantees of legal certainty within the European legal space.

Table 5. Relationship between legislative changes and the number of criminal proceedings in migrant cases.

Country	Criminalization index (1–10)	Criminal proceedings (2024)	Verdict rate (%)	Non-verdict or reclassified cases (%)	Effectiveness comment
Ukraine	7	1,960	62	38	Low completion rate of cases; difficulties in proving
Poland	8	4,300	78	22	High law enforcement activity and stability of decisions
Germany	8	5,200	81	19	Effective combination of criminal and administrative approach
Italy	5	3,400	53	47	High level of administrative substitution of criminal proceedings

Source: developed by the author based on analytical processing of statistical reports of law enforcement agencies and judicial institutions of Ukraine, Poland, Germany, and Italy^{101,102,103,104,105,106}.

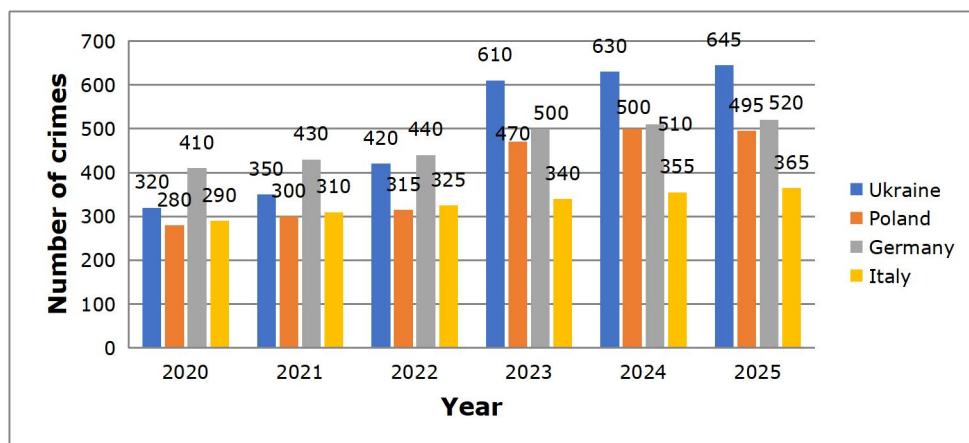


Figure 2. Dynamics of the number of criminal proceedings against illegal migrants before and after reforms (2020–2025). Source: compiled by the author based on official statistics and reports of state authorities^{107,108,109,110,111,112,113}.

¹⁰¹ MINISTRY OF INTERNAL AFFAIRS OF UKRAINE. 2024. Ibid.

¹⁰² BUNDESAMT FÜR MIGRATION UND FLÜCHTLINGE. 2025. Ibid.

¹⁰³ BUNDESKRIMINALAMT. Police Crime Statistics 2023. 2023. Ibid.

¹⁰⁴ GOVERNO DELLA REPUBBLICA ITALIANA. 2008. Ibid.

¹⁰⁵ MINISTRY OF THE INTERIOR AND ADMINISTRATION OF POLAND. 2025. Ibid.

¹⁰⁶ POLICJA. Rocznne raporty statystyczne Policja 2022. 2022. Ibid.

¹⁰⁷ MINISTRY OF INTERNAL AFFAIRS OF UKRAINE. 2024. Ibid.

Table 6. Legislative changes, types of crimes, and mechanisms of impact.

Legislative change	Type of crime	Mechanism of influence
Criminalization of re-entry after expulsion (Poland, Ustawa o cudzoziemcach Art. 398)	Recurrent violations of the migration regime	Improved registration of repeated offences and stricter enforcement of removal orders
Increased penalties for document forgery (Italy, Codice penale Art. 495 & Decreto Legislativo 130/2020)	Document forgery	Expanded prosecutorial scope leading to greater exposure to criminal liability even for minor administrative falsifications
Introduction of removal detention up to 90 days (Ukraine, Law No. 1320-IX (2021))	Theft, participation in smuggling schemes	Tightened legalization conditions and prolonged detention contributing to the rise of adaptive and survival-driven offences
Differentiation of penalties for forgery (Germany, Aufenthaltsgesetz §§ 57-62; StGB § 267)	Involvement in human smuggling, documentary violations	Formalization of 'organized' offence elements leading to reclassification of administrative cases into criminal proceedings and statistical increase in registered crime

Source: developed by the author based on official statistics and reports of state authorities^{114,115,116,117,118,119,120}.

5. Discussion

The results of the study demonstrated that the criminalization of illegal stay and related activities did not lead to a tangible decrease in overall crime rates but, conversely, contributed to a higher number of recorded offences. This pattern aligns with the findings of Stoesslé et. al.¹²¹, who argued that intensified institutional control increases the detection of offences without effectively curbing migration flows. In both Ukraine and Italy, the expansion of detention and procedural formalization occurred without sufficient procedural safeguards, echoing the conclusions of Saenz¹²² for the United Kingdom, where a growing security orientation limited access to asylum procedures. Comparable tendencies toward reduced judicial control were identified by York¹²³, whose analysis of the German

¹⁰⁸ BUNDESAMT FÜR MIGRATION UND FLÜCHTLINGE. 2023. Ibid.

