

A LEGAL ANALYSIS OF IRREGULAR MIGRATION AND THE EFFECTS ON HOST COUNTRIES

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Abstract

This article conducts a detailed analysis of irregular migration and its legal ramifications on host countries. Delving into the multifaceted nature of the issue, it explores the strain on social services, labour market dynamics, and cultural integration challenges faced by host communities, drawing insights from real-world examples in France, the United States, and Italy. Examining the legal and policy frameworks, the article emphasizes the importance of international cooperation and collaborative efforts in managing migration flows. Hence, this paper, while adopting analytical research methodology, painstakingly seeks to strike the balance between legal ramifications of irregular migration on host countries without tampering with Human rights of the immigrants. Thus, provide insights for the development of effective, just, and sustainable solutions for host countries grappling with the intricate challenges posed by irregular migration. The proposed recommendations encompass understanding migration scales through statistics, leveraging existing legal structures, prioritizing human rights, balancing border control with economic realities, investing in diplomacy, promoting public awareness, and implementing robust monitoring mechanisms.

Keywords: *Irregular migration, Host countries, and International cooperation*

Introduction

Irregular migration, a burgeoning global challenge in our interconnected world, has far-reaching implications for host countries, necessitating an in-depth legal analysis to unravel its complexities. This article aims to explore the intricate web of irregular migration, beginning with a definition that encapsulates its various forms, such as undocumented or illegal migration. The phenomenon defies easy categorization, encompassing both forced displacement and voluntary migration driven by diverse factors, such as economic aspirations, political instability, and the pursuit of a better life.

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There is no universally accepted definition of irregular migration. The International Organisation for Migration (IOM) defines it as “movement that takes place outside the regulatory norms of the sending, transit and receiving country.”¹ The Court of Appeal in the case of *Mmaju & Anor v. Ikwuka*² defined migration as movement of people or animals from one country or region to another. It is crucial to emphasize that irregular migration encompasses the undocumented movement of individuals, known as irregular migration flows, as well as the count of migrants whose legal status may become undocumented at any given time, referred to as irregular migrant stocks.³ For instance, individuals fleeing conflict and persecution in their home countries, who cross borders seeking refuge in another nation, may initially be classified as irregular migrants. However, their status can transition to regular once they initiate the asylum application process.⁴ Moreover, individuals with legal status in a country may transition to undocumented status when their visa or permit expires.⁵ In certain instances, the characterization of movements as “irregular” is more intricate. For instance, the Free Movement Protocol within the Economic Community of West African States (ECOWAS) permits unrestricted movement among its 15 member states, allowing stays of up to 90 days for those possessing valid travel documents.⁶ Due to factors such as incomplete documentation or crossing at unofficial border points, movements in the region are often deemed “undocumented” or “irregular,” even though the movement itself is considered regular when accompanied by valid travel documents.⁷ Understanding irregular migration requires a nuanced examination of the motivations behind it, ranging from escaping conflict and persecution to seeking better economic opportunities. The interplay of push and pull factors contributes to the fluid nature of irregular migration, rendering it a multifaceted challenge.

¹‘Key Migration Terms’. Via, <https://www.iom.int/key-migration-terms>. Assessed on the 28th of December, 2023.

² (2018) LPELR 44141 (CA)

³ Vespe, M., F. Natale and L. Vespe, M., F. Natale and L. Pappalardo ‘Data sets on irregular migration and irregular migrants in the European Union, 2017’ *Migration Policy Practice*, 7(2): 26-33. Via, <http://www.eurasylum.org/wp-content/uploads/2017/08/MPP-30.pdf>. Assessed on the 28th of December, 2023.

⁴ Ibid

⁵‘Irregular Migration’. From Migration Data Portal, Via, <https://www.migrationdataportal.org/themes/irregular-migration>. Assessed on the 28th of December, 2023.

⁶ Aderanti Adepoju, ‘Promoting integration through mobility: Free movement under ECOWAS’. Alistair Boulton and Mariah Levin, For United Nations High Commissioner for Refugees. Via, <https://www.unhcr.org/sites/default/files/legacy-pdf/49e479c811.pdf>. Assessed on the 28th of December, 2023.

⁷ Ibid

Studying the legal effects of irregular migration on host countries is crucial due to the profound impact it exerts across various domains. This comprehensive understanding is vital for policymakers, academics, and society to navigate the economic, social, and political dimensions of this global reality. Irregular migrants often contribute to the host country's economy by filling labour shortages in sectors like agriculture, construction, and domestic services.⁸ Balancing these contributions with addressing social inequalities and resource strains poses a delicate challenge for host countries.

The effects of irregular migration extend into the political sphere, shaping policies and discourse in host countries.⁹ The influx of irregular migrants often becomes a contentious political issue, fuelling debates about border security, immigration policies, and national identity. Governments face the challenge of striking a delicate balance between enforcing immigration laws and upholding human rights.¹⁰ Stricter measures may be implemented, raising concerns about human rights violations, while lenient policies may encourage further irregular migration, posing challenges to border control and national security.

