

**Mechanisms for Confronting Illegal Immigration within the Framework of Protocol against the Smuggling of Migrants**

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**Abstract:**

Illegal immigration, often known as unlawful or unauthorized migration, is the movement of individuals over national or regional borders without complying with established processes and regulations. This sort of migration violates the target country's legal system, which governs and limits people's admission and residency on its territory. As a result, this phenomenon presents a challenge to receiving nations, influencing immigration policy and placing strain on their legal, social, and economic systems.

This research seeks to determine the primary reasons of illegal immigration and how states parties to Protocol against Migrant Smuggling address this issue. Effective efforts to prevent and combat migrant smuggling need an international comprehensive approach that includes improved borders control, information exchange, international cooperation, legal and safe migration pathways, and countering migrant smuggling networks. All while striking a balance between protecting human rights and ensuring national security.

**Keywords:** Illegal Immigration; Mobility; Borders; Target Country; Residence; Combating Illegal Immigration; Protocol; Smuggling.



## Introduction

Illegal immigration has recently emerged as a major worry in the global system, with severe consequences signaling state instability. Migration is a centuries-old phenomena in many countries that is primarily dependent on human characteristics. It has helped to construct numerous nations and communities, as well as play an important part in improving civilizational enrichment and social and cultural communication across all societies. It has also had a tremendous influence on the political and economic elements of societies of many religions, cultures, and nations.

According to the World Migration Report 2020, the number of international migrants worldwide in 2020 reached 281 million, accounting for 3.6% of the global population. 52% of them are males, and 48% are females. 74% of all international migrants are of working age, between 20 and 64 years.<sup>1</sup>

The Arab region remains a major origin and transit area and a preferred destination for international migrants and forcibly displaced persons. In 2020, Arab countries received about 15% of the world's migrants and refugees, approximately 41.4 million. 12 nations in the area hosted 14% of the world's migrant laborers. However, migration from Arab nations had been expected to reach 32.8 million by 2020.<sup>2</sup>

A recent United Nations report identified four drivers of illegal migration: growing populations in third-world countries, declining jobs opportunities, growing disparities between rich and poor countries, as well as increased awareness of these gaps, and ease of travel due to advances in international communication and transportation technology.

While this phenomenon primarily refers to individuals crossing borders clandestinely, it has gradually evolved since the 1990s into an organized operation overseen by various networks and organizations, employing methods that frequently endanger their lives, sometimes fatally. This prompted the United Nations to adopt Convention against Transnational Organized Crime and Protocols thereto, particularly Protocol against the Smuggling of Migrants by Land, Sea, and Air, with the goal of defining and punishing illegal migrant smuggling practices such as human trafficking and exploitation.<sup>3</sup>

Therefore, the central question of our study is: *What are the various mechanisms for addressing illegal immigration within the framework of the Protocol against the Smuggling of Migrants?*

To address this issue, and taking into account the nature of the topic, both descriptive and analytical approaches were used. The former was used to define illegal immigration and determine its reasons, whilst the latter was used to examine the text of Protocol Against Migrant Smuggling. The research is organized into two major sections:

**Section one:** provides a conceptual foundation for illegal immigration.

**Section two:** addresses confronting unlawful immigration in accordance with Protocol Against Smuggling of Migrant.

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## **Section One: The conceptual foundation for illegal immigration**

Illegal immigration is a recent phenomenon that has grown in popularity as a result of international and national legislative delays in tackling it within their legal systems. As a result, defining this notion necessitates a grasp of what Illegal immigration is and an investigation into the reasons of its expansion and the detrimental impact on state policy.

### **First: Definition of illegal immigration**

Immigration, in general, and illegal immigration in particular, have a wide range of scientific terminology. Linguistically, migration implies "leaving and moving," and technically, it is the act of transferring from one residence to another. In general, migration is defined as the movement from one's native nation to another.<sup>4</sup>

Immigration also refers to migrating to a new location with the aim of living there for an extended period of time, excluding trips for tourist, therapy, or similar objectives. This migration can be from one country to another or from one continent to another, known as international migration.<sup>5</sup>

Illegal immigration is defined as the movement of individuals or groups from one place to another in ways that violate international and local immigration laws of the destination country.<sup>6</sup>

The United Nations defines illegal immigration as: "Unregulated entry of a person from one nation to another via land, air, or sea, lacking any permanent or temporary residency authorizations, and not respecting the necessary requirements for crossing the state's borders."<sup>7</sup>

Regarding the Protocol against the Smuggling of Migrants by Land, illegal migration is defined in Article 3 as "irregular entry" meaning crossing borders without complying with the necessary conditions for lawful entry into the receiving state.