¹⁰⁹ GOVERNO DELLA REPUBBLICA ITALIANA. 2020. Ibid.

¹¹⁰ MINISTRY OF THE INTERIOR AND ADMINISTRATION OF POLAND. 2025. Ibid.

¹¹¹ POLICJA. Roczné raporty statystyczne Policja 2022. 2022. Ibid.

¹¹² BUNDESAMT FÜR MIGRATION UND FLÜCHTLINGE. 2025. Ibid.

¹¹³ BUNDESKRIMINALAMT. Police Crime Statistics 2023. 2023. Ibid.

¹¹⁴ MINISTRY OF INTERNAL AFFAIRS OF UKRAINE. 2024. Ibid.

¹¹⁵ BUNDESAMT FÜR MIGRATION UND FLÜCHTLINGE. 2023. Ibid.

¹¹⁶ GOVERNO DELLA REPUBBLICA ITALIANA. 2020. Ibid.

¹¹⁷ MINISTRY OF THE INTERIOR AND ADMINISTRATION OF POLAND. 2025. Ibid.

¹¹⁸ POLICJA. Roczné raporty statystyczne Policja 2022. 2022. Ibid.

¹¹⁹ BUNDESAMT FÜR MIGRATION UND FLÜCHTLINGE. 2025. Ibid.

¹²⁰ BUNDESKRIMINALAMT. Police Crime Statistics 2023. 2023. Ibid.

¹²¹ STOESSLÉ, P.; GONZALEZ SALAZAR, F. "Right to health for undocumented migrants in Mexico: From theory to practice in the context of the health system reform", International Journal of Migration, Health and Social Care, vol. 18, n 1, 2022, p. 31-50. <https://doi.org/10.1108/ijmhsc-03-2020-0028>

¹²² SANCHEZ, G. E.; ANTONOPOULOS, G. A. "Irregular migration in the time of counter smuggling", Trends in Organized Crime, vol. 26, n 1, 2023, p. 1-12. <https://doi.org/10.1007/s12117-023-09488-z>

¹²³ YORK, S. "UK immigration and asylum administration and adjudication: Home Office indifference to rule of law principles", in The Impact of UK Immigration Law: Declining

context corresponds closely to the institutional changes revealed in this study.

The absence of a consistent relationship between criminalization and recidivism, particularly noticeable in Italy and Ukraine, mirrors the observations of Borrelli et al.¹²⁴, who linked recidivism to discretionary enforcement practices and regulatory instability. The growing share of non-violent crimes, such as theft and document forgery, observed across the examined countries, corresponds with the findings of Meek¹²⁵ who associated such behavioural shifts with forced family separation and heightened socio-emotional stress. The correlation between psycho-emotional strain and punitive migration policy is further supported by the study of Bailey and Widener¹²⁶ confirming that repressive frameworks tend to exacerbate social vulnerability rather than reduce unlawful conduct.

In both Poland and Italy, a pronounced trend toward the criminalization of contact with migrant-smuggling networks was identified. This is consistent with the conclusions of

Sanchez and Antonopoulos¹²⁷, who emphasized how deterrence-based strategies often complicate migration routes and expand the boundaries of criminal liability. The interdisciplinary dimension of these processes is reaffirmed by Ünlü and Gürer¹²⁸ who highlighted the importance of integrating criminological, sociological, and legal perspectives in analyzing migration-related crime. The predominance of document-related violations found in this study also supports the argument of Brandariz¹²⁹ who viewed such offences as a manifestation of *instrumental criminalization* aimed at controlling mobility rather than preventing genuine criminal activity.

Particular attention was paid to the issue of recidivism among young migrants—a tendency consistent with the results of Corona Maioli et al.¹³⁰ who identified increased vulnerability among unaccompanied minors due to insufficient legal protection and social support mechanisms. The concentration of minor or non-serious offences in this demographic group can thus be partly explained by these systemic deficiencies. The findings from Germany and Poland further confirm, in

Standards of Public Administration, Legal Probit and Democratic Accountability, Springer, Cham, 2022, pp. 161-195. https://doi.org/10.1007/978-3-030-98721-3_6

¹²⁴ BORRELLI, L. M.; JOHANNESSON, L.; LINDBERG, A. "Predictable patterns of unpredictability: A literature review of discretion in migration control", Political Research Exchange, vol. 7, n 1, 2025, art. 2508374. <https://doi.org/10.1080/2474736X.2025.2508374>