Therefore, the study of irregular migration and its legal effects on host countries requires a multidimensional approach. The economic, social, and political dimensions demand nuanced analysis to comprehend the underlying causes and consequences of this phenomenon. As nations grapple with the challenges posed by irregular migration, fostering a holistic understanding is essential for devising effective policies that balance economic contributions with addressing social inequalities, cultural tensions, and political ramifications. This article serves as a stepping stone into the multifaceted realm of irregular migration, inviting readers to embark on a journey of exploration and analysis to unravel the complex web it weaves across the global landscape.

⁸ 'Business and Labour Migration'. From International Labour Organization. Via, https://www.ilo.org/empent/areas/business-helpdesk/WCMS_855528/lang--en/index.htm. Assessed on the 28th of December, 2023.

⁹ Ambrosini, M., Hajer, M.H.J. 'The Political Challenge of Irregular Migration. In: Irregular Migration. IMISCOE Research Series. Springer, Cham. Via, https://doi.org/10.1007/978-3-031-30838-3_3. Assessed on the 28th of December, 2023.

¹⁰ Roberts, B., E. Alden, and J. Whitley. 'Managing Illegal Immigration to the United States: How Effective is Enforcement?' (*Washington, DC: Council on Foreign Relations, 2013*) Online at: <http://www.cfr.org/immigration/managing-illegal-immigration-united-states/p30658> accessed on 19th day of August, 2024.

Causes of Irregular Migration

Irregular migration, a complex and multifaceted phenomenon is driven by various interconnected factors. Understanding these causes is essential for devising strategies to address the challenges associated with irregular migration.

Economic Instability and Limited Opportunities

Economic factors play a pivotal role in irregular migration. High levels of unemployment and limited economic opportunities in migrants' countries of origin act as powerful push factors. Individuals driven by the desire for a better life and improved economic prospects embark on journeys across borders in search of employment and financial stability. Income inequalities within countries further intensify the motivation to seek better opportunity in many developing countries, high levels of unemployment and limited economic prospects have led individuals to seek better opportunities across borders.¹¹

In Sub-Saharan Africa, where economic challenges have driven a significant number of people to migrate irregularly in pursuit of employment and financial stability, the region is forecasted to be the world's slowest-growing in 2021, with a projected growth rate of 3.4 percent¹². This growth is attributed to global recovery, increased trade, higher commodity prices, and a resumption of capital inflows¹³. However, despite these factors, the recovery in Sub-Saharan Africa is expected to lag behind the rest of the world, with a cumulative per capita GDP growth of 3.6 percent over the 2020-2025 period, notably lower than the global average of 14 percent¹⁴.

In 2020, Central and South America faced a substantial migration challenge, with approximately 42.9 million migrants globally, 11.3 million hosted within the region.¹⁵ Limited access to legal

¹¹ Babiker, Mohamed Abdelsalam, 'Legal Framework of Migration in Sudan' *European University Institute*, (2010, pp.6-10.

¹² Abebe Aemro Selassie and Shushanik Hakobyan, 'Six Charts Show the Challenges Faced by Sub-Saharan Africa' Published on the 15th of April, 2021. Via, <https://www.imf.org/en/News/Articles/2021/04/12/na041521-sixcharts-show-the-challenges-faced-by-sub-saharan-africa>. Assessed on the 29th of December, 2023.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ 'Intraregional migration in Latin America - Statistics & Facts'.

Via, <https://www.statista.com/topics/9065/intraregional-migration-in-latin-america/#topic> Overview. Assessed on the 29th of December, 2023.

migration options led many to navigate hazardous routes like the Darien Gap and the Caribbean Sea.¹⁶ The emergence of Central American migrant caravans added complexity, as large groups traversed mainly on foot from Central to North America. Notably, Venezuelan emigrants faced difficulties, with most having temporary residence permits or full residency but limited refugee status¹⁷. For instance, in Peru, 531,800 Venezuelans applied for asylum in 2021, yet only 4,000 were granted refugee status. In Brazil, nearly 85,800 applied, and about 49,000 were recognized as refugees by the UNHCR¹⁸.

These economic factors not only drive individuals to leave their home countries but also have substantial impacts on the host communities that receive irregular migrants. The strain on the host community's infrastructure and resources, as well as potential competition for employment, are some of the challenges that arise as a result of irregular migration. It is essential to consider the broader economic factors that drive irregular migration and the impact it has on both the migrants and the host communities in order to develop effective policies and interventions.