Thus, illegal immigration is the movement of individuals or groups from one region to another in quest of a better social, economic, religious, or political position, notwithstanding legal restrictions. This term is also known as irregular migration, illicit migration, and clandestine migration. According to the International Committee of the Red Cross, it can take several forms, including illegal admission into receiving nations, lawful immigration followed by overstaying the legal residency time, or working illegally throughout the permitted residence period.

Despite figures and stats given by migration-related organizations, determining the precise magnitude of illegal movement is difficult owing to the nature of the phenomena. The term "illegal immigrant" refers to individuals who entered a country illegally and whose legal status has not been regularized, as well as those who entered legally but stayed beyond the legal residence period, worked illegally during their permitted residence, or occupied a position not specified in their work contract.

### **Second: Causes of illegal immigration**

Migration has several causes and motives that vary by country, community, and individual. However, they are often divided into numerous well-known types.

Migration can occur for a variety of reasons, including social and psychological conditions, economic circumstances, security motives, educational and exploratory purposes, promotional and recreational goals, medical reasons, political conflicts, religious beliefs and sects, civil or regional wars, natural disasters and hazards, geographical proximity, and many others that vary depending on the comfort and stability of individuals and groups.

The causes and motivations for migration can be divided into two major categories, each containing several reasons: the pull factors and the push factors. It should be noted that there are overlapping reasons between these major categories.<sup>8</sup>

### 1. Push Factors:

Motives for migrating from one country to another. The key considerations include:

- *Economic Reasons:* The economic factor is the leading cause of illegal migration, often referred to as economic migration. According to Dr. Ahmed Wahdan, “Illegal migration reflects the misery resulting from unemployment, poverty, and high living costs. Unemployment is a waste of energy, creating a schism between the jobless and society, resulting in feelings of loss, identity, and belonging”<sup>9</sup>

Economic causes often include unstable governmental development policies, an environment incapable of attaining adequate economic growth, a scarcity of employment possibilities, depreciation of the national currency, high prices, low earnings, and a poor standard of living.

- *Social Reasons:* Social incentives are directly proportional to economic reasons. Unemployment and low living standards, while economic in provenance, have social, psychological, and security consequences for the society in which they occur.

Individuals choose to migrate because they want to achieve social success or because they lack a social direction in their home nations as a result of unemployment and poverty.<sup>10</sup> Social variables include a shortage of social services such as health, education, housing, and vocational training, as well as illiteracy, education and vocational training that is unsuitable for market demands, general impoverishment, social isolation, and social instability.

- *Security Reasons:* The environment of insecurity created by wars, notably civil wars, ethnic and tribal conflicts, has caused thousands of families to escape conflict zones, abandoning their livelihoods and sustenance. Furthermore, human rights violations and persecution based on religious and political convictions have prompted persecuted people to seek asylum in other nations. Other security considerations include a deteriorating security situation, the emergence of savage terrorism in recent years, widespread killings, and massacres, which have prompted people to migrate in quest of peace and stability.<sup>11</sup>

- *Political Reasons:* This includes regime strains on opponents, severe policies that drive migration, and political instability in some nations.

- *Demographic Reasons:* Geographic and environmental variables are major contributors to higher migration rates. Heat, drought, natural catastrophes, floods, volcanic eruptions, and diseases are among reasons that cause people to move.<sup>12</sup>

## 2. Pull Factors:

Means that receiving nations give advantages to migrants, outlined as follows:

- *Civilizational and Cultural Progress*: Education opportunities at all levels and fields attract people and groups desiring to settle in an advanced social environment.
- *Availability of Job Opportunities*: Countries with flourishing economies and natural resources that foster the growth of industries constantly need labor and specialists
- *Geographical Proximity*: Migration levels are heavily influenced by the distance between destination nations. Migrants are more inclined to move if their target nations are close to them.
- *The Image of Social Success*: The image of success by migrants returning home for holidays might inspire others to go illegally.
- *Influence of Modern Media Technologies*: Experts at a 2010 Illegal immigration conference in The Hague noted that young people in South Mediterranean countries are increasingly relying on modern media technologies to communicate with their counterparts, particularly Europeans or migrants in Europe, in order to seek migration opportunities and overcome security and legal obstacles.

