

Illegal Immigration: Between Human Rights Approach and Security Strategies

الهجرة غير الشرعية بين مقاربة حقوق الإنسان والاستراتيجيات الأمنية

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Abstract:

The right to movement is a human right enshrined in all positive legislation, constitutions, and domestic laws, as well as in most international conventions due to its numerous benefits. However, this right is not absolute and must be restricted from legal, security, and humanitarian perspectives. No person has the right to enter any country except in accordance with the laws of their own country and the laws of the receiving country, by completing all necessary legal procedures for their movement to be legitimate. In the absence of such controls, their movement becomes illegal immigration.

Accordingly, the escalating pace of illegal immigration as a phenomenon is attributed to the deteriorating and dangerous political, security, and economic conditions experienced by major regions of third world countries. The growth of illegal immigration is linked to a set of causes fundamentally connected to problems of development, marginalization, and waste experienced by citizens in expelling countries, particularly those living in conditions of political, economic, and social instability. This has created an environment that drives escape through immigration to countries capable of protecting human rights and providing decent living conditions.

This study examines the specifics of protecting the human rights of migrants through adopting a human security approach and easing the severity of security measures in cases of illegal immigration. Illegal immigrants are among the most vulnerable groups, susceptible to exploitation and human

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rights violations due to their illegal status. It is noteworthy that there is no comprehensive international convention on migrants' rights in general, except for the Convention on Migrant Workers. This leads to the activation of provisions from conventions protecting the most vulnerable persons, such as conventions on women's rights, children's rights, and the rights of persons with special needs, creating harmonization between immigration laws and international human rights conventions.

Keywords: Illegal immigration, human rights, human security, international conventions.

الملخص:

يعد حق التنقل من حقوق الإنسان الذي يتم تكريسه في جميع التشريعات الوضعية وضمن الدساتير والقوانين الداخلية كما تم تكريسه في أغلب المواثيق الدولية لما يحققه من منافع عدة، ولكن ليس بالمطلق فلا بد أن يقيد ذلك الحق من الناحية الشرعية والأمنية والإنسانية، فلا يملك الشخص حق الدخول إلى أي بلد إلا وفقا لقوانين بلده وقوانين البلد المستقبل وذلك بقيامه بجميع الإجراءات القانونية اللازمة لتنقله لتكون عملية التنقل شرعية، وفي غياب تلك الضوابط يصبح انتقاله هجرة غير شرعية.

وعليه فإن تصاعد وتيرة الهجرة غير الشرعية كظاهرة يعود إلى الظروف السياسية والأمنية والاقتصادية المتدهورة والخطيرة التي عرفتها مناطق كبرى من دول العالم الثالث، ويرجع تنامي الهجرة غير الشرعية إلى مجموعة من الأسباب وترتبط بالأساس بمشكلة التنمية والتمهيش والهدر الذي يعيشه المواطن في الدول الطاردة خاصة الدول التي تعيش في حالة من عدم الاستقرار السياسي والاقتصادي والاجتماعي، ما خلق بيئة دافعة للهروب عن طريق الهجرة إلى الدول القادرة على حماية حقوق الإنسان والعيش اللائق.

وتناولت هذه الدراسة حيثيات حماية حقوق الإنسان المهاجر من خلال اعتماد مقاربة الأمن الإنساني والتخفيف من شدة وطأة القبضة الأمنية في حال ظاهرة الهجرة غير الشرعية، إذ تعتبر فئة المهاجرين غير الشرعيين من الفئات الهشة الأكثر ضعفا وتعرضا للاستغلال وانتهاكات حقوق الإنسان نظرا للوضعية غير الشرعية لهؤلاء المهاجرين، مع ملاحظة انعدام اتفاقية دولية تعنى بحقوق المهاجرين بوجه عام عدا اتفاقية العمال المهاجرين وهو ما يؤدي إلى تفعيل مواد اتفاقيات الأشخاص الأكثر ضعفا كاتفاقيات حقوق المرأة والطفل وحقوق ذوي الاحتياجات الخاصة لإحداث موافقة بين قوانين الهجرة والاتفاقيات الدولية لحقوق الإنسان.