Political Instability and Conflict

Political instability and conflict represent significant drivers of irregular migration. Regions marred by unrest and violence force many individuals to flee their homes in search of safety and security. The immediate threats to life and well-being create a compelling push factor, prompting people to undertake arduous journeys in the hope of finding refuge in more stable and peaceful environments. Political instability and conflict can cause immense upheaval and displacement, leading to irregular migration on a large scale. One notable example is the ongoing conflict in Ukraine. The political turmoil and ensuing conflict in Ukraine have resulted in a notable surge in irregular migration, as numerous Ukrainians seek sanctuary in neighbouring countries and beyond. The onset of a persistent refugee crisis in Europe commenced in late February 2022

¹⁶ Matteo Villa and Alissa Pavia, 'Irregular migration from North Africa: Shifting local and regional dynamics' Published on the 3rd of August, 2023. Via, <https://www.atlanticcouncil.org/in-depth-research-reports/report/irregular-migration-from-north-africa-shifting-local-and-regional-dynamics/>. Assessed on the 29th of December, 2023.

¹⁷ Ibid.

¹⁸ Ibid.

following Russia's invasion of Ukraine¹⁹. As of late May 2022, records indicate nearly 6 million refugees escaping Ukraine across Europe, while an estimated 8 million individuals have been internally displaced within the country²⁰. By March 2022, approximately one-quarter of Ukraine's total population had evacuated from their residences due to the unfolding crisis²¹.

Similarly, the protracted conflict in Syria has resulted in one of the most severe refugee crises in recent history. The ongoing conflict in Syria has inflicted profound suffering on its people, resulting in hundreds of thousands of casualties and millions displaced since the conflict erupted in March of 2011²². The humanitarian crisis in Syria is alarming, characterized by widespread deprivation of essentials such as food, clean water, and healthcare. Within Syria, a staggering 6.8 million people are internally displaced, marking the world's largest displacement and the highest number of individuals in need since the conflict's onset.²³ Additionally, approximately 5.5 million Syrians have sought refuge abroad, with another 6.8 million displaced within the country. The economic impact is severe, as over 90% of Syrians live below the poverty line, and an estimated 12.1 million people grapple with food insecurity, underscoring the immense challenges faced by the population as a result of the prolonged conflict.

The intersection of political instability, conflict, and irregular migration underscores the need for comprehensive and coordinated international responses. Addressing the root causes of political instability and conflict, providing humanitarian aid, and facilitating the resettlement of displaced individuals are essential components of effective strategies to mitigate the impacts of irregular migration on both the migrants and host communities.

¹⁹Amuedo-Dorantes, C., and C. Bansak. 'The effectiveness of border enforcement in deterring repetitive illegal crossings attempts' In: Gans, J., E. M. Replogle, and D. J. Tichenor (eds). *Debates on US Immigration*. Thousand Oaks, CA: MTM Publishing, 2023; pp. 153–161.

²⁰'Needs Growing for Over 8 Million Internally Displaced in Ukraine'. Via, <https://www.iom.int/news/needs-growing-over-8-million-internally-displaced-ukraine>. Assessed on the 29th of December, 2023.

²¹George Ramsay, 'A quarter of Ukrainians have fled their homes. Here's where they've gone' CNN, Published on the 21st of March, 2022. Via, <https://edition.cnn.com/2022/03/21/europe/ukraine-russia-conflict-10-million-refugees-intl/index.html>. Assessed on the 29th of December, 2023.

²²Ibid.

²³Ibid.

Environmental Challenges and Climate Change

Environmental factors, exacerbated by climate change, contribute to irregular migration. Rising sea levels, extreme weather events, and resource scarcity can render certain areas uninhabitable. The resulting environmental degradation prompts individuals to migrate in search of more sustainable living conditions.²⁴ The impact of climate change adds a layer of complexity to the migration landscape, requiring innovative approaches to address the challenges posed by environmental factors. Climate change and environmental challenges have become significant drivers of irregular migration in recent years²⁵. The intensifying impacts of climate change, such as rising sea levels, extreme weather events, and changing precipitation patterns, are leading to the displacement of populations from environmentally vulnerable areas²⁶. For example, the small island nation of Kiribati in the Pacific is facing the prospect of becoming uninhabitable due to rising sea levels, prompting its residents to seek refuge in countries like New Zealand²⁷. This phenomenon exemplifies how environmental challenges, exacerbated by climate change, are directly contributing to irregular migration.

In addition, prolonged droughts and desertification in regions such as sub-Saharan Africa have compelled people to leave their homes in search of more viable living conditions²⁸. The increasing frequency and intensity of weather-related risks, including sudden and slow-onset events, have further exacerbated environmental challenges, driving individuals and communities to undertake irregular migration as a means of adaptation.

²⁴Shuaib Oniye and Hannafi A. Ahmed, 'Effects of Climate Change on Pastoralists Transnational Economic Activities and The Need for Sustainable Mechanism in West Africa' (*Al-Hikmah University law journal*, vol 3, ISSN 2476-8510 (2020) page 161-175.