Social media pages and websites encourage Illegal immigration, and smartphone applications have considerably contributed to its increase by providing young people idealistic worlds of riches and comfort that are superior to their native countries.<sup>13</sup>

### Third: Risks associated with illegal immigration

The severity of this situation is attributable to two major aspects: its high current rates and the hazards connected with Illegal immigration, which include:

- *Detention and Deportation Risks*: Illegal migrants experience psychological strain and terrible conditions in detention institutions.
- *Exploitation and Harsh work*: Workers may face exploitation, harsh work conditions, human trafficking, and modern slavery.
- *Dangerous routes*: Illegal migrants typically take dangerous routes, such as maritime travels or desert crossings, which can result in drowning, malnutrition, or exposure to violence.
- *Prejudice and Isolation*: In destination nations, migrants experience prejudice and isolation, hindering access to essential services and job prospects. As a result, comprehensive solutions and international collaboration are essential for combating illicit immigration and improving living circumstances while also offering safe and legal migration options.

### Fourth: Impacts of illegal immigration

Illegal immigration affects migrants, receiving nations, and the countries they depart in a variety of ways:

## 1. Positive Impacts of Illegal immigration:

While Illegal immigration can harm states and citizens, it can also benefit both receiving and sending nations.

### Impacts on the Receiving Country:

- *Boosting the Economy:* Illegal immigration fills low-wage work shortages, benefiting the economy.
- *Dwelling and Urban Development:* Migrants rent dwelling units in difficult-to-settle places, contributing to urbanization. However, they may create uncontrollable groupings due to their experience with these areas.
- *Cultural Impact:* Migration fosters understanding and mutual respect by promoting conversation, combatting prejudice, racism, and religious disdain, defending migrants' rights and dignity, and changing stereotypes about migrants through media. <sup>14</sup>
- *Addressing elderly Population Issues:* In certain Western countries, low birth rates and elderly populations raise government spending and strain social and health services. Young migrants contribute to the labor force, which compensates for the care gap.

### Impacts on the Country of Provenance:

- *Reducing Unemployment:* Migration reduces unemployment rates and increases the income of remaining workers.
- *Remittances:* Migrant workers improve their families' living conditions and contribute to the country's economic growth. <sup>15</sup>

## 2. Negative Impacts of Illegal immigration:

While Illegal immigration can have good impacts, it can also have negative implications for both receiving and sending nations. These impacts include:

### Impacts on the Receiving Country:

- *Labor Market Competition:* Illegal migrants compete with the native labor, especially in the private sector, where they are typically employed at lower salaries. This rivalry may result in unemployment and increased theft, robbery, and violence.
- *Strain on Public Services:* Migrants increase the population of receiving nations, increasing demand for social services such as hospitals, public transportation and educational facilities. This demand might put a burden on public resources, lowering service quality.
- *Rise in Food Prices:* Rising food prices owing to population growth might affect individuals' living standards and income stability.
- *Health Security Threat:* Illegal immigration might constitute a health security risk. They may carry diseases from their native countries or develop them as a result of poverty and



underdevelopment, including hereditary and pandemic diseases. Other health hazards may result from behaviors such as prostitution, which can spread sexually transmitted illnesses.<sup>16</sup>

- *Corruption in Security Agencies:* The presence of illegal migrants can lead to corruption, including bribery and favors, to ignore their unlawful status or release them when captured.
- *Increase in Crime Rates:* Illegal migrants, generally with limited education and financial resources, may engage in criminal conduct and create gangs.<sup>17</sup>

### **Impacts on the Country of Provenance:**

- *Economic Drain:* Migration can harm the economy by displacing young workers.
- *Social Issues:* When a parent migrates overseas for employment, children may experience incomplete family situations.
- *Human capital loss:* Migration weakens national output by removing important human capital, labor, and financial resources from the country of provenance.<sup>18</sup>

## **Section Two: confronting unlawful immigration in accordance with Protocol Against Smuggling of Migrant.**

To more effectively tackle global organized crime, the United Nations has added a protocol expressly targeting migrant smuggling to Convention against Transnational Organized Crime. The primary goal of this protocol is to prevent and eliminate this crime, as well as to improve cooperation between member states in achieving this goal, while also protecting the rights of smuggled migrants and facilitating their safe return to their home countries, as stated in Article 02 of Protocol.

### **First: Crimes regulated by Protocol**

Article 04 of Protocol states that it will apply to the prevention, investigation, and prosecution of criminal actions listed in Article 06, particularly those involving a transnational criminal group. It also protects the rights of those who are the victims of such acts. These offenses include:

Directly or indirectly getting a financial or other significant advantage from:

- (a) Migrant smuggling;
- (b) Facilitating migrant smuggling by producing or procuring forged travel or identity documents;
- (c) Allowing a non-citizen or non-permanent resident to stay in the state without meeting legal residency requirements, using the methods mentioned in (b) or other illegal means.

Each of the crimes specified in Article 06 has two basic requirements: the conduct must be undertaken willfully, and it must be done with the objective of receiving a money or other material advantage.