الكلمات المفتاحية: الهجرة غير الشرعية، حقوق الإنسان، الأمن الإنساني، الاتفاقيات الدولية.

Introduction:

Immigration is considered one of the oldest social phenomena accompanying human existence. Illegal immigration is one of the most important issues of concern to all states at present, resulting from the

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escalating intensity of illegal immigrants to more stable and secure countries. This issue presents several international, regional, and national challenges that necessitate examining the details of the subject and understanding its resulting effects on countries receiving these migrants, following various reasons behind this illegal immigration, which can be summarized in the illegal immigrant's rejection of living in their country of origin due to its general security conditions and particularly social and economic circumstances. Therefore, considering immigration as a humanitarian phenomenon, both from the perspective of migrants' rights and from the perspective of human security availability, the following problem can be posed:

What is the extent of effectiveness of international protection for the rights of illegal immigrants in light of the growing human security approach to solving the phenomenon of illegal immigration?

First Axis: Contents of Illegal Immigration and Its Causes

1. Immigration:

Linguistically: Immigration derives from the verb "to emigrate," and emigration means leaving something or an action. Immigration is the departure from one land to another. Humans have known immigration since ancient times, and it is one of their rights endorsed by Islam. Islamic history has recorded the noblest form of immigration and its most far-reaching impact, foremost being the migration of the Prophet Muhammad (peace be upon him) from Mecca to Medina, and the migration of the companions to Abyssinia and Medina.¹

In English, "Immigration" means incoming immigration; the person entering a state's territory or arriving is an "immigrant."

The term "Emigration" means outgoing immigration; the emigrant is one who leaves a state to settle in another state.

The third term "Migration" refers to internal immigration, and an internal migrant is a "migrant."²

Terminologically: Immigration is the movement of an individual, group, or population from one place to another for residence, whether this movement

¹ Nasser bin Hamad Al-Hanaya, "Illegal Immigration," Working Paper Presented at the Training Course (Development of Administrative Skills in Civil Status Departments in Arab Countries), Naif Arab University for Security Sciences, Kingdom of Saudi Arabia, April 27 - May 1, 2013, P5.

² Mansouri Raouf, Clandestine Immigration from the Perspective of Human Security, Thesis Submitted for a Master's Degree in Public Law, Specialization in Human Rights and Security, 2013-2014, P15.

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is within one country (called internal immigration) or from one country to another (called external immigration).¹

Immigration has two types:

- **External immigration:** Which occurs from a state to outside it, called emigration, and may be incoming to a state, called immigration.
- **Internal immigration:** May be from a region to outside it (out-migration) or within the same region between different areas (in-migration).²

2. Illegal Immigration:

Also called by several names including clandestine immigration, irregular immigration, or undocumented immigration, it means the immigrant's entry into a country without prior or subsequent visas or permits. The majority of world countries suffer from the problem of illegal immigration, especially industrial countries where employment opportunities are available.³

Illegal immigration is also defined as "a citizen's departure from their state's territory in an illegal manner, either through unauthorized crossings or through a legitimate crossing but in an illegitimate manner, such as using a forged travel document or departing in disguise."⁴

Illegal immigration takes various forms that ultimately lead to one result: illegal immigration, including:

- A person entering the borders of a country without legal procedures
- A person entering the borders of a country with documents for a certain period and remaining beyond the expiration of the legal period without the approval of relevant authorities.⁵

¹ Kazem Najib, External Migration: Reality of Racism and Xenophobia in Some European Union Countries, Second Writer, 2000,P7.

² Ahmed Ismail Aboud, "University Students' Attitude Towards Migration Outside the Homeland (Field Study)," Al-Fatah Journal, Issue (68), December 2016,P.P.138-139.

³ Rabeih Taibi, Illegal Immigration (Al-Harga) in Algeria Through the Written Press "Analytical Study of El Chorouk Daily Newspaper January 1, 2007 - December 31, 2007," Thesis Submitted for a Master's Degree in Information and Communication Sciences, Faculty of Political Sciences and Media, University of Algiers, 2008-2009,P21.

⁴ Hamdi Shaaban, Illegal Immigration (Necessity and Need), Security Media Center,P4.

