Title: **The Crisis of Irregular Migration Across the Mediterranean: International Cooperation and the Responsibility to Address It**

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Abstract :

This article addresses the phenomenon of irregular migration from a legal, political, and security perspective. This phenomenon has posed a serious threat to both source countries, transit countries, and receiving countries, which has had a significant impact on the policies of these nations. The dynamics of migration in the Southern Mediterranean region, which has shifted from being a transit area to a destination for settlement, are linked to a range of political, legal, and security challenges. These include the rise of organized crime, international drug trafficking, and the risks of recruitment by terrorist groups. Consequently, irregular migration is no longer just a social issue but has become one with legal, political, and security implications due to the impacts and challenges it presents for states. These challenges primarily include crimes committed by irregular migrants. As a result, there has been a growing need for international cooperation through the enactment of laws aimed at combating the phenomenon of irregular migration. This also involves taking appropriate measures and establishing mechanisms, such as bilateral and multilateral agreements between the concerned states, to address the root causes of migration.

Introduction:

Migration is an ancient human phenomenon that dates back to the very beginnings of humanity. Humans have always been driven to seek out places where they can find sustenance and security. As Allah says in the Qur'an: "So let them worship the Lord of this House, Who has fed them from hunger and made them safe from fear." The reasons for migration, however varied, can be broadly classified into two major categories: the search for sustenance and the search for security. Migrants seek to secure a livelihood by changing their place of residence, where they can ensure the safety of themselves and their families.

The motives behind migration from one's place of residence can vary. These may include climatic, economic, health-related, or natural reasons (such as earthquakes and floods), or security issues (such as the spread of wars). All these factors fall under the two aforementioned categories. This paper aims to study the different dimensions of irregular migration, examining its causes and the resulting consequences for both host countries and sending countries, as well as for transit countries in the region under study, which includes the shores of the Mediterranean Sea.

This issue has gained increasing importance, particularly in light of rising political, economic, health, and environmental crises. In Europe, countries like Morocco, Algeria, Tunisia, and Libya have become key sources of irregular migration, both from their own citizens and from other African nations, towards Europe. This emphasizes the geographical dimension and the importance of focusing on the Mediterranean coasts. This paper will also attempt to shed light on and diagnose the main causes of irregular migration between the two shores of the Mediterranean, as well as the consequences of this phenomenon for the countries involved, depending on their respective situations. Moreover, it will assess the mechanisms to combat and manage this issue and its impacts.

Thus, the central question of this study is: What is the effectiveness of the policies aimed at addressing the crisis of irregular migration across the Mediterranean?

The issue will be addressed through the following structure:

- **First Section:** A Conceptual Framework for Irregular Migration
- **Second Section:** The Causes of Irregular Migration
- **Third Section:** The Consequences of Irregular Migration
- **Fourth Section:** Irregular Migration in International Public Law
- **Fifth Section:** The Security Challenge of Irregular Migration Across the Mediterranean and Methods of Combating It

First Section: A Conceptual Framework for Irregular Migration

Irregular migration is referred to by various terms, including "irregular migration," "illegal migration," and "clandestine migration."

1. Defining the Concept:

The concept of irregular migration can be understood in contrast to the concept of regular migration. Although it is difficult to differentiate between them from a human perspective, regular migration refers to the movement of individuals according to legal processes, such as having the necessary visas, work permits, or residency permits in the destination country. Irregular migration, on the other hand, involves those who migrate without meeting the legal requirements set by the receiving countries[1].

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[1]- See in this context:http://www.ohchr.org09-30-2024

In the case of regular migration, certain conditions must be met, all of which revolve around the sovereign right of the receiving state to accept such migration. Therefore, regular migration must be framed within a legal context established by the receiving state. It should not be secretive; Rather, it must occur with the prior knowledge of the receiving state. The migrant must possess valid documents, free from any falsification, and must enter through the authorized channels designated by the receiving state for this purpose. The migrant is also required to adhere to the specified time limits and conditions of stay.

If these conditions are not met, the migration is considered irregular.