#### **1. Migrant Smuggling:**



Article 06 (a) of Protocol defines "smuggling of migrants" as the illegal entry of a non-national or permanent resident into a state party for financial or material gain.

Illegal entrance is a component of the migrant smuggling crime and involves any type of entry, whether clandestine, risky, or involving document fraud.

## **2. Document Fraud Crimes:**

Illegal immigration generally involves using counterfeit passports and identity documents. A "forged travel or identity document" is defined in Article 03 of Protocol Against the Smuggling of Migrants as any travel or identity document that has been falsified or materially altered by anyone other than the person or authority legally authorized to prepare or issue the document on behalf of a state; or that has been improperly issued or obtained through fraud, corruption, coercion, or any other illegal means; or used by someone other than its rightful owner. Thus, the utilized papers may be classified into two types:

### ***Forged Documents:***

- Counterfeit Documents: Illegally copied from the provenanceal.
- Forged document: refers to a manipulated provenanceal document.
- A fictitious document: is one that is not recognized officially.

### ***Provenanceal Documents:***

- Fraudulently obtained provenanceal papers, such as those obtained through a false marriage, bogus adoption, or deceitful family reunification.
- Fraudulently misused provenanceal documents.

## **3. Facilitating Illegal Residence:**

Attempts to stay in the receiving country and enable illegal residence may involve deceptive documents (e.g., residence permits and marriage certificates) or illegal methods such as bribery of public officials or police officers.

To combat these crimes, Protocol emphasizes the importance of criminalizing certain related actions, primarily those involving criminal participation or contribution, such as collusion, organization, or directing others to commit any of the aforementioned crimes, as well as attempts to commit such crimes.<sup>19</sup>

## **4. Non-Criminalization of Smuggled Migrants:**

Protocol Against Migrant Smuggling states that smuggled migrants should not face prosecution.<sup>20</sup> This implies that they cannot be charged as accomplices to those who helped them enter another nation illegally. Smuggled migrants play an important role in investigations and trials because they have unique knowledge about the smuggling operation and should be encouraged to help with law enforcement.

Although smuggled migrants are not criminally accountable for smuggling crimes, Protocol does not prohibit them from being prosecuted for other criminal violations under national law, such as document fraud.

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**Second: Maritime measures to prevent illegal immigration:**

Given the inadequacy of the UN Convention on the Law of the Sea in combating migrant smuggling, particularly in international waters,<sup>21</sup> Protocol against the Smuggling of Migrants by Land, Sea, and Air established specific mechanisms and provisions for actions against vessels involved or suspected of being involved in migrant smuggling under specific conditions. This involves both direct and indirect involvement, such as when a mother ship transports migrants to smaller boats for landing.<sup>22</sup> The Protocol's Articles 07, 08, and 09 provide for this.

The Protocol requires states parties to cooperate to the greatest extent feasible to prevent and repress migrant smuggling by sea in conformity with international maritime law rules. Several methods can be done, including:

- A state party can seek help from other parties to stop the operation of a vessel suspected of smuggling people at sea. This request is based on reasonable suspicions that a ship flies its flag or purports to be registered under its authority, is stateless, or carries the nationality of the requesting state party despite flying a foreign flag or refuses to display any flag. The requested states parties will do their best to help within their capacities.
- If a state party suspects a vessel flying another state's flag or bearing its registration marks is involved in migrant smuggling, they can notify the flag state, confirm registration, and request authorization to take action. If evidence of smuggling is discovered, the flag state may approve steps like as boarding and examining the ship, as well as taking appropriate measures against the ship, its crew, and any items on board.
- State parties shall quickly notify flag states of any actions taken.
- The flag state can give authorization based on agreed-upon parameters with the seeking state, including responsibility and actual steps implemented. No additional steps must be implemented without the flag state's specific authorization, with the exception of required measures to avoid imminent threat to people's lives or measures resulting from bilateral or multilateral agreements linked to the issue.
- If a state party suspects a ship involved in migrant smuggling is stateless or seems to be stateless, they may board and examine it. If evidence of suspicion is discovered, the state party must take necessary action in line with applicable domestic and international laws.<sup>23</sup>

These steps illustrate the Protocol's comprehensive approach to preventing illicit migration and fostering collaboration among states parties while respecting international legal frameworks.

***States' obligations when implementing measures:***

Protocol Against Migrant Smuggling offers many assurances and preventative circumstances for the execution of measures. States parties are obligated to follow these guidelines and accept responsibility for any infractions. These requirements often include:

- Ensuring individual safety and treating them humanely.
- Avoiding endangering the safety or security of the ship or its cargo.