⁵ Saous Kheira Abderrahmane, "The Crime of Illegal Immigration in Algerian Law Between Prevention and Treatment," Journal of Economic, Administrative and Legal Sciences, Arab Journal for Science and Research Publishing, Volume Two, Issue Ten, July 2018,P.103.

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It is "the movement from the homeland to the immigrated country to reside there permanently in a manner contrary to the rules regulating immigration between states according to domestic and international law provisions."

"It is immigration that occurs in violation of the rules regulating it in domestic and international law."

3. Causes of Illegal Immigration:

Economic conditions: These come at the forefront of illegal immigration motives, as the deteriorating economic situation in immigrant-sending countries, lack of employment opportunities, low wages, poor service levels, and low living standards all drive many citizens of these countries to seek employment opportunities outside their countries and work to reach them, even through illegal immigration.

Political conditions: Deteriorating political conditions in some countries lead to emigration from them, even through illegal means. These conditions include political instability, frequent disturbances, absence of reform policies and development plans, suppression of freedoms, and lack of trust in the political system due to corruption and the inability of legislative, judicial, and executive authorities to perform their functions.

Social conditions: Among the causes of illegal immigration are weak social bonds and family disintegration within the immigrant-originating state, as well as sectarian and factional discrimination, incompatibility with the customs and traditions of the illegal immigration-sending country, and the presence of relatives in the illegal immigration-receiving country.

Religious conditions: Religious persecution, attempts to impose sectarian thought, or the search for a safer environment to spread religious doctrine contribute to enhancing illegal immigration.

Factors attracting immigration to some countries include high wages, high living standards, and obtaining margins of freedom and health and social services unavailable in the source country, which makes many job seekers resort to immigrating to those countries, even though illegal immigration.¹

4. Stages of Illegal Immigration:

The illegal immigration process extends through several stages. The illegal immigrant makes a decision to undertake this process through the imaginary vision that portrays to illegal immigrants that Europe will be the

¹ Nasser bin Hamad Al-Hanaya, Op.cit, P.P.5-7.

solution, then an offer from intermediaries of organized networks through "announcing the burning news" within interested circles seeking to undertake this process. After fulfilling the supply and demand process and agreeing on the required fees, illegal immigrants are gathered in small groups and transported through various routes including public transport or private transport means, then regrouped. However, this process has witnessed changes recently because regrouping can occur at sea in specialized operations through using some small boats to transport migrants to one of the boats anchored in the depths for the illegal immigration operation to begin toward European coasts in most cases.

5. Means of Illegal Immigration:

Maritime means and mechanisms are spread along the entire coastline inside and outside ports, a percentage of which includes means outside legal frameworks and arrangements, consisting of wooden boats and rubber dinghies often unseaworthy and lacking safety requirements. Some fishing boats usually accommodating 6 to 13 sailors are exploited in illegal immigration operations and transport about 100 migrants, causing them to lose balance at sea and be subject to capsizing and breakdowns. Additionally, some of these means used carry no external marks indicating their identity (national flag, vessel name, number, registration port, lights, etc.). There is also infiltration inside commercial ships through various methods including using containers, in addition to recording cases of infiltration attempts inside vehicles of migrants returning to European coasts and residing legally.¹

Illegal immigration also occurs by land through infiltration in the form of individuals crossing international border lines away from crossing points on foot, or land transit may occur through infiltration on vehicles designated for this purpose, especially if the migrants are groups. In these cases, vehicles cross borders avoiding passage through official entry points or confronting border security patrols.²

Second Axis: Illegal Immigration According to the Human Rights Approach

1. Impact of Human Rights on Illegal Immigration:

When linking human rights with illegal immigration, we speak about unemployment and poverty, for example, in third world countries. Necessarily, there is a violation of economic and social rights, which

¹ Tunisian Institute for Strategic Studies, The Phenomenon of Illegal Immigration, October 2017, P.P.6-7.

² Nasser bin Hamad Al-Hanaya, Op.cit, P.12.

