

*O. Bilokon,
Degree Seeking Applicant,
Department of Administrative Law and Procedure,
National Academy of Internal Affairs of Ukraine*

METHODS FOR IDENTIFICATION OF A FOREIGN CITIZEN

This article deals with the scientific methods of identification of a foreign citizen for further documentation for the application of readmission. Attention is focused on the Polish experience in personal identification and on this basis it is proposed to implement these methods in Ukraine. Also it is determined that the relevance of the topic is manifested in the fact that the issue of foreign citizens' identification is recently in the focus of attention, which is evidenced by approved in June 4, 2008 decision of the International committee of member states to the Creation Agreement of CIS in the fight against illegal immigration "Methods of identification of foreign citizens and stateless persons detained by the competent authorities without documents of identity", which presents the main steps of the authorized state authorities, aimed to determine the identity of the foreign citizen. Thus, the foreign citizen against whom a decision on expulsion is rendered shall be expelled from the country.

Often the person does not have the necessary documents and therefore must be "identified" to get the documents to enable him/her to cross the border and enter the country of origin. One of the most important characteristics of readmission, which sets it apart from the standard procedure of expulsion, is the fact that in case of readmission request-

ing state is required to identify a foreign citizen, whom it moves to the requested state.

It is sufficient to prove that the person entered the territory of the requesting state from the territory of the requested state. In this case, the request for readmission must include information about the absence of documents of identity and testimony and evidence required for readmission. In this case, the burden to identify the person lies on the requested state. That is why it is important for the requested state to have readmission agreements with countries of origin. These agreements create a legal obligation for the countries of origin for collaboration and rapid response in the event of the need to identify their citizens and provide them with travel documents. The problem of identification (i.e. purchase of tickets) and cooperation with the countries of origin for the solution of this problem is considered the most difficult in terms of the expulsion of illegal immigrants.

The aim of the paper is the analysis and assessment of methods for identification of foreign citizens in foreign countries to determine the feasibility of their implementation in Ukraine.

Author also proposes such conclusions: in Ukraine range of issues related to the identification of migrants is not legally defined, forming a gap in the

law. However, given the increasing migration attractiveness of the state and the gradual change of its status from a state of transit to the state of final destination, we must assume that in future subdivisions of State Migration Service of Ukraine will face similar situations, which already today sets the task of formation of the corresponding algorithm of actions which obviously will have to take into account existing international experience, namely, introduction of the concept of “person of tolerant stay”; determination of its legal status; legal regulation of temporary residence in the territory of Ukraine.