²⁵Alex de Sherbinin 'Climate Impacts as Drivers of Migration' Published on the 23rd of October, 2023. Via, <https://www.migrationpolicy.org/article/climate-impacts-drivers-migration>. Assessed on the 29th of December, 2023.

²⁶Ibid.

²⁷Mike Ives 'A Remote Pacific Nation, Threatened by Rising Seas', *The New York Times*, Published on the 2nd of July, 2016. Via, <https://www.nytimes.com/2016/07/03/world/asia/climate-change-kiribati.html>. Assessed on the 29th of December.

²⁸Teye, J.K., Nikoi, E.G.A. Climate-Induced Migration in West Africa. In: Teye, J.K. (eds) *Migration in West Africa*. IMISCOE Research Series. Springer, Cham. https://doi.org/10.1007/978-3-030-97322-3_5. (2022) Assessed on the 29th of December, 2023.

In February of 2023, a devastating 7.8 magnitude earthquake struck Southern Turkey and Northwest Syria, causing extensive damage running into billions of dollars²⁹. While no family emerged unscathed, the aftermath has significantly exacerbated the already precarious lives of Syrian refugees. This event has created an impossible dilemma for Syrian refugees in Turkey they are unable or unwilling to return home, and the option to migrate to Europe is further constrained by the reinforced border measures of Greece, a pivotal entry point³⁰. Regrettably, it seems that the cataclysmic earthquake in February has once again left millions of traumatized Syrian refugees in Turkey caught between a rock and a hard place.

The emerging trends of irregular migration directly linked to environmental challenges and climate change highlight the pressing need for coordinated international responses. By recognizing the intricate relationship between environmental changes and population movements, the international community can work towards innovative solutions that appropriately address the specific needs of irregular migrants while also supporting the resilience of host communities.

Social and Demographic Pressures

Social and demographic factors also play a crucial role in irregular migration. Rapid population growth in some regions surpasses the capacity of local economies to provide adequate resources and opportunities³¹. This demographic pressure becomes a push factor, compelling individuals to seek better prospects in countries that appear more promising in terms of employment, education, and overall quality of life. Social and demographic pressures significantly contribute to irregular migration by creating a push factor for individuals and families to seek better opportunities and living conditions.

One notable example of social and demographic pressures fuelling irregular migration is observed in parts of sub-Saharan Africa. The population of sub-Saharan Africa, which stood at

²⁹ Muhammad Tahir, 'Shaken to The Core: The Plight of Syrian Refugees After February's Earthquake' Wilson Center, Published on the 11th of April, 2023. Via, <https://www.wilsoncenter.org/article/shaken-core-plight-syrian-refugees-after-februarys-earthquake>. Assessed on the 29th of December, 2023.

³⁰ Ibid.

³¹ 'Rapid Population Growth'. Via, <https://www.studysmarter.co.uk/explanations/geography/changing-economic-world/rapid-population-growth/>. Assessed on the 29th of December, 2023.

approximately 434 million in 1984, is projected to surge to 1.4 billion by 2025.³² The current birth rate of 48 per 1000 population is on an upward trend, while the death rate, at 17 per 1000, is declining.³³ While demographic and environmental pressures have a relatively modest direct impact, their more significant influence is observed indirectly through factors like conflict and employment opportunities, shaping the dynamics of migration in the region.

Moreover, a growing number of women are undertaking independent migration from Central America and the Caribbean. Women comprise 58.9 percent of migrants from Caribbean countries and 50.3 percent from Central America.³⁴ The decision to move abroad presents a spectrum of potential opportunities and challenges, influenced by an individual's gender in intricate and multifaceted ways. The interaction between gender and migration creates a complex interplay where these factors mutually shape each other.³⁵

The interaction between social and demographic pressures and irregular migration underscores the multifaceted nature of migration dynamics and the complexities surrounding the decision to migrate. It is crucial to recognize the interplay of these factors when formulating policies and interventions to address irregular migration effectively.

Addressing the impact of social and demographic pressures on irregular migration necessitates a comprehensive approach that acknowledges the diverse needs and aspirations of migrants while also considering the implications for both origin and destination communities. By understanding the underlying social and demographic drivers of irregular migration, policymakers and stakeholders can develop targeted strategies that address the specific challenges faced by migrants and the communities involved. This comprehensive approach is essential for creating sustainable solutions that mitigate the impacts of irregular migration and promote the well-being of all affected populations.

³² Goliber TJ. Sub-Saharan Africa: population pressures on development. *Popul Bull.* 1985 Feb;40(1):1-46. PMID: 12266940. Via, <https://pubmed.ncbi.nlm.nih.gov/12266940/>. Assessed on the 29th of December, 2023.

³³ Ibid.

³⁴ 'What Makes Migrants Vulnerable To Gender-Based Violence?'. Via, <https://rosanjose.iom.int/en/blogs/what-makes-migrants-vulnerable-gender-based-violence>. Assessed on the 29th of December, 2023.