2. Definition by the European Commission:

According to the European Commission, "Irregular migration refers to any entry into the territory of a member state by land, sea, or air, in an illegal manner, or with forged documents, or through an organized criminal network. It also includes cases where an individual enters legally, with a visa, but remains in the country beyond the authorized period or changes the purpose of their visit without the approval of the authorities"[1].

3. Definition by the United Nations:
The United Nations defines irregular migration as the unlawful entry into a country, whether by land, sea, or air, without authorization for temporary or permanent residence. It occurs in violation of the necessary requirements for crossing international borders[2].

04-Definition by the International Organization for Migration:

The International Organization for Migration defines irregular migration as movements that occur outside the regulatory frameworks of the sending, transit, and receiving countries. From the perspective of destination countries, it refers to entering, staying, or working in the country without the necessary permits or documents required for migration. From the viewpoint of sending countries, an irregular situation arises when an individual crosses international borders without a passport or valid travel documents, or fails to meet the administrative requirements for leaving the country. However, there is a tendency to restrict the use of the term "illegal migration" to cases involving the smuggling of refugees or human trafficking"[3]

Irregular migrants are often referred to as "harraga." Upon reaching their final destination, migrants may resort to burning their identity documents in the hope of obtaining a new identity in the destination country[4]

There is a clear distinction in defining the concept, particularly in differentiating between what is considered illegitimate, irregular, illegal, or clandestine, as well as the term "harraga." Sometimes, this situation can also be classified as forced migration, especially due to wars, conflicts, and severe environmental conditions. All of the above pertains to a phenomenon in which individuals leave their home countries due to problems that prevent them from living with dignity and achieving their hopes and dreams. They risk their lives in search of better opportunities in developed countries, undertaking this migration without following the usual legal channels for entering foreign countries. Their journey may occur under the influence of human trafficking networks and smuggling rings. Irregular migration, under various terms as previously mentioned, also occurs when individuals enter another country legally but exceed the permitted

[1]- Bin Al-Nawi Aisha, "The Term 'Illegal Immigration': A Study of the Concept and Theoretical Features within Academic Trends",Al-Ibrahimi Journal of Arts and Sciences Humanity. University of Bordj Bou Arreridj. Vol. 1, No. 4. October 2020. p. 193.
[2]- Sherif Iman, "Egyptian Youth and Illegal Immigration." Cairo. National Center for Social and Criminological Research. 2010. p. 40.

[3] United Nations, ESCWA, IOM, Situation Report on International Migration 2017, 2018 Edition, p. 122.
[4]Ahmed Alou, Illegal Immigration between the Trade of Illusions and the Dream of Wealth, Army Magazine, Issue 289) Beirut: July 2009, p. 73.

duration of their stay, remaining in the country in violation of residency regulations.

Section Two: Causes of Irregular Migration
There are many causes for irregular migration, including:

1.   **Demographic Factors:** This is due to the pressure created by the increasing demographic youth population in societies, combined with the failures of development policies to provide job opportunities and establish sustainable development processes. Demographic transitions do not align with institutional transitions based on a clear understanding of development options. Actual and potential migration, occurring simultaneously, are among the most prominent outcomes of this demographic pressure[1].

One can observe numerous experiences of countries that have witnessed significant demographic growth. However, this growth has not been accompanied by the necessary attention to the youth and job seekers, nor to the ways in which the continuous increase of youth in society can be absorbed. The focus should be on involving them in a genuine developmental process that invests in their energy. This way, they can improve and elevate their social status while making a meaningful contribution to the public sphere. It is essential to focus not only on employment but also on all other areas, enabling the achievement of sustainable development for the country.