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represent a positive obligation on the state toward its citizens. Immigration trends move from poor countries to rich countries as the immigrant seeks to improve their living standards. Additionally, the absence of democracy and failure to enable citizens to participate effectively in political life through parties, or the absence of a climate allowing freedom of expression and violation of civil and political rights, is another reason for illegal immigration. Marginalizing citizens and isolating them from political participation weakens belonging and loyalty to the state, in addition to religious persecution and violation of rights of some cultural minorities that push entire social segments toward illegal immigration.

In the context of discussing immigration in its forms and what relates to illegal immigration, it is an exercise of the right to movement that has received legal enshrinement at the level of international and universal conventions. International human rights instruments have highlighted this right and worked to enshrine it. Article 13 of the Universal Declaration of Human Rights established this right, to be detailed in Article 12 of the International Covenant on Civil and Political Rights. It was also addressed in Article 5 of the European Convention on Human Rights, Article 22 of the American Declaration of Human Rights, as well as Article 12 of the African Charter on Human and Peoples' Rights. The right to movement is limited to citizens inside and outside their state but with restrictions that the state may stipulate, which may relate to national security, public order, public health, public morals, and the rights and freedoms of others, and align with other human rights. Article 12 of the International Covenant on Civil and Political Rights in its first paragraph grants the right to movement and residence to citizens outside the state, provided they are legally present in the state's territory.¹

2. Impact of Illegal Immigration on Human Rights:

Observers of the reality and conditions of migrants in destination and transit countries notice human rights violations, especially at the present time witnessing large waves of displacement to Europe. The adoption of security solutions by receiving countries has not been beneficial; on the contrary, it has worsened the humanitarian conditions of illegal immigrants through harsh treatment due to detention and confinement in detention centers and prisons. Consequently, new patterns of violence and extremism

¹ Jegham Mohammed, Ben Atallah Ben Alia, "The Rights of Illegal Immigrants Between Universal Human Rights Considerations and Security Approaches," Journal of Legal Studies and Research, Volume: 04, Issue: 01, June 2019, P.119.

have emerged within these countries, leading to instability of security and political conditions within them. Therefore, a distinction must be made between political rights limited to citizens, for example, and fundamental rights that cannot be violated under any circumstances, as stated in Article 6 of the International Covenant on Civil and Political Rights. These are rights closely related to human dignity. Emphasizing respect for these rights obliges destination and transit countries to respect these fundamental rights and attempt to balance respect for migrants' basic human rights with their national security requirements.

The cruel and inhumane treatment of illegal immigrants places the state under an obligation to respect the provisions of the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, particularly regarding the conditions and duration of administrative detention of migrants. In this regard, detention of migrants must be based on legal text and for desired objectives to protect public security and public order. The European Court of Human Rights has interpreted Article 5 of the European Convention on Human Rights and considered that detention of illegal immigrants is lawful if it is for the purpose of preventing unauthorized entry or for taking measures against a person for their deportation or extradition.

What is observed in international immigration law texts is their connection to conventions such as the 1951 Refugee Convention and its 1967 Protocol, and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990, but they are not directly related to the rights of illegal immigrants. This may push migrants to use asylum as a legal pretext to cover illegal immigration, which confirms simultaneously the mixed nature of asylum and immigration and the specificity of illegal immigration in light of security challenges.

Finally, we find only mechanisms specific to legal migrants, which stem primarily from the International Convention on Migrant Workers, which entered into force in 2003. ILO Convention No. 97 of 1949 came to address the phenomenon of illegal immigration, while Convention No. 143 of 1975 addressed the conditions of illegally migrated workers. Unlike the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990, which did not differentiate between legal and illegal migrants, this convention established many substantive standards such as non-expulsion and forced return, the principle of non-discrimination. In the same context, we refer to the Protocol against the Smuggling of Migrants by Land, Sea and Air of 2000, a

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protocol based primarily on the humane treatment of migrants and their fundamental rights, which acknowledged in its preamble the absence of a convention concerned with the rights of illegal immigrants while recognizing the security dimension of the illegal phenomenon and the criminal or terrorist threats it may represent.