¹²⁵ EDYBURN, K. L.; MEEK, S. "Seeking safety and humanity in the harshest immigration climate in a generation: A review of the literature on the effects of separation and detention on migrant and asylum seeking children and families in the United States during the Trump administration", Social Policy Report, vol. 34, n 1, 2021, p. 1-46. <https://doi.org/10.1002/sop2.12>

¹²⁶ BAILEY, C. A.; WIDENER, K. "The nexus between immigration status, policy, and proceedings, and mental health", Current Opinion in Psychology, vol. 47, 2022, art. 101411. <https://doi.org/10.1016/j.copsyc.2022.101411>

¹²⁷ SANCHEZ, G. E.; 2023. Ibid.

¹²⁸ ÜNLÜ, A.; GÜRER, C. "Crime and violence studies in the immigration field: Interactions between disciplines and emerging concepts", Journal of Ethnic and Cultural Studies, vol. 9, n 1, 2022, p. 185-205. <https://doi.org/10.29333/ejecs/1021>

¹²⁹ BRANDARIZ, J. A. "Criminalization or instrumentalism? New trends in the field of border criminology", Theoretical Criminology, vol. 26, n 2, 2022, p. 285-303. <https://doi.org/10.1177/13624806211009158>

¹³⁰ CORONA MAIOLI, S.; BHABHA, J.; WICKRAMAGE, K.; WOOD, L. C. N.; ERRAGNE, L.; ORTEGA GARCÍA, O.; BURGESS, R.; DIGIDIKI, V.; ALDRIDGE, R. W.; DEVAKUMAR, D. "International migration of unaccompanied minors: Trends, health risks, and legal protection", The Lancet Child & Adolescent Health, vol. 5, n 12, 2021, p. 882-895. [https://doi.org/10.1016/S2352-4642\(21\)00194-2](https://doi.org/10.1016/S2352-4642(21)00194-2)

line with Chalfin and Deza¹³¹, that post-amnesty legalization and status regularization significantly reduce recidivism and foster social integration, underlining the limited preventive effect of purely repressive measures.

The results also reinforce the conclusions of Melnyk et. al.¹³² regarding the adverse impact of intensified internal immigration controls on migrant well-being. Similar tendencies were recorded in Poland, where hyper-securitization prevailed in the absence of compensatory social measures. Correspondingly, Kussainov et. al.¹³³ demonstrated that structural shifts in recorded offences following the implementation of the *Legal Arizona Workers Act* were not accompanied by an overall crime reduction. In Ukraine, the intersection between labour migration and illegal migration channels revealed in this study aligns with the findings of Pasichnyi et al.¹³⁴ and Pavlovskyi et al.¹³⁵ who pointed to the consequences of ineffective public administration in heightening external migration-related security risks.

Overall, a comparative synthesis with recent international research confirms the validity of the chosen analytical framework for assessing the criminalization of irregular migration and evaluating law-enforcement effectiveness. The study's findings correspond with leading international scholarship, emphasizing that sustainable migration governance requires a balanced combination of criminal law measures, administrative oversight, and social integration policies.

The revised Discussion section represents a noticeable improvement, especially in its expanded use of international literature and clearer linkage between empirical results and prior scholarship. The author now provides a broader set of references and situates the findings within existing debates on detection, recidivism, vulnerability, and punitive migration policies. However, despite this progress, several key issues identified in the earlier review remain only partially addressed. The section still reads primarily as a confirmatory narrative that demonstrates how the study's findings align with previous research, rather than offering deeper analytical interpretation. Much of the text recounts parallels with literature ("corresponds with," "is consistent with") without sufficiently explaining the causal mechanisms behind these similarities. For instance, the discussion notes that violence decreased in Italy and that prosecutions increased in Poland, but does not analyze why these country-specific differences occurred or what institutional characteristics account for divergent outcomes.

¹³¹ CHALFIN, A., DEZA, M. "Immigration enforcement, crime, and demography: Evidence from the Legal Arizona Workers Act", *Criminology & Public Policy*, vol. 19, n 2, 2020, p. 515-562. <https://doi.org/10.1111/1745-9133.12498>

¹³² MELNYK, D. S.; PARFYLO, O. A.; BUTENKO, O. V.; TYKHONOVA, O. V.; ZAROSYLO, V. O. "Practice of the member states of the European Union in the field of anti-corruption regulation", *Journal of Financial Crime*, vol. 29, n 3, 2022, p. 853-863. <https://doi.org/10.1108/JFC-03-2021-0050>