2.   **Economic and Social Causes:** These causes are reflected in the widespread phenomena of unemployment, low wages, and a declining standard of living. The economic factor has a significant influence on migration decisions. According to statistics from 2005, approximately 190 million migrants are distributed across various continents: 34% in Europe, 23% in North America, 28% in Asia, 9% in Africa, and 3% in New Zealand and Australia. About 60% of migrants have settled in the more developed, prosperous, and wealthy societies. The relative weight of the economic factor also determines the legitimacy of migration, whether it is permanent or temporary. The majority of migrants settle in host countries, whether through temporary migration or irregular migration. Social motives are closely linked to economic motives. While unemployment and low living standards are primarily economic factors, they also have significant social and psychological repercussions, affecting both individuals and society.[2]

Irregular migration and human trafficking generate profits of up to 404 billion dollars. This large amount has encouraged global organized crime networks to engage in and expand their activities in this field.[3]

According to the Global Commission on International Migration, in the first chapter of its 2005 report, irregular migration is the result of three main dimensions, known as the "3Ds": disparities in development, demographic growth, and weak governance and human rights protection.[4]

Economic factors are among the most compelling reasons for migration. Estimates suggest that around 60% of the population in the Middle East and North Africa region wish to leave their home countries.[5]

[1]Arab Center for Research and Policy Studies, Proceedings of the Sixth Annual Conference on Social Sciences and Humanities, March 18-20, 2017, Doha, link:https://www.dohainstitute.org/ar/News/Pages/art81CBA AE5.aspx

[2] Hafiza Bouhali, Azouz Nash, "Combating Illegal Immigration Through the Media: An Analytical Study of the Daily Echorouk Newspaper as a Model During 2017.""Journal of the Generation of Humanities and Social Sciences, Issue 42, (Algeria: May 2018), pp. 165-179.
[3]Adel Amer, Egypt's Role in Combating Illegal Immigration, browsing history: 11/02/2019. Link:https://www.arcnn.com/index.php/ar/opinion/82-adel-amearBrowsing date: 11/02/2019.
[4]Rokia Suleiman Awashriya, "Towards a Vision for Dealing with the Phenomenon of Illegal Immigration (Algeria as a Model)""The Arab Journal of Security Studies, Volume 33, Issue 71, (Riyadh: May 2015), pp. 139-164.
[5] Mohamed Essam Laroussi,Drivers of Migration and its Repercussions in North Africa and the Middle East, Dimensions for Strategic Studies, link: https://2u.pw/nhSQ9DtRBrowsing date: 01-10-2024.

In a study by researcher James Dennison at the Migration Policy Centre, European University Institute, Florence, Italy, in 2022, titled "Re-thinking the Drivers of Regular and Irregular Migration: Evidence from the Middle East and North Africa," the researcher found that the most frequently cited reason for the desire to migrate was economic factors. On average, about 60% of respondents across countries mentioned this reason. The second most frequently mentioned reason was educational opportunities, with 9.7% of those willing to migrate and 14.6% of those unwilling to migrate without official documents citing it. Political motivations and corruption were notably more prevalent among those willing to migrate without documents (6% and 8.6%) compared to those willing to do so legally (3.1% and 5.6%). In Egypt, Tunisia, and Jordan, both those willing and unwilling to migrate without documents were overwhelmingly driven by economic considerations (over 70% in all six groups). Libyans were particularly driven by security concerns, along with political and educational issues among potential regular migrants. Meanwhile, Moroccans unwilling to migrate irregularly cited a variety of motives, including education and family reunification. However, those willing to migrate irregularly were significantly more likely to cite economic reasons..[1]

The widespread presence of unemployment and the lack of hope for securing stable positions often extend over long periods without any resolution. Even when a job is available, the compensation is typically low and insufficient to reach a dignified standard of living that would preserve the dignity of the individual and their family in their home country. Such conditions make irregular migration a strong motivator. Economic factors play a significant role in the decision to migrate irregularly and risk one's life across the Mediterranean in overcrowded boats. Furthermore, Africans who risk their lives reaching the Maghreb as a transit region have already

put themselves in danger by crossing deserts and the perilous Sahel region. However, these factors are not the only ones.