We also find the Global Migration Group, which was established by the United Nations Secretary-General in 2006, a working group composed of 10 international bodies including the International Organization for Migration, the United Nations High Commissioner for Refugees, the United Nations High Commissioner for Human Rights, and the United Nations Population Fund. The group is concerned with a number of tasks related to migrants' human rights, including unifying the approach to dealing with all types of immigration while promoting human rights and governance of immigration policies, and focusing on protecting migrants who are victims of human trafficking.¹

Third Axis: International Conventions on Illegal Immigration in Light of Human Rights

It is certain that the relationship between the status of migrants, especially illegal ones, and respect for human rights is a close relationship as long as immigration is a social phenomenon with a humanitarian dimension. For this reason, the issue of international protection was raised before the international community, which reached the formulation of legal solutions to the issue of migrants wherever they are, considering their rights primarily a humanitarian matter, with the aim of restoring dignity to this category deprived of enjoying the most important human rights. This approach was embodied in the conclusion of the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families on December 18, 1990, under the supervision of the United Nations, which came as the culmination of the effort of a group of international experts that lasted twelve years. This international convention officially recognizes the responsibility of receiving countries for respecting migrants' rights and ensuring their protection. It establishes a set of binding international standards to address the treatment and care of both documented and undocumented migrants equally.

The main objective of this convention is to combat the exploitation and human rights violations to which migrants are subjected, who constitute a highly vulnerable population group. Due to the tightening of borders and the

¹ *Ibid*, P.P.120-125.

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failure of spontaneous illegal immigration, a new type of criminal pattern has emerged that transports individuals and moves them across international borders without respecting legal procedures. This led the international community to conclude the Convention against Transnational Organized Crime and attach to it the Protocol against the Smuggling of Migrants, which contains in its articles many guarantees for illegal immigrants, most importantly that they are not subject to criminal prosecution because they are targets of smuggling behavior.

The International Protocol also stipulated that each State Party shall take, consistent with its obligations under international law, all appropriate measures, including enacting legislation when necessary, to preserve and protect migrants' rights, especially the right to life and the right not to be subjected to torture or other forms of inhuman or degrading treatment or punishment, and to provide appropriate assistance to migrants whose lives or safety are endangered due to their smuggling. In case of detention of smuggled migrants, each State Party must comply with its international obligations under the Vienna Convention on Consular Relations concerning informing the person concerned without delay of provisions related to notifying and contacting consular officials, with the necessity for each State Party to facilitate and accept without unjustified or unreasonable delay the return of smuggled migrants who were their nationals or enjoyed the right of permanent residence in its territory at the time of their return.

The Protocol also emphasized providing special care if smuggling operations involve children or women, and it is the duty of parties to respect this law and follow procedures that ensure their protection and security, most importantly: removing them immediately from any source of danger, not allowing them to continue contact with any suspected individuals, presenting them to medical specialists to examine their health condition, providing them with additional clothing, and dealing with them thereafter by trained officers. When there are doubts about whether a person is a child or if age verification is difficult, the best practice is to assume they are a child.

In addition to these efforts, we find that the United Nations Office on Drugs and Crime played a major role in combating illegal immigration and its negative consequences, most importantly enacting the Model Law against the Smuggling of Migrants in response to the General Assembly's request to enhance the efforts of member states, provide them with assistance, and seek their accession to and implementation of the United Nations Convention against Transnational Organized Crime and its protocols. Article One defined its basic objective as implementing the Protocol against

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the Smuggling of Migrants by Land, Sea and Air supplementing the United Nations Convention against Transnational Organized Crime, combating migrant smuggling, promoting and facilitating cooperation at national and international levels to achieve desired objectives and protect the rights of smuggled migrants.

To understand the features of illegal immigration and clarify its dangers and effects, the United Nations Office on Drugs and Crime produced a film for the purpose of raising awareness and training criminal justice practitioners entitled "Ways and Means for Effective Response to Migrant Smugglers." The International Organization for Migration also adopted many mechanisms aimed at improving the conditions of smuggled migrants and supporting strategies to combat migrant smuggling due to its serious effects on the international community and its peoples, through coordination and cooperation at regional and international levels among all relevant authorities and agencies working in the field of border security, with the aim of developing border management systems that are effective, efficient, and integrated, with the purpose of achieving the desired goal of open but secure and tightly protected borders.