- Avoiding infringing on the commercial or legal interests of the flag state or any other state with a vested interest.
- Ensuring environmental soundness of any ship-related measures.
- When implementing measures, it's important to avoid interfering with the rights and jurisdiction of coastal states and the flag state under international sea law. This includes the flag state's control over administrative, technical, and social aspects of the ship.
- Measures at sea should only be taken by warships, military planes, or other government-authorized vessels.<sup>24</sup>

### **Third: Prevention, Cooperation, and Additional Measures**

The Protocol highlights the need of international cooperation in combating illegal immigration through a number of measures approved by the parent agreement on transnational organized crime. Important issues of improving international collaboration in preventing illicit immigration include:

#### **1. Information Exchange:**

It is vital that investigators transmit information quickly and reliably. Agreements or voluntary information exchange might take place while adhering to national regulations. It is essential to have effective communication channels. However, Article 27 of the United Nations Convention Against Transnational Organized Crime and Article 10 of the Migrant Smuggling Protocol oblige nations to disclose information about:

- Suspected smugglers' origins, destinations, routes, transporters, and modes of transportation.
- Smugglers' identities and tactics.
- Validity of state-issued travel papers, including stolen or fraudulently used documents.
- Methods for hiding and transporting people.
- Experiences, practices, and legislative actions to combat migrant smuggling.
- Scientific and technical knowledge to improve states' capacities in preventing and detecting migrant smuggling.<sup>25</sup>

Existing cooperation mechanisms, such as the African Police Cooperation Organization, Europol's analytical files, Interpol, and Eurojust, permit information exchange on a regional and global scale.

#### **2. Border Measures:**

Article 11 of the Protocol outlines the following measures:

- Strengthening border restrictions in party states to deter and identify illicit immigration.
- Each state is implementing adequate steps to avoid the employment of commercial carriers in this crime. These steps include requiring commercial carriers, including transport firms, owners, or operators of any mode of transportation, to guarantee that all passengers have the requisite travel papers for admission into the receiving state, in accordance with

applicable international agreements. This does not apply to the transit of refugees without travel documentation, as stated in Article 19 of the Protocol.

- Each party state must impose penalties for non-compliance with obligations.
- Individuals involved in criminal acts under this Protocol should be denied entry or have their travel visas revoked based on domestic law.
- Enhancing cooperation between party state border control agencies, including the establishment and maintenance of direct communication channels, in compliance with Article 27 of the UN Convention against Transnational Organized Crime.<sup>26</sup>

### **3. Training and Technical Cooperation:**

Migrant smuggling investigations and prosecutions require ongoing training and state investment in capacity building. Given the number of parties engaged in detecting and fighting migrant smuggling, training is critical for ensuring efficient coordination and collaboration. Training focuses on a variety of subjects, including:

- Detecting fake documents.
- Gathering intelligence on criminal groups and smugglers.
- Identifying and questioning smuggled migrants.
- Provide humanitarian care and protect migrants' rights.
- Efforts to prevent corruption, conduct financial investigations, and uphold international law and judicial cooperation.<sup>27</sup>

Training may also focus on public-facing behavioral interactions and techniques, particularly when police officers or prosecutors serve as liaison officers/judges with smuggled migrants, journalists, special interest stakeholders, and so forth. Equally crucial, nations should spend as much as possible in applicable technology (such as CCTV, passport scanning, and eavesdropping) and provide enough training for their usage.

### **4. Additional Preventive steps:**

States parties must take appropriate steps within its resources to ensure:

- Issue high-quality travel or identity documents that are difficult to misuse, forge, alter, or counterfeit.
- Ensure the security and integrity of travel or identity documents issued by or on behalf of party states, and prevent their illegal preparation, issuance, and use.
- Verify the legitimacy and validity of travel or identity documents upon request from another party state, in accordance with domestic law and within a reasonable timeframe.<sup>28</sup>

Protocol against the Smuggling of Migrants also stipulates:

- States parties must establish public awareness initiatives to promote understanding that crimes outlined in the Protocol are typically perpetrated by organized criminal gangs for profit, posing serious hazards to migrants.
- To keep potential migrants from falling prey to organized criminal gangs, public information cooperation is required by states parties.

- To combat the root causes of migrant smuggling, each state party should promote or enhance developmental programs and cooperation at national, regional, and international levels, with a focus on economically and socially vulnerable areas.<sup>29</sup>

This Protocol promotes collaboration by requiring parties to join into a number of bilateral, multilateral, or regional agreements and accords in the fields of criminal justice, extradition, and mutual legal aid in criminal situations.