3.   **Political, Security, Environmental Causes, and Strict Migration Controls:**The prevalence of military interventions, wars, and the dominance of dictatorial regimes are the key drivers of irregular migration. They reflect frustration with political deprivation, the loss of freedom of expression, the absence of human rights, and a lack of respect for public freedoms.[2]

Irregular migration, therefore, is the solution that its victims seek in search of a safe space where they can live with human dignity. It is not only economic and political conditions that drive this migration, but also harsh environmental circumstances and the threat of disasters that force people to leave their cities and villages. The spread of drought, famine, and epidemics also contributes to forced migration, often leading individuals to seek entry into other countries through irregular means. Additionally, the strict European immigration laws push young people who wish to immigrate to choose illegal routes to reach Europe, rather than pursuing legal avenues.

Beyond the reasons mentioned, one must also consider the impact of globalization, modern media, communication tools, and international conflicts over areas of influence and resources. All these factors encourage young people to risk their lives in search of a place that will preserve their dignity. Some, if not most, of these factors are the causes of irregular migration. The underlying reason is the significant imbalance in the social and economic conditions of the youth, who suffer from unemployment or precarious employment, and face prolonged periods without access to real job opportunities. In many cases, wages and incomes are low and insufficient for a dignified life, including the ability to afford housing and meet the demands of modern life for themselves and their families, if they have one, or to establish a family in other cases.

[1]James Dennison, Re-thinking the drivers of regular and irregular migration: evidence from the MENA region, Comparative Migration Studies volume 10, Article number: 21 (2022) thelink. https://2u.pw/OTsWCksm; 10-01-2024

[2]Bouhali, Nash, previous reference, pp. 165-179.

Moreover, the spread of corruption and authoritarianism undermines the hope of migrants to improve their situation and live with dignity in their home countries. They may endure injustice and oppression without legal or judicial protection. In such situations, there is often a lack of respect for fundamental freedoms and human rights, along with an absence of judicial independence and weak rule of law. Political instability, the lack of trust between rulers and the ruler, and factors such as armed conflicts, civil wars, and sectarian struggles can also contribute to irregular migration.

Section 3: Impacts of Irregular Migration

This section will address the possible impacts of irregular migration on both the countries of origin of the irregular migrants and the host countries.

First: Economic Impacts of Irregular Migration

1. Positive Economic Impacts of Irregular Migration:

Irregular migration has positive economic impacts on the countries of origin of the migrants. It has become a vital aspect for many citizens in these countries, who seek to improve their economic standing abroad by integrating into wealthier economies that experience rapid growth. The balance of payments in these countries is significantly affected by migration dynamics, which strengthens the idea of welcoming migrants as a value-added resource for both the emigrant and the receiving countries. This exchange of advantages contributes to stimulating the economies of both developing and developed countries.[1]

Thus, irregular migration has positive impacts on the countries of origin for migrants, as it may lead to an improvement in their economic situation abroad. This is achieved through the remittance of foreign currency by migrants to their families and the potential to channel the income earned abroad into investments within their home countries.

1. Negative Economic Impacts of Irregular Migration:

On the other hand, the negative economic impacts are reflected in the host countries, both for regular and irregular migrants, as well as on the countries that export these migrants. This negative impact is particularly severe on the countries that send migrants, especially when the migrants possess skills, experience, or intellectual capital. These countries suffer economically due to the loss of these human resources, which could have contributed to the local economy. Additionally, there is an observable increase in inflation rates in countries that export migrants, as most of the remittances are spent on consumption. This consumption does not contribute to the development or the initiation of projects within the original country.

Regarding the economic impact of migration as "organized crime," this is manifested by the fact that the definition of irregular migration is often associated with crimes resulting from entering the territory of a state without prior authorization. The authority of that state over the migrants is also implicated. Moreover, there are organized criminal networks that specialize in exporting and smuggling these migrants, generating significant financial profits from this illicit trade..[2]

It is evident from the above that irregular migration, whether occurring individually or within the framework of smuggling rings and organized crime, has numerous effects on both the countries of origin and the destination countries. When organized criminal groups are actively involved in facilitating and assisting irregular

[1]Mohamed Issam Laroussi, Drivers of Migration and its Repercussions in North Africa and the Middle East, Abaad for Strategic Studies, link:https://2u.pw/nhSQ9DtRBrowsing date: 01-10-2024.