In 2013, the International Organization for Migration conducted field visits and technical assessments to support governments in identifying working parties that would have a great impact on border operations, as well as to enhance and enable information exchange operations and coordination between border centers and headquarters to enable them to confront individual infiltration operations between countries, especially those with shared borders, and division of border control functions to include all technical and organizational aspects related to border control and prevention of cross-border crimes.

Due to the exacerbation of illegal immigration operations and the death of many more migrants due to transit conditions, the International Organization for Migration identified its priority area by forming a joint electronic platform for cooperation between source countries in the European Union and transit and destination countries in the southern Mediterranean region, with the aim of building trust among partners, as well as achieving the right balance between law enforcement measures and responding to the root and main causes leading to illegal immigration, and holding many conferences to analyze this phenomenon and search for solutions within the framework of international cooperation, such as the Puebla Conference in Mexico in 2010.

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Among the new developments in the field of respecting migrants' rights, the United Nations Commission on Human Rights in 1999, pursuant to its resolution 1999/44, established the mandate of the Special Rapporteur on the Human Rights of Migrants. The Committee requested the Special Rapporteur to examine ways and means of overcoming existing obstacles to the effective and full protection of migrants' human rights, including obstacles and difficulties facing the return of migrants who lack necessary documents or who are in an irregular situation. The Special Rapporteur carries out work based on information provided regarding violations of migrants' human rights by sending official letters to concerned governments to clarify and present these situations, and conducts fact-finding missions in countries that invite visits to examine the state of protection of migrants' human rights in the concerned country. Ms. Gabriela Rodriguez Pizarro was appointed as Special Rapporteur on the Human Rights of Migrants, whose recent activities included presenting a report on her official visit to Spain and Morocco, which she visited by official invitation from the Moroccan government between October 19 and 31, 2003.

Despite the importance of the International Convention for the Protection of the Rights of All Workers, its legal effect remains limited. Despite being issued in 1990, it did not enter into force until 2003, where approximately forty countries, mostly countries of origin, ratified it, while receiving countries that attract most migrant workers, whether in Europe, North America, or in other countries such as Japan, Australia, and Gulf countries, have neither ratified nor signed it. This clearly indicates that these countries' interest revolves around the productivity of legal and illegal migrant workers rather than concern for protecting their rights and the rights of their family members, which explains the non-ratification. This situation resulted in the disappointment of the international community and human rights defenders in achieving more humane treatment toward migrants, who are continuously exposed to various violations depriving them of their rights due to arbitrary laws and practices.

Returning to the provisions of the Protocol against the Smuggling of Migrants, we find that it did not use the term "victim" for smuggled migrants, nor did it prioritize in its provisions the necessity of providing medical or social care to smuggling victims or providing them with accommodation. This is contrary to what the supplementary Protocol to the Convention against Transnational Organized Crime on preventing, suppressing and punishing trafficking in persons, especially women and children, contains, which emphasized the necessity of respecting the fundamental rights of trafficking victims and providing them with all means

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of comfort, protection, and attention to physical safety. Informal discussions dedicated to studying the draft of both protocols showed that trafficked persons should be granted additional protection to that granted to migrants through illegal means, and recognizing that defining a person as trafficked carries major and different responsibilities for the concerned member state than defining a person as an illegal immigrant. This appeared clearly in both protocols addressing the two crimes.

Despite the efforts made by agencies affiliated with the United Nations, such as the International Organization for Migration and the United Nations Office on Drugs and Crime, and their earnest pursuit to achieve the objectives they outlined, the problem of wars and growing differences between countries played an obstructive role, especially at the level of the transitional migration program, the skills return program, and the return for investment program.¹

Fourth Axis: Human Security Strategy and Its Relationship to Illegal Immigration

The Commission on Human Security defined in its 2003 report that it means: "protecting the vital core of human lives in ways that enhance human freedoms and human self-realization. Human security means protecting fundamental freedoms, those freedoms that constitute the essence of life. It means protecting people from critical and pervasive threats and situations. It means using processes that build people's strength and aspirations. It means creating political, social, environmental, military and cultural systems that together provide people with the building blocks of survival, livelihood and dignity."²