¹³³ KUSSAINOV, K.; GONCHARUK, N.; PROKOPENKO, L.; PERSHKO, L.; VYSHNIVSKA, B.; AKIMOV, O. "Anti-corruption Management Mechanisms and the Construction of a Security Landscape in the Financial Sector of the EU Economic System Against the Background of Challenges to European Integration: Implications for Artificial Intelligence Technologies", *Economic Affairs* (New Delhi), vol. 68, n 1, 2023, p. 509-521. <https://doi.org/10.46852/0424-2513.1.2023.20>

¹³⁴ PASICHNYI, R.; BYKOVA, A.; NEKHAI, V.; VYCHIVSKYI, P.; MOSORA, L.; AKIMOVA, L. "International migration of human resources in the conditions of geo-economic transformations as the main influence on the components of sustainable development of Ukraine in the context of national security", *Edelweiss Applied Science and Technology*, vol. 8, n 6, 2024, p. 1354-1365. <https://doi.org/10.55214/25768484.v8i6.2252>

¹³⁵ PAVLOVSKYI, O.; BLIKHAR, M.; AKIMOVA, L.; KOTSUR, V.; AKIMOV, O.; KARPA, M. "International migration in the context of financial and economic security: The role of public administration in the development of national economy, education, and human capital", *Edelweiss Applied Science and Technology*, vol. 8, n 6, 2024, p. 1492-1503.

While the revised section cites empirical patterns from Ukraine, Italy, Poland, and Germany, the comparative dimension is still underdeveloped. The author identifies trends in each country but does not sufficiently explain why differences exist among them. For example, Germany's high case-completion rates versus Ukraine's fragmented enforcement structure deserve deeper engagement, including institutional, legal, and socio-political explanations. Without this, the comparative value of the study is not fully realized, and readers are left without a clear understanding of how structural factors shape divergent outcomes.

Policy implications also remain general and require greater specificity. The concluding paragraph asserts that a balanced combination of criminal, administrative, and social measures is necessary, but does not articulate how these findings translate into concrete reforms or how different countries can apply these insights in practice. More actionable recommendations such as harmonizing detention procedures, reducing criminalization of minor document offences, or incorporating regularization pathways would strengthen the practical relevance of the study.

5.1. Limitations

Focus on only four countries without taking into account the socio-cultural context, regional peculiarities of law enforcement, and analysis of case law as a source.

5.2. Recommendations

Expand the geography of the study, include countries with high transit burden, analyse judicial practice and resocialization factors, and harmonize approaches to detention, judicial control, and assessment of law enforcement effectiveness.

6. Conclusion

The study found that legislative reforms in EU countries and Ukraine during 2020–2025 strengthened criminal law mechanisms for addressing irregular migration. However, increased criminalization alone did not lead to a tangible decline in offences among persons with irregular status. The most effective systems combined legal certainty, limited detention terms, judicial oversight, and access to legal aid. In contrast, Ukraine and Italy showed higher recidivism and weaker procedural safeguards, confirming that enforcement success depends more on institutional stability and procedural integrity than on punitive severity.

The study's novelty lies in its comparative, multi-country analysis linking legal frameworks, enforcement practices, and criminological outcomes. The findings also have practical value for shaping evidence-based migration policy and balancing security imperatives with human rights guarantees. Germany and Poland exemplify coherent institutional systems, while Ukraine and Italy highlight the risks of fragmented oversight and insufficient protection.

From a theoretical perspective, the results align with criminalization theory and the securitization of migration, showing that punitive expansion often increases recorded crime rather than addressing its causes. This effect is largely driven by three mechanisms: administrative reclassification that broadens the legal definition of migration-related offences; intensified policing that raises detection and reporting rates; and procedural widening, in which behaviours once treated as administrative misconduct become recorded as criminal incidents. As a result, statistical growth reflects enhanced enforcement visibility rather than an actual rise in offending behaviour.

Effective migration governance requires an integrated model that combines preventive, social, and institutional mechanisms. Further harmonization of offence

qualification standards, stronger judicial independence, and post-detention supervision measures will promote consistent application of law and reinforce legal certainty within the European legal space.

The comparative insight is further reinforced by distinguishing the institutional configurations of the four case countries. Germany's structured judicial oversight, standardized evidentiary procedures, and stable review mechanisms ensure consistent recording practices, while Poland benefits from harmonized administrative-criminal coordination and predictable enforcement pathways. In contrast, Ukraine's fragmented oversight structures and Italy's fluctuating administrative classifications contribute to statistical volatility and hinder long-term crime prevention strategies.

The practical significance of the findings addresses several stakeholder groups. Policymakers gain evidence needed to calibrate enforcement intensity without inflating crime statistics; legislators may use the results to refine offence qualification standards and ensure proportionality; migration authorities and detention-facility administrators obtain guidance for strengthening procedural safeguards and improving reporting accuracy; judicial bodies receive empirical justification for enhancing review mechanisms and securing institutional independence. Together, these contributions support a more coherent and rights-conscious approach to migration governance across Europe.

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