Mohamed Issam Laroussi, Drivers of Migration and its Repercussions in North Africa and the Middle East, Abaad for Strategic Studies, link: [2]https://2u.pw/nhSQ9DtRBrowsing date: 01-10-2024.

migrants, the profits from irregular migration journeys benefit these criminal organizations. Migrants are often smuggled into these countries without proper documentation or with forged passports, fake residence permits, or other fraudulent documents, in exchange for large sums of money from the migrants.

1. Economic Impacts of Irregular Migration on Transit Countries:

Irregular migration has become a source of new challenges and issues for both the countries of origin and destination, as well as for the migrants themselves on human, social, and legal levels. It also affects countries located along the "main migration routes," particularly those involving irregular migration. The growing pace of irregular migration, along with the complex circumstances faced by irregular migrants, has forced many transit countries to face new types of problems. These issues relate to the role of these "intermediate" countries in the global migration equation, the imbalance in opportunities for legal migration, and the inability to monitor the economic activity resulting from migration across their territories. These problems have worsened with the tightening of legal measures on migration, turning many transit countries, by default, into temporary destinations for clandestine migrants.[1]...and the resulting illegal financial transactions due to various smuggling networks.

In addition to the contributing factors of economy and politics, the proximity to Europe and the growing phenomenon of irregular migration via "death boats" have played a significant role. As a result, it has become clear that the Maghreb countries are severely impacted by irregular migration. Thousands of Africans travel hundreds of kilometers on foot to reach the gateway that leads them to Spain. They live in forests, waiting for an opportunity to cross into European shores. These migrants, whether in groups or individually, risk their lives, with some dying from hunger and disease along the way, in an attempt to reach transit countries (Morocco, Algeria, Tunisia, Libya). Overall, it seems that the Maghreb countries have entered the international migration equation not only as countries primarily exporting migrants but also as transit countries for irregular migrants, and in some cases, as temporary or even permanent host countries. This situation presents an opportunity to deepen the approach to development and migration.[2]

The problems of irregular migration and the involvement of human trafficking networks in transit countries result in many tragedies. This highlights the necessity of increasing precautionary measures to prevent the spread of diseases and epidemics, as well as monitoring the potential involvement of criminal gangs.

Second: Demographic, Social, Cultural, and Environmental Impacts of Irregular Migration:

Migration from the Middle East and North Africa generally leads to changes in the social structure of both the source countries and the destination countries. This is a result of what is known as "migration selection," where migration tends to select the younger elements of society. This negatively impacts the social structure of both the emigrant society and the society receiving the migrants. Migration significantly alters the demographic map of the region due to the large number of migrants relative to the native population. Additionally, there is a dual loyalty among migrants. In the view of the native population, temporary migration is seen as an investment, which may lead to serious social complications. Naturally, the way migrants are treated in receiving countries differs from the way native citizens are treated, resulting in feelings of alienation and persecution due to segregation and racial discrimination, regardless of the migrants' experience, qualifications, and competence. Further-

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[1] Samir Boudinar, The Impacts of Illegal Migration from Africa on Transit Countries (Case Study of the Maghreb), link:https://2u.pw/nOKAbFTxBrowsing date: 12/02/2025.

[2] Samir Boudinar, The Impacts of Illegal Migration from Africa on Transit Countries (Case Study of the Maghreb), link:https://2u.pw/nOKAbFTxBrowsing history: 12/02/2025.

more, the insufficiency of educational services and the lack of healthcare to meet the needs of both native populations and migrants may lead to a decline in the behavioral and moral standards of individuals. This, in turn, coincides with the spread of organized crime, weakening the social fabric of the native population. Countries in the Middle East and North Africa face a range of interconnected economic, social, and environmental challenges.[1]

Irregular migration has an impact on the social structure of both the origin and destination societies. It contributes to altering the demographic map of the country. Culturally, it leads to a dual loyalty among irregular migrants. The consequences of this phenomenon affect the involved countries: the source, transit, and destination countries, as well as the irregular migrants themselves. Migration is fruited with risks at every stage. It may involve a land route followed by a perilous sea journey on death boats, with the potential exposure to human trafficking networks. Even if they are fortunate enough to survive and reach their destination, new problems arise. These include integration into the new culture, as well as psychological, health, and social issues, often compounded by the long duration required to resolve their legal status, if they are not deported before that happens.