³⁵ Ibid.

Information Technology and Perception

The advent of information technology, particularly through social media and other communication platforms, shapes migrants' perceptions and influences their decision-making. Information about perceived opportunities in destination countries spreads rapidly, impacting the choices individuals make regarding irregular migration. The role of technology in shaping migration patterns highlights the need for policies that address the influence of information dissemination on potential migrants.³⁶ Information technology has revolutionized the way individuals perceive and respond to migration opportunities. Social media, online forums, and networking platforms have become pivotal in shaping the perceptions of potential migrants. For instance, the portrayal of certain countries as prosperous and welcoming through online channels can significantly influence the decision-making of individuals considering irregular migration. Images, videos, and personal accounts shared on social media platforms often create a powerful narrative that can sway the perceptions of individuals seeking better opportunities.

Moreover, the availability of information on migration routes, employment prospects, and living conditions in destination countries through digital channels can serve as catalysts for irregular migration³⁷. For example, the circulation of success stories of migrants who have found economic stability and improved living standards abroad can install aspirations in others to embark on similar journeys.³⁸

Conversely, the dissemination of misinformation and false promises through online platforms can also lead to misguided perceptions and decisions among potential migrants. Instances of exploitation, human trafficking, and unsafe migration practices are sometimes glamorized or misrepresented, leading individuals to make ill-informed choices about irregular migration.

³⁶ Dekker Rianne & Engbersen Godfried. 'How social media Transform Migrant Networks and Facilitate Migration. Global Networks' 14. 10.1111/glob.12040. Via, https://www.researchgate.net/publication/259549540_How_Social_Media_Transform_Migrant_Networks_and_Facilitate_Migration.(2013) Assessed on the 29th of December, 2023.

³⁷ Okunade, S.K., Awosusi, O.E. 'The Japa syndrome and the migration of Nigerians to the United Kingdom: an empirical analysis. CMS 11, 27 (2023). Via, <https://doi.org/10.1186/s40878-023-00351-2>. Assessed on the 29th of December, 2023.

³⁸ Ibid.

It is essential for policymakers and relevant authorities to acknowledge the significant role of information technology in shaping migration perceptions and to devise strategies that integrate technology-aware approaches in addressing irregular migration. Collaboration with social media platforms, community influencers, and relevant stakeholders can facilitate the development of responsible online narratives that depict a balanced and realistic view of migration opportunities and challenges.

As the landscape of migration continues to evolve under the influence of information technology, proactive measures aimed at regulating online content, providing accurate resources, and promoting ethical migration behaviour will be instrumental in addressing the complex interplay between technology and irregular migration.

Impact on Host Communities

Irregular migration has far-reaching consequences for the countries that serve as hosts to these migrants. Understanding the impact is crucial for formulating effective policies and strategies to address the challenges faced by host nations.

Strain on Social Services and Infrastructure

Irregular migration often places a strain on the social services and infrastructure of host countries. Increased demand for healthcare, education, and housing can overwhelm existing systems, leading to challenges in providing adequate services to both the migrant population and the host community. This strain poses significant social and economic challenges that need careful consideration. Several host communities around the world have experienced the strain on social services and infrastructure caused by irregular migration.³⁹ For example, the city of Calais in France faced significant challenges due to the establishment of informal migrant camps. Since the late 1990s, migrants have gathered in and around Calais on the northern French coast, seeking entry into the United Kingdom through the Channel Tunnel or by stowing away in

³⁹A perfect storm of crises: Why refugee-hosting countries need more support'. Via, <https://www.icmpd.org/blog/2023/a-perfect-storm-of-crises-why-refugee-hosting-countries-need-more-support>. Assessed on the 29th of December, 2023.

lorries bound for ferries crossing the English Channel.⁴⁰ Some are homeless individuals seeking asylum in France. On September 5, 2016, truck drivers, local farmers, and trade unionists protested the perceived wilful destruction of economy activities by migrants in the camps, demanding the closure of the camp.⁴¹ This demonstration caused traffic disruptions at the Calais port.⁴² The substantial number of migrants attempting to cross the English Channel intensified pressure on local healthcare, sanitation, and housing resources, straining the city's infrastructure and aiding social tensions between the migrant population and local residents.

In 2021, Italian National Institute of Statistics (Istat) estimated that 5,171,894 foreign citizens, comprising approximately 8.7% of the total population, resided in Italy.⁴³ The country's geographical proximity to the North African coast and its peninsular position have historically made the crossing of the Mediterranean Sea the predominant route for undocumented migrants. This trend gained prominence as alternative routes to the EU diminished, and political instability in Libya weakened border and coastal controls, providing opportunities for people smuggling organizations. The primary destination for sea crossings is the southernmost Italian territories, specifically the Pelagie Islands, situated 113 km from Tunisia, 167 km from Libya, and 207 km from Sicily.⁴⁴ Against this backdrop, the tragic murder of Ashley Ann Olsen in her Italian apartment by an illegal immigrant from Senegal took on political significance amidst the European migrant crisis.⁴⁵ The sudden influx of migrants seeking asylum has strained local reception centres, leading to overcrowding and resource shortages. This, coupled with the resultant pressure on public services and infrastructure, has exacerbated tensions within these communities, underscoring the imperative for comprehensive responses to address the multifaceted impacts of irregular migration.