To reduce the phenomenon of illegal immigration, the human security approach must be activated in various aspects, starting with ensuring health security and providing the requirements for the right to health. This right assumes having conditions that enable individuals to reach their maximum capabilities to achieve a healthy life and enjoy these capabilities. This includes activities aimed at protecting, restoring, and preventing human health from deterioration, which means the activities of social institutions as well. However, if the right to health does not aim to address social and

¹ Ahmed Taiba, Malika Hajjaj, "Illegal Immigration Between Confrontation Strategies and Protection Mechanisms," Political and Legal Notebooks, Issue Fifteen, June 2016, P.P.25-27.

² . Lamia Tala, "The Phenomenon of Illegal Immigration and Its Repercussions on Human Security: Reading Indicators of the Phenomenon in Arab Spring Revolution Countries," Algerian Journal for Research and Studies, Volume: 04, Issue: 02, April 2021,P.104.

economic differences between people, it does not differentiate between rich and poor and includes the healthy and the sick.

One of the most important goals of health policy is equal opportunities in obtaining health care. Avoidable illness, disability and death constitute a threat to human security. Health is not only the absence of disease but enjoying a good physical, psychological and social condition that allows control of the future. On the other hand, enhancing the political security of citizens, including civil rights through transparent elections and opening the field for political action to oversight, criticism and accountability, and thus expressing with complete freedom without the slightest interference from the state's repressive apparatus. Citizens are fundamentally the center of human security and its ultimate goal. Focusing on security solutions without including improvement of individuals' living standards in accordance with international standards in the fields of economy, social and health services, and even cultural services is not sufficient to eliminate the phenomenon of illegal immigration, which is fundamentally due to imbalances within society stemming from poor resource distribution within the state and consequently creating a sense of marginalization, which drives young citizens, even those with high educational levels, to consider immigration through death journeys.¹

Activating the Human Security Mechanism to Confront Illegal Immigration:

The concept of human security is primarily based on safeguarding human dignity and meeting moral needs alongside material needs. The basic foundation of human security is based on the principle that public policies should be based on confronting all forms of oppression, enslavement, deprivation, and critical situations that may affect human dignity. Human security is based on two strategic ideas:

Protection: Through protecting people from all dangers.

Empowerment: Through helping people develop their capabilities to become full participants in decision-making.

Human security can be achieved through three levels:

At the Local Level:

- The necessity of reaching an appropriate framework through which the requirements of human security and state security can be reconciled.

¹ Nassir Laarbaoui, Houda Gueraiche, "Human Security as an Approach to Combat Illegal Immigration in Algeria," Algerian Journal for Human Security, Fifth Year, Volume: 05, Issue: 01, January 2020,P.P.72-73.

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- The process of rebuilding state systems and economies must stem from a humanitarian approach and be directed toward serving and achieving individual security.
- Following sound development policies at the local level.

At the Regional Level:

We find that the role of regional organizations remains limited. Alongside trade and economic agreements, regional organizations are required to direct more attention to human security issues, including refugee issues, drug trafficking, and international crime.

At the Global Level:

- Introducing some reforms to the United Nations system so that it becomes more responsive to human security requirements. It can be proposed to establish a Human Security Committee within the organization whose goal would be to study human security conditions in various parts of the world and submit reports in this regard.
- Achieving human security requires a new model of human development, and this development policy is based on combating poverty at the global level.¹

Conclusion:

We can say that illegal immigration is controlled by a set of variables: development, human security, and human rights. The state has a responsibility to protect the human rights of illegal immigrants through laws and institutional and procedural mechanisms, as well as creating opportunities for legal immigration in order to protect migrants' rights and dignity and seek to reduce illegal immigration. From the above, there is a necessity to build a legal system for dealing with illegal immigration where states respect the human rights of illegal immigrants at borders and in detention centers during deportation and expulsion operations. This is achieved through providing international mechanisms capable of protecting the rights of illegal immigrants without any discrimination based on race, gender, language, or religion. States must also consider in dealing with this phenomenon the protection of the rights of vulnerable groups of illegal immigrants: women and children.

¹ *Ibid*, P.P.105-107.

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