#### **Fourth: Protection, Assistance, and Return Measures:**

Articles 16-19 of Protocol Against Migrant Smuggling specify procedures for the protection, support, and repatriation of smuggled migrants:

##### **1. Protection and Assistance Measures:**

- States shall defend smuggled migrants' right to life and avoid harsh, inhuman, or degrading treatment, in accordance with international commitments.
- Migrants shall be adequately protected against violence by individuals or organizations as outlined in Article 06 of the Protocol.
- States must provide aid to smuggled migrants, including emergency food, shelter, basic medical treatment, consular services, and legal help. Women and children's special needs must be considered.
- When a person targeted under Article 06 of the Protocol is held, states shall follow their duties under the Vienna Convention on Consular Relations. This includes informing and facilitating consular communication with the individual.<sup>30</sup>

##### **2. Returning Smuggled Migrants**

- Article 18 of the Protocol governs the repatriation of smuggled migrants. Articles 16 and 19 require compliance with international law, including human rights, refugee law, humanitarian law, and non-refoulement.
- Return programs should prioritize safety, humaneness, and organization to promote reintegration and minimize smuggling.
- Prioritize voluntary returns above forced returns. When forceful return is required, the procedure should be clear, fair, and well-managed, always according to international norms, particularly the principle of non-refoulement.<sup>31</sup>

Furthermore, the Protocol explicitly affirms its adherence to international humanitarian law and human rights law, particularly the 1951 Convention and the 1967 Protocol on the Status of Refugees, the principle of non-refoulement, and the principle of non-discrimination in implementing the Protocol's measures.

#### **Conclusion:**

Combating unlawful immigration is a worldwide security concern that need strong international cooperation and collaboration. The international community attempted to combat this by enacting Protocol against the Smuggling of Migrants by Land, Sea, and Air, which supplements the UN Convention against Transnational Organized Crime.

The above-mentioned Protocol seeks to strengthen international cooperation in combatting migrant smuggling and preserving human rights. It focuses on creating a strong legal framework to confront illegal immigration and ensure that criminals are prosecuted and sentenced. The Protocol's strategies for combating unlawful immigration cover numerous aspects:

- Emphasizing the need for international collaboration among nations and organizations to combat migrant smuggling, including information and intelligence sharing and coordinated operations against networks.
- Enforcing strict legislation to penalize migrant smuggling and associated crimes, while protecting migrants' rights and providing help to victims.
- Training authorities, judges, police officers, and migration specialists on migrants' rights and policies to prevent smuggling.
- Improving border security through collaboration among security agencies and intelligence data exchange.
- Implementing effective measures to protect migrants' rights, such as life, freedom, security, work rights, and access to justice, while also offering support against violence, exploitation, and discrimination.
- States should implement comprehensive immigration policies to improve economic and social possibilities in migrant-sending nations, such as job creation and living circumstances.
- Effective international collaboration can handle unlawful migration and smuggling. However, these initiatives must strike a balance between security and human rights, guaranteeing migrants' safety while also diminishing organized crime's involvement in their smuggling.

## References:

### A. International Agreements :

- United Nations Convention on the Law of the Sea for 1982, resulting from the United Nations Third Conference on the Law of the Sea, signed between 1973 and 1982.
- United Nations Convention against Transnational Organized Crime, adopted and open for signature, ratification, and accession under the United Nations General Assembly resolution 55/25 of November 15, 2000.
- Protocol against the Smuggling of Migrants by Land, Sea, and Air, supplementary to the United Nations Convention against Transnational Organized Crime, adopted and open for signature, ratification, and accession under the United Nations General Assembly resolution 55/25 of November 15, 2000.

### B. Books:

- Osman Al-Hassan Mohammed Noor and Yasser Awad Al-Karim Al-Mubarak, "Illegal Immigration and Crime," Center for Studies and Research, Naif Arab University for Security Sciences, Riyadh, 2008.

- Najwa Hafez, Research Introduction in "Egyptian Youth and Illegal Immigration," National Center for Social and Criminal Research, Crime Research Department, Cairo, 2010.