⁴⁰ National Research Council. 'The process of unauthorized crossing at the US–Mexico border' In: Carriquiry, A., and M. Majmundar (eds). *Options for Estimating Illegal Entries at the US-Mexico Border*. Washington, DC: The National Academies Press, 2013; pp. 15–37.

⁴¹ 'Calais blockade: Protest targets migrant Jungle camp', By BBC NEWS. Via, <https://www.bbc.com/news/uk-37271674>. Assessed on the 29th of December, 2023.

⁴² Ibid.

⁴³ Orrenius, P. M., and M. Zavodny. *How Do E-Verify Mandates Affect Unauthorized Immigrant Workers?* Federal Reserve Bank of Dallas Working Paper No. 1403, 2013.

⁴⁴ Ibid.

⁴⁵ Jacquellena Carrero and Praxilla Trabattoni 'American Woman Ashley Olsen, Found Murdered in Italy, Was Strangled: Autopsy' NBC NEWS, Published on the 12th of January, 2016. Via, <https://www.nbcnews.com/news/world/american-woman-ashley-olsen-found-murdered-italy-was-strangled-autopsy-n494996>. Assessed on the 29th of December, 2023.

These examples underscore the significant strain that irregular migration can place on host communities, affecting social services, infrastructure, and community dynamics. The experiences of these host communities emphasize the importance of developing targeted policies and support mechanisms to address the challenges arising from irregular migration and ensure the well-being of both migrants and local residents.

Labour Market Dynamics and Wage Pressures

The influx of irregular migrants can affect the dynamics of the host country's labour market. Increased competition for jobs may lead to wage pressures, impacting both low-skilled and high-skilled sectors. Understanding these labour market dynamics is essential for developing policies that balance the needs of the existing workforce with the inclusion of migrants in the job market. Irregular migration significantly impacts the labour market dynamics and wage pressures in host communities. The influx of irregular migrants can lead to heightened competition for jobs, particularly in sectors that rely on low-skilled labour. This increased competition often exerts downward pressure on wages, as employers may exploit the larger pool of available workers to offer lower pay and reduced benefits. As a result, both irregular migrants and existing low-skilled workers may find themselves in precarious employment situations, facing challenges in securing fair wages and decent working conditions.

For example, in countries like Greece and Spain, where irregular migration has been a significant phenomenon, the agricultural and construction sectors have experienced notable changes in labour market dynamics.⁴⁶ The availability of irregular migrant labour has altered the bargaining power of workers, impacting the wages and employment conditions in these industries. This has sparked discussions about the need for enhanced labour protections and mechanisms to safeguard the rights of all workers, regardless of their migration status.

For instance, in the healthcare sector of several European countries, irregular migrant healthcare professionals have filled critical gaps in staffing, particularly in roles that face persistent

⁴⁶Nori, M., Farinella, D. Mobility and Migrations in the Rural Areas of Mediterranean EU Countries. In: Migration, Agriculture and Rural Development. IMISCOE Research Series. Springer, Cham. Via, https://doi.org/10.1007/978-3-030-42863-1_3. (2020). Assessed on the 29th of December, 2023.

shortages.⁴⁷ While their contributions have been vital, there have been debates about the potential impact on the wages and working conditions of native healthcare workers. The integration of irregular migrants into the labour market, especially in professions with specific skill requirements, calls for nuanced policy responses to uphold fair labour standards and address any wage disparities that may arise.

The complex interplay between irregular migration and labour market dynamics necessitates a comprehensive approach that considers the diverse impact on various sectors and skill levels. Policymakers and relevant stakeholders must engage in dialogue to formulate strategies that mitigate wage pressures, uphold labour rights, and foster inclusive labour market practices for both irregular migrants and the existing workforce.

Cultural and Social Integration

The cultural and social integration of irregular migrants poses challenges for host countries. Differences in language, customs, and traditions can create tensions and hinder harmonious coexistence. These challenges have been evident in various host communities around the world. For example, in certain European countries such as Germany and Sweden, the cultural and social integration of irregular migrants has posed significant challenges.⁴⁸ The influx of migrants from diverse cultural backgrounds has led to the need for extensive language support and cultural adaptation programs to facilitate their integration into the local communities. This has not only placed pressure on existing resources but has also necessitated a deeper understanding of cultural diversity and the promotion of social cohesion.

