

The role of the political program in combating illegal immigration

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Abstract:

Illegal migration has become one of the issues that haunt Algeria's security as an exporter or receiver of illegal migrants, and the issue of African and especially Malian refugees, whether legal or illegal, has affected economic, political and social security. This prompted us to link the issue of illegal migration to the political program in an attempt to find the effectiveness of the latter in combating the phenomenon of illegal migration.

key words:

Migration – Political program - Illegal - Asylum - Security

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introduction:

Illegal immigration is one of the most important phenomena that disturb the security and stability of countries and affect international relations, so most countries seek to find serious solutions to combat illegal immigration.

Algeria has not been spared from this phenomenon. Like other countries, Algeria suffers from the issue of illegal immigration, whether exported abroad, especially to European countries (Spain, Italy, Portugal), or illegal immigration coming to Algeria, especially from neighboring African countries suffering from internal crises that threaten their security and that of their neighboring countries.

Recently, since 2012, due to the conditions in neighboring countries, especially the civil war in Mali, Algeria has become a destination for asylum seekers, but the situation has changed from legal asylum to illegal residence, which has affected the security, stability and economy of Algeria.

Therefore, it has become necessary for all state authorities, governmental bodies and independent governmental and non-governmental organizations to intervene to develop serious solutions to avoid exacerbating the issue of illegal migration in Algeria.

Especially from a political point of view, especially during elections, as it is a process through which candidates determine the orientation of the candidates, highlight the issues that Algeria suffers from, propose solutions and projects, and adopt a specific political program to influence the opinion of the voter.

The importance of this topic emerges by trying to assess the effectiveness of the political programs adopted in Algeria to combat the phenomenon of illegal immigration.

Therefore, the question that we can ask is as follows:

How effective is the political program adopted by the candidates for the elections in finding serious solutions to combat illegal immigration to and from Algeria?

The methodology adopted to study this issue is a comparative analytical method.

This question can be answered through the following two Sections:

Section I: The effectiveness of the role of the political program in combating illegal immigration during the election campaign phase.

Section II: The effectiveness of the role of the political program in combating illegal immigration during the electoral term.

Section I: The effectiveness of the role of the political program in combating illegal immigration during the election campaign phase.

The electoral campaign is considered one of the stages leading up to the electoral process and the most influential on the desire of the citizen (voter), so if the political program adopted by the candidate for the elections has a role in combating illegal immigration, its indicators will appear during the electoral campaign.

A) The candidate's reliance on a political program:

The electoral campaign is considered one of the preparatory stages of the electoral process and the most influential on the desire of the citizen (voter). Therefore, if the political program adopted by the candidate for the elections plays a role in combating illegal migration, its indicators will appear during the electoral campaign.

B) Adoption of a Political Program:

The candidate practices during the electoral campaign a set of activities for a period of 20 days¹, starting with announcing his political program², which is the program adopted by the party for candidates in elections under the auspices of the parties, or the program adopted by independent candidates. He also engages in a series of activities aimed at presenting a good image of the participating entity and influencing them using various means of communication and connection³, and touring within the national territory to meet voters and persuade them to adopt his political program⁴.

From this perspective, the electoral campaign is considered a way to attract votes by relying on a political program that includes various

¹Article 73, Ordinance No. 21-01, dated 26 Rajab, 1442 AH, corresponding to March 10, 2021, Official Gazette of the Republic of Algeria, No. 17, dated 26 Rajab, 1442 AH, corresponding to March 10, 2021, concerning the electoral system.

²Al-Wardi Brahimi, The Legal System of Electoral Crimes, 1st edition, Dar Al-Fikr Al-Jami'i, Alexandria, 2008, p. 112.

³Zana Galal Said, Judicial control over the validity of parliamentary elections, Modern University Office, Alexandria, 2018, p. 132.

⁴Al-Wardi Brahimi, op. cit. p. 113.

activities and projects, and is supposed to propose preliminary solutions to the problems faced by Algeria and the needs of the individual and society.

Therefore, every candidate participating in the electoral process seeks to rely on a political program that has a greater impact on the voters to gain their support to win the electoral seat and thus reach power.

C) The Impact of Political Programs During the Campaign on Citizens Interested in Illegal Migration:

Every citizen is considered a voter, but not every citizen is a voter. In order for a citizen to become a voter, the conditions stipulated in the election law must be met¹. If a citizen meets the conditions of nationality, age, and electoral eligibility, they become an electoral citizen. However, if the citizen does not register themselves on the electoral list, they are not considered a voter.

It is worth mentioning that the purpose of the electoral campaign is to influence the body of voters, meaning the citizens who have acquired the status of voters. However, due to the publicity of the campaign and its use of mass communication tools², its impact includes all citizens, whether they are participants or non-participants in the electoral process, or non-voters.

Based on the above, it can be said that the citizen interested in illegal migration, who has acquired the status of a voter, is the most affected by the candidate's political program during the electoral campaign, especially if they are following campaign affairs closely.