### C. Articles:

- Husein Mohamed and Al-Arfawi Dhabia, "The Social and Economic Effects of Illegal Immigration," International Conference Book: The Phenomenon of Immigration as a Global Crisis (Between Reality and Implications), First Edition, Arab Democratic Center for Strategic, Political, and Economic Studies, Berlin, Germany, 2019, pp. 81-91.
- Kharris Kamal, "International Measures to Combat Maritime Smuggling of Migrants," Algerian Journal of Legal, Political, and Economic Sciences, Volume 56, Issue 2, 2019, Pages: 177-194.
- Alessandra Casarico, Giovanni Facchini, Tommaso Frattini: "Illegal immigration, Policy perspectives and challenges," CESifo Economic Studies, Volume 61, Issue 3-4, September-December 2015, Pages 673–700, [DOI Link](#).
- Lorenzo Zamtrano (eds.), "New Horizons in U.S. Mexico Relation: Recommendations for Policymakers: U.S-Mexico Bilateral Relations," Texas Univ. of Texas Publications, 2001.
- Dridi Fatima and Ibrahim Qaddour, "The Social and Psychological Effects of Illegal Immigration and Its Combating Mechanisms - An Analytical View," Society Magazine, Education, Work, Volume 5, Issue 1, June 2020, pp. 9-20.
- Salah Mohamed Salah Diab, "Geographical Analysis of Illegal Migration from Egypt to Libya - A Field Study," College of Arts Research Journal, Menoufia University, Volume 30, Issue 118, 2019, pp. 119-159.
- Adel El-Sayed Mohamed Ali, "Mechanisms to Combat Illegal Immigration in Islamic Law and Positive Law," Sharia and Law Journal, Volume 1, Issue 33, 2018, pp. 783-1011.
- Fessah Jaloul University, Ben Amar Abdelmunir: "The Historical Evolution of the Phenomenon of Illegal Immigration, Its Most Important Causes, and Motivations," International Conference Book: The Phenomenon of Immigration as a Global Crisis (Between Reality and Implications), First Edition, Arab Democratic Center for Strategic, Political, and Economic Studies, Berlin, Germany, 2019, pp. 63-80.
- Mansouri Nawal and Haqani Halima, "Illegal Immigration and Human Security in Algeria: Impact and Confrontation," Journal of Legal and Social Sciences, Volume 7, Issue 1, 2022, pp. 1016-1034.

### D. Doctoral Theses:

- Ben Yousef Al-Qainai, "Illegal Immigration: Reality and Legislation," Doctoral Thesis in Criminal Law and Criminal Sciences, Faculty of Law and Political Sciences, University of Sidi Bel Abbes, 2015/2016.



- Fareza Oudia, "Combating Illegal Immigration in Light of National Legislation and International Agreements," Doctoral Thesis in Public Law, Faculty of Law, University of Algiers 01, 2014/2015.

#### E. Websites:

- Amr Adel Abdel Kareem Ali, "The Concept of International Migration - International Migration," The Political Encyclopedia, Last accessed: June 9, 2023, [Available at the following link] <https://political-encyclopedia.org/dictionary/>
- United Nations Office on Drugs and Crime, "University Educational Units Series: Trafficking in Persons and Migrant Smuggling," <https://www.unodc.org>
- "International Migration Report 2021: Building a Better Future for Migrants in the Arab Region," United Nations Publications by ESCWA, Beirut, Lebanon. <https://www.unescwa.org>
- "World Migration Report 2022," International Organization for Migration (IOM), Switzerland,
- Tejvan Pettinger, "Pros and Cons of Immigration," [www.economicshelp.org](http://www.economicshelp.org), Retrieved 14 May 2022.

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<sup>1</sup> International Migration Report 2021: Building a Better Future for Migrants in the Arab Region, United Nations Publications by ESCWA, Beirut, Lebanon. <https://www.unescwa.org/publications/situation-report-international-migration-2021>

<sup>2</sup> World Migration Report 2022: International Organization for Migration (IOM), Switzerland. <https://worldmigrationreport.iom.int/wmr-2022-interactive/>

<sup>3</sup> One of the most significant international agreements addressing crime and migration is the United Nations Convention against Transnational Organized Crime and its two complementary protocols: the Protocol against the Smuggling of Migrants and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. The convention and its protocols were open for signature until December 2002.

<sup>4</sup> LORENZO ZAMTRANO (eds.), "New Horizons in U.S. Mexico Relation: Recommendations for Policymakers: U.S-Mexico Bilateral Relations", Texas Univ. of Texas Publications, 2001, p20.

- Amro Adel Abdel-Karim Ali, (2017-09-13) Concept of International Migration - International Migration, Political Encyclopedia, last accessed: 2023-06-09 11:17, available at: <https://political-encyclopedia.org/dictionary/>

<sup>5</sup> Othman Hassan Mohammed Noor and Yasser Awad Al-Karim Al-Mubarak: Illegal Migration and Crime, Center for Studies and Research, Naif Arab University for Security Sciences, 2008, Riyadh, p: 15.