In Germany, the integration of irregular migrants has been a focal point of public discourse and policymaking.⁴⁹ The process of incorporating migrants into German society has encountered obstacles related to language barriers, access to education, and cultural assimilation.⁵⁰ Host

⁴⁷'Skill shortages and gaps in European enterprises'. Via, https://www.cedefop.europa.eu/files/3071_en.pdf. Assessed on the 29th of December, 2023.

⁴⁸'The Economic and Social Aspect of Migration', Conference Jointly organised by The European Commission and the OECD Brussels, 21-22 January 2003. Via, <https://www.oecd.org/migration/mig/15516956.pdf>. Assessed on the 29th of December, 2023.

⁴⁹ Via, <https://journals.sagepub.com/doi/10.1177/00027642231182886>. Assessed on the 29th of December, 2023.

⁵⁰ Ibid

communities have faced the task of providing language courses and support services to assist irregular migrants in adapting to the local customs and societal norms. Additionally, efforts to foster social integration have required concerted initiatives aimed at promoting cross-cultural understanding and facilitating interactions between migrants and native residents.

Effective strategies for addressing these challenges involve collaborative efforts between public authorities, civil society organizations, and local communities to promote cultural understanding, mitigate social tensions, and facilitate the integration of irregular migrants into the social fabric of host countries. These examples demonstrate the complexities involved in fostering cultural and social integration in the context of irregular migration and highlight the necessity of inclusive policies and initiatives to navigate these challenges.

To cap it here, the impact of irregular migration on host countries is multi-faceted, affecting social services, labour markets, cultural integration, security, and political dynamics. An itemized examination of these impacts provides insights into the challenges faced by host nations, informing the development of policies that promote social harmony, economic stability, and effective management of migration.

Legal and Policy Framework

The legal and policy framework surrounding irregular migration is a complex and multifaceted issue that requires careful consideration and analysis. In the context of international conventions, Europe has taken significant steps to address the rights of migrant workers through the European Convention on the Legal Status of Migrant Workers. However, the ratification of this convention by only a minority of European states raises questions about its effectiveness and widespread acceptance.

The European Convention on Human Rights (ECHR)⁵¹ and the European Social Charter (ESC)⁵² are broader instruments that provide a more comprehensive framework for the protection of migrants' rights. The ECHR, focusing on political and civil rights, ensures that foreign nationals

⁵¹ Convention for the Protection of Human Rights and Fundamental Freedoms. Council of Europe Treaty Series 005, Council of Europe, 1950.

⁵² Council of Europe, European Social Charter (Revised), 3 May 1996.

enjoy the same absolute rights as European nationals. These rights include the right to life and freedom from torture, emphasizing the fundamental nature of these protections. On the other hand, the ESC covers social, economic, and cultural rights, offering a wide array of safeguards such as equal access to social housing, healthcare, prohibition of forced labour, social security, and the right to family reunion.⁵³

The Inter-American Commission on Human Rights (IACHR)⁵⁴ plays a crucial role in monitoring the human rights of migrants in the Americas. With a designated Special Rapporteur on Migrant Workers and their Families, the IACHR seeks to address and rectify violations through its established mechanisms. The American Convention on Human Rights⁵⁵ provides a right to human treatment (Article 5), a right to seek and be granted asylum (Article 22), a right to equal protection (Article 24), and a right to judicial protection (Article 25) that applies to non-nationals. However, the effectiveness of these rights is often contingent on the implementation and enforcement at the national level, where laws and procedures vary significantly.

To better protect the rights of migrant workers, various activities and measures must be implemented. "Know your rights" training programs are essential, particularly for contract labourers who might be unaware of their entitled wages and working conditions.⁵⁶ Language training courses in destination countries can empower migrant workers to understand and assert their rights, especially when dealing with restrictive contracts in unfamiliar languages.⁵⁷ Monitoring recruitment agencies and employers, particularly in domestic labour, is crucial to preventing abuse, and governments can play a proactive role in this regard.

Legal representation for migrant workers becomes crucial when abuses occur, covering issues such as discrimination, sexual harassment, lost wages, and other violations of labour rights. For instance, Philippine embassies cover legal expenses in situations where allegations of abuse lead

⁵³ Susuan Martin, 'The Legal and Normative framework of International Migration' Published April of 2005. Via. https://www.iom.int/sites/g/files/tmzbd1486/files/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/gcim/tp/TP9.pdf. Assessed on the 29th December, 2023.

⁵⁴ Inter-American Court of Human Rights Series A No 18 (17 September 2003).

⁵⁵ "American Convention on Human Rights." Treaty Series, No. 36, Organization of American States, 1969.

⁵⁶ Ibid.