The possibility for candidates to tour within the national territory during the electoral campaign to persuade citizens in general and voters in particular about the political program exists³. If illegal migration is one of the topics addressed in the program, it can directly influence the citizen interested in illegal migration. The impact could be positive in terms of dissuading the citizen from the idea of migration, especially if the program addresses the main reason for the citizen's inclination towards illegal migration. However, the impact could also be negative, meaning convincing the citizen that the electoral program does not address their situation and emphasizing the necessity of illegal migration.

¹Articles 50,51,52, Order No. 21-01 , op. cit.

²Zana Jalal Said, op. cit., p. 132.

³Al-Wardi Brahimi, op. cit., p. 113.

D) Illegal Emigration from and to Algeria:

Algerian citizens or residents enjoy legal status as long as they have full civil and political rights, with the freedom to move within or outside the country, unless they are prohibited from traveling by a justified decision issued by the judicial authority¹.

Legally, the right to legal emigration is included within the freedom of movement established constitutionally. Algeria, like other countries, criminalizes illegal migration, which involves moving to reside continuously in a foreign country in violation of the rules governing migration between countries, according to the provisions of domestic and international law².

1- Illegal Emigration from Algeria to Europe:

This refers to the departure of Algerian citizens from the territory of Algeria through illegal means, whether through an unauthorized border crossing or through an authorized border crossing but in an illegal manner, such as using a forged travel document, clandestine departure, or expiration of residence permit.

Algeria suffers from the issue of illegal emigration to Europe due to the vital role it plays. Most of the Algerian illegal immigrants head to Italy, Spain, and Portugal, relying on small, unseaworthy boats to cross the Mediterranean Sea due to the proximity between the Algerian coasts and the coasts of these countries³.

Illegal Immigration to Algeria: It refers to the entry of immigrants into Algerian territory, whether by land or sea, either in a

¹Article 49 of the Constitution of the People's Democratic Republic of Algeria , dated 15 Jumada I, 1442 AH, corresponding to December 30, 2020, Official Gazette of the Algerian Republic, No. 82, dated 15 Jumada I, 1442 AH, corresponding to December 30, 2020.

²Nasser bin Hamad Al-Hanaya, Illegal Migration, working paper in the training course, Naif Arab University for Security Sciences, Kingdom of Saudi Arabia, 2013, p. 5.

³Said Rachid, The reality of illegal migration in Algeria from the perspective of human security, Memorandum submitted for the degree of Master of Arts in Politics, Mohamed Khaider University, Biskra, academic year 2011-2012, p. 26.

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lawful or unlawful manner, without the approval of the Algerian authorities, or with their approval for temporary residence and then refusing to leave despite the expiration of the pre-determined period of stay.

Algeria has witnessed a rise in security, political, economic, and social problems due to the presence of residents in Algeria, whether legal or illegal, especially Malian refugees fleeing the civil war in Mali since 2012.

The Algerian constitution recognizes the right of others to seek refuge in Algeria provided it is legal¹. Referring to Article 14 of the Universal Declaration of Human Rights, it is clear that asylum is legal for any individual fleeing persecution². Based on this, the residence of Malian refugees in Algeria at the beginning of the Malian crisis was legal. This led the Algerian state, especially security and military authorities, and civil society organizations concerned with human rights, especially illegal immigrants, to show solidarity with African refugees. However, the situation was not limited to Malian presence but extended to other African countries as well. The situation has become more secure in Mali, and the Algerian government has incurred costs to repatriate the majority of refugees to Mali. This African presence in Algeria has led to a deterioration in the situation, including the spread of epidemics, the establishment of illegal refugee camps, the proliferation of begging, the spread of crime, and issuing judicial rulings against unknown individuals due to the difficulty of identifying illegal residents who have not regularized their legal status in Algeria, until the authorities can determine their identity, among other problems that have affected the security and economy of the country.

E) The Effectiveness of Political Programs Adopted by Candidates During the Electoral Campaign in Combating Illegal Migration

Since the spread of illegal migration and during political occasions, political parties have discussed the issue of illegal emigration abroad, with statements from party officials and candidates. However, during the situations witnessed by Algeria and during electoral campaigns for elections held from 2012 onwards,

¹Article 50/03, Constitution of the People's Democratic Republic of Algeria, op. cit.

²Mouloud Didan, International Charters - The Universal Declaration of Human Rights, Dar Belkis, Algeria, 2011, pp. 89-90.

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political parties or independent candidates did not exploit the issue of illegal emigration to Algeria or propose solutions to address financial asylum and African presence in Algeria. No political program was based on the issue of illegal emigration as a topic for a political program that could be relied upon to win an electoral seat, due to the lack of awareness among political factions, especially partisan, of the seriousness of these issues and their implications for Algeria's security, stability, and economy.