<sup>6</sup> Alessandra Casarico, Giovanni Facchini, Tommaso Frattini: Illegal immigration, Policy perspectives and challenges, CESifo Economic Studies, Volume 61, Issue 3-4, September-December 2015, Pages 673-700, <https://doi.org/10.1093/cesifo/ifv004>

<sup>7</sup> Najwa Hafez, Research Introduction, in: Egyptian Youth and Illegal Migration, National Center for Social and Criminal Research, Crime Research Department, 2010, Cairo, p: 126.

<sup>8</sup> Salah Mohamed Salah Diab, Geographical Analysis of Illegal Migration from Egypt to Libya - A Field Study, Research Journal of the Faculty of Arts, Menoufia University, Volume 30, Issue 118, 2019, p: 119-159. p: 130.

<sup>9</sup> Ben Youssef El Qinaei: Illegal Migration: Reality and Legislation, PhD Thesis in Criminal Law and Criminology, Faculty of Law and Political Science, University of Sidi Bel Abbes, 2015/2016, p: 61.

<sup>10</sup> Adel Sayed Mohamed Ali: Mechanisms to Combat Illegal Migration in Islamic Sharia and Positive Law, Sharia and Law Magazine, Volume 1, Issue 33, 2018, p: 876.

<sup>11</sup> Fariza Oudia: Combating Illegal Migration under National Legislation and International Agreements, PhD Thesis in Public Law, Faculty of Law, University of Algiers 01, 2014/2015, p: 47.

<sup>12</sup> Jaloul Viessah, University of Djilali, Ben Omar Abdel Mounir: Historical Evolution of Illegal Migration and its Main Causes and Motivations, International Conference Book: Migration as a Global Crisis (Between Reality and

---

Implications), First Edition, Arab Democratic Center for Strategic, Political, and Economic Studies, Berlin - Germany, 2019, p: 73.

<sup>13</sup> Nawal Mansouri, Halima Haqqani: Illegal Migration and Human Security in Algeria between Impact and Confrontation, *Journal of Legal and Social Sciences*, Volume Seven, Issue One, 2022, p: 1025.

<sup>14</sup> Adel Sayed Mohamed Ali: Previous reference, p: 932.

<sup>15</sup> Tejvan Pettinger: Pros and cons of Immigration, [www.economicshelp.org](http://www.economicshelp.org), Retrieved 14 May 2022

<sup>16</sup> Nawal Mansouri, Halima Haqqani., p: 1026.

<sup>17</sup> Dridi Fatima, Ibrahim Qaddour: Social and Psychological Effects of Illegal Migration and Its Combating Mechanisms - Analytical View, *Society, Education, Work Journal*, Volume 5, Issue 1, June 2020, p: 18.

<sup>18</sup> Mohamed Hussian, Dhebia Al-Arfawi: Social and Economic Effects of Illegal Migration, *International Conference Book: Migration as a Global Crisis (Between Reality and Implications)*, First Edition, Arab Democratic Center for Strategic, Political, and Economic Studies, Berlin - Germany, 2019, p: 88.

<sup>19</sup> Article 6/2 of the Protocol against the Smuggling of Migrants.

<sup>20</sup> Article 5 of the Protocol against the Smuggling of Migrants

<sup>21</sup> The United Nations Convention on the Law of the Sea: Also known as the Law of the Sea Convention or the Law of the Sea Treaty, it is an international agreement resulting from the Third United Nations Conference on the Law of the Sea, which took place between 1973 and 1982. This convention established the rights and responsibilities of states in their use of the world's oceans, setting guidelines for business, the environment, and the management of marine natural resources.

<sup>22</sup> Kharris Kamal, "International Measures to Combat Maritime Smuggling of Migrants," *Algerian Journal of Legal, Political, and Economic Sciences*, Volume 56, Issue 2, 2019, Pages: 177-194.

<sup>23</sup> Text of Article 8 of the Migrant Smuggling Protocol.

<sup>24</sup> Text of Article 9 of the Migrant Smuggling Protocol.

<sup>25</sup> United Nations Office on Drugs and Crime, "University Educational Units Series: Trafficking in Persons and Migrant Smuggling," <https://www.unodc.org/>

<sup>26</sup> Ben Yousef Al-Qainai, Previous reference p. 132.

<sup>27</sup> Texts of Article 14 of the Migrant Smuggling Protocol.

<sup>28</sup> Texts of Articles 12 and 13 of the Migrant Smuggling Protocol.

<sup>29</sup> Text of Article 15 of the Migrant Smuggling Protocol.

<sup>30</sup> Text of Article 16 of the Migrant Smuggling Protocol.

<sup>31</sup> United Nations Office on Drugs and Crime, "University Educational Units Series: Trafficking in Persons and Migrant Smuggling" <https://www.unodc.org/>