⁵⁷ Migrant Workers: Report of the Special Rapporteur on Migrant Workers, U. N. ESCOR, 60 Agenda Item 14(a), 40, U. N. Doc. E/CN. 4/2004/76.

to legal proceedings.⁵⁸ Similarly, in Bahrain, if a contract dispute involving a domestic worker remains unresolved and proceeds to court, the migrant worker is provided with legal representation appointed by the court.⁵⁹ Singapore offers a toll-free telephone service that migrant domestic workers can use to access information about their rights and the process for changing employers.⁶⁰ In Costa Rica, the Ministry of Employment conducts inspections and is open to receiving complaints from female migrant domestic workers, while the National Institute of Women has implemented training programs for those working in the country.⁶¹ Consular protection, too, plays a significant role in ensuring the security of migrant workers, although the limitations of consular offices and officials can hinder effective intervention. In some cases, public interest or class action lawsuits may be necessary to ensure that an entire class of migrant workers obtains their rights. Non-governmental organizations and trade unions can play a vital role in providing legal support and serving as rallying points for addressing systemic issues.

At the international level, the legal framework for refugee protection is derived from international human rights law, specifically international conventions and humanitarian law.⁶² The gaps in protection mechanisms for irregular migrants, especially vulnerable groups like children and victims of trafficking, highlight the need for enhanced international cooperation. Harmonizing legal standards and strengthening enforcement mechanisms can address these gaps, fostering a more cohesive and effective response to irregular migration issues globally.

Thus, in the case of *R v Secretary of State for the Home Department*⁶³ among the issue raised before the court was regarding the Secretary of State's policy that certain people claiming asylum in the United Kingdom should not have their claims considered at the UK, but should instead be sent to Rwanda in order to claim asylum there. Under international law, states have the right to control the entry, residence and expulsion of aliens, and to counter attempts to circumvent

⁵⁸ 'Kuwait/Philippines: Protect Filipino Migrant Workers'. Via, <https://www.hrw.org/news/2018/02/21/kuwait/philippines-protect-filipino-migrant-workers>. Assessed on the 29th of December, 2023.

⁵⁹ 'For a Better Life Migrant Worker Abuse in Bahrain and the Government Reform Agenda'. Via, <https://www.hrw.org/report/2012/09/30/better-life/migrant-worker-abuse-bahrain-and-government-reform-agenda>. Assessed on the 29th of December, 2023.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² International Conventions on Civil and Political Right 1966 and the International Convention on Economic Social and Cultural Rights 1996.

⁶³ [2023] UKSC page 42.

immigration restrictions, subject to their treaty obligations and to any relevant principles of customary international law. However, one exception of the right to expel aliens is the principle of non-refoulement, which is enshrined in several international treaties which the United Kingdom has ratified. The court was of the opinion that the United Kingdom law prohibited not only the direct return of refugees to the country where they fear persecution, but also their indirect return via a third country.⁶⁴

Similarly, in the matter of an application by the *Northern Ireland Human Rights Commission & Anor*⁶⁵ v the Secretary of State for Northern Ireland & Anor.⁶⁶ In these applications for judicial review, the applicants seek to challenge certain core provisions of the Illegal Migration Act 2023 (IMA). The court in its unanimous decision held that the applicants enjoyed the requisite standing to bring these proceedings and also, if necessary, potential victim status under section 7 of the Human Rights Act.⁶⁷

In the Nigerian context, the legal framework for the protection of refugees is primarily governed by regulations designed to apply to the specific context of refugee protection.⁶⁸ These regulations are aligned with the 1951 United Nations Convention on the Status of Refugees⁶⁹, establishing general obligations for states and providing civil, economic, and social rights for refugees. The protection afforded to refugees includes defending their legal rights to admission, non-refoulement, and a status close to that of nationals within the host country's territory. It also involves safeguarding their rights, security, and welfare, particularly against acts of violence and mistreatment.

⁶⁴ See the case of *R v Secretary of State for the Home Department, Ex p Bugdaycay* [1987] AC 514, 532. see also *MSS v Belgium and Greece* (2011) 53 EHRR 2 (a case concerned with the removal of an asylum seeker to a country through which he had transited).

⁶⁵ This applicant is a 16-year old asylum seeker from Iran, born on 5 July 2007, who arrived in the United Kingdom as a nun accompanied child. He had travelled from France by small boat and claimed asylum on 26 July 2023, which application is not yet determined. He is currently residing in Northern Ireland and makes the case that he would be killed or sent to prison if returned to Iran.

⁶⁶ (2024) NIKB35.

⁶⁷ Ibid.

⁶⁸ National Commission for Refugees, Migrants and Internally Displaced Persons Act, L.F.N 2022.

⁶⁹ Convention relating to the Status of Refugees (189 U.N.T.S. 150, entered into force April 22, 1954). United Nations. 1951, Protocol Relating to the Status of Refugees, 1967, Organisation of African Unity Convention Governing the Specific aspects of refugee's problem in Africa 1969, Convention Relating to the Status of Stateless Persons 1954 and other treaties and conventions in relation to refugees, migrants, asylum seekers and internally displaced persons which are rectified and domesticated by Nigeria.