In contrast, many candidates in European countries and the United States have relied on the issue of illegal migration as an electoral project, addressing the issue through proposing strict legal texts to settle the legal status of illegal immigrants, imposing selective visas, imposing criminal penalties on illegal immigrants, increasing penalties in case of return, and ensuring the return of illegal immigrants to their homelands. This enabled them to gain the support of voters. This support is evidence of the effective role of the political program based on the issue of illegal migration and its impact in combating the phenomenon in such countries. Obtaining popular support is essential for legitimacy¹.

Based on the above, it can be said that candidates, in adopting political programs, do not give importance to the issue of illegal migration to Algeria or the issue of illegal residence, which is reflected in the lack of effectiveness in combating illegal migration during the electoral campaign.

Section II: The effectiveness of the role of the political program in combating illegal immigration during the electoral term.

The elected representative, upon obtaining the electoral seat, carries out his electoral duties, which involve implementing his political program during his electoral term. Based on this premise, combating illegal immigration during the electoral term can be effective.

¹Saliha Be yoush, The presidential rotation and its mechanisms in the 1996 Constitution, Master's thesis in Legal Sciences, Constitutional Law Branch, El Hadj Lakhdar University, Batna, academic year 2003-2004, p. 20.

A) Implementation of the Political Program:

The winning candidate commits to implementing his political program¹, especially during presidential terms, as they encompass comprehensive political agendas for various sectors and fields across the entire nation.

Typically, the execution of part or all of the political program occurs in the latter part of the electoral term. This may be a political tactic for the elected representative to pave the way for re-election, especially in presidential elections, where the legislator is allowed the possibility of seeking re-election². This aims to convince voters of the competence and eligibility of the incumbent for re-election, thereby gaining their trust to handle state affairs and represent the people effectively.

B) Needs of Citizens Desiring Illegal Immigration Linked to the Implementation of the Political Program:

A citizen desiring illegal immigration (emigrating from Algeria), if an active voter participating in the electoral process and following the electoral campaign, meaning they are aware of the incumbent's projects outlined under the assumption of achievement or implementation, may seek rapid change to meet their requirements and needs. In some cases, this empowerment may enable them to exercise their rights.

Among the needs that may drive a citizen to resort to illegal immigration are:

- Desire for a change in living or economic conditions by obtaining employment with a monthly income sufficient to meet their needs. This is because most illegal immigrants

¹Abdelmoumen Abdelwahab, *The Electoral System in Algeria*, 1st edition, Dar Al-Alameya for Publishing and Distribution, Algiers, 2011, p. 140.

²Ammar Boudiaf, *The Constitution of the People's Democratic Republic of Algeria for 2016*, 1st edition, Jusoor for Publishing and Distribution, Algeria, 2016, p. 83.

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migrate to wealthy countries with high living standards and employment opportunities¹.

- Need for medical treatment, especially in complex cases requiring extensive medical care, necessitating travel to European countries for treatment. However, this citizen faces numerous obstacles, especially the requirement to obtain an entry visa based on selection, with a short-term visa insufficient for treatment, among other reasons hindering legal travel.
- Aspirations of scientific talents to undertake technological projects that require financial resources beyond the individual's financial capacity, conflicting with the reality of the state's inability to provide funding.

Additionally, there are numerous other needs that may lead citizens to seek the implementation of the political program and projects related to their specific requirements.

C) Effectiveness of Implementing the Political Program During the Electoral Term in Combating Illegal Immigration.

From the foregoing, it can be said that combating illegal immigration during the implementation of the political program throughout the electoral term is limited to the phenomenon of outbound illegal immigration. However, previous electoral terms have not shown any improvement in the rate of illegal immigration; instead, it continues to increase steadily. This is reflected in the security and stability of Algeria, meaning that serious solutions to combat illegal immigration in Algeria have not been found. I believe this is due to the following reasons:

- Delay in implementing the political program during the electoral term, leading to the exacerbation of problems associated with or caused by illegal immigration.
- Implementation of the program or projects does not encompass all citizens, especially those who have a desire for illegal immigration.

¹Nissa Al-Hamrouni Al-Werfalli, *Illegal Migration in the Western Mediterranean Countries (5+5)*, 1st edition, University Thought House, Alexandria, 2016, pp. 81-82.

- Limiting the treatment to the issue of outbound illegal immigration from Algeria.

Conclusion

Based on the above, it can be said that the political programs prepared by candidates in Algeria have not played an effective role in combating illegal immigration, especially inbound immigration to Algeria, particularly since the 2012 elections. These programs have not addressed the issue of asylum or African presence within national borders, and the failure to implement political programs leads to pushing citizens who desire illegal immigration to achieve it.

Recommendations:

1. Attract citizens interested in illegal immigration to participate in the electoral process by developing political programs that incentivize this through proposing serious solutions to the problems that foster the idea of illegal immigration.
2. Political awareness regarding asylum and illegal residence in Algeria, adopting the issue in party and electoral programs, and finding serious solutions to the issue of African crossings of Algerian borders.
3. Implementing the projects of the adopted political program during the electoral term in a balanced manner so that citizens who desire illegal immigration develop a conviction of the necessity to stay within the country

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