Irregular migration may also result in tragic incidents such as the drowning of migration boats and the deaths of migrants. In 2023, 3,041 people lost their lives while attempting to cross the Mediterranean Sea.[2]

Section Four: Addressing Irregular Migration through Public International Law:

With the establishment of the nation-state, according to internationally agreed upon borders,

countries began regulating the entry, residence, and exit of individuals to and from their territories. However, with the emergence of developing countries that have recently emerged from colonialism, which had exhausted them and forced them into dependence on the colonizer (who had seized their resources during the period of occupation and even after their independence), a large number of people from these developing nations began to consider migration as a means of seeking stability and providing for their families and a secure environment.

As countries restricted the mobility of migrants to and from their territories, migrants whose applications were rejected under organized migration schemes turned to irregular means. This has led to crises for both the receiving and sending countries, as well as transit countries. These crises are international in nature and concern two fundamental criteria in public international law and international relations: the autonomy of the state and the protection of human rights.

First Requirement: The Criterion of Respect for State Sovereignty

Migration in general may have positive effects, both for the countries that send migrants, in terms of providing work opportunities and income for these migrants and their families, and for the countries that receive migrants[3] To fill the gap in the human resources necessary to achieve economic and social development, and in terms of creating cultural and civilizational diversity, as well as fostering harmony and alignment between the different cultures brought by migrants from Africa, Asia, America, and Europe[4].

However, by restricting the entry and settlement of immigrants to the receiving countries, given

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[1]Mohamed Issam Laroussi, Drivers of Migration and its Repercussions in North Africa and the Middle East, Abaad for Strategic Studies, link:https://2u.pw/nhSQ9DtRBrowsing date: 01-10-2024.
[2]Doctors Without Borders website, Doctors Without Borders and Search and Rescue Operations, browsing date: 01/02/2024, link:https://2u.pw/rtpN5.

[3]- Kahi Marouk, Illegal Migrant Labor in the Maghreb Region Between Economic Needs and International Legislation: The Case of Algeria. Ijtihad Journal of Legal and Economic Studies. Institute of Law and Political Science. Tamanrasset. Vol. 9, No. 3. 2020. pp. 306-325.
[4]Tariq Abdel Hamid Al-Shahady, Illegal Immigration: A Future Vision. Egypt: Dar Al-Fikr Al-Jami'i. 2009. 103 pp.

that the sovereignty of the state[1] It grants the sovereign the right to define the scope of irregular migration, by enacting legislation that imposes restrictions on entry to its territory, residence, and conditions for entering the labor market. This creates, in the case of non-compliance, a situation of irregular migration that violates the state's autonomy. This compels the receiving state and transit countries to consider irregular migrants as individuals violating the law, placing them in a vulnerable position against the autonomy of the receiving countries, transit states, and even the countries of origin. This may lead these countries—whether exporters or receivers of irregular migrants, or transit states—to detain these migrants who are violating the state's autonomy and subsequently deport them.

Section 1: The Concept of State Sovereignty and Its Conflict with Irregular Migration

State autonomy is considered the most fundamental pillar on which international public law is built. The international community's strength and prosperity depend on the existence of state autonomy, which is characterized by:

- **Independence**, submit meaning that the state exercises its sovereign powers within and outside its territory without to any external authority.
- **Equality**, meaning that the state practices its autonomy in its dealings with other states, receiving reciprocal treatment.

This stems from the idea that all states in the international community are equally subject to the following principles:

- The obligation to resort to peaceful means for resolving international disputes.

- The obligation to disarm and regulate armaments.
- The obligation to consider the majority opinion within the framework of the United Nations General Assembly.
- The obligation to respect human rights[2].

However, the idea of globalization(Globalization), which has invaded the concepts of public international law,AProblems arose among its jurists regarding issues related to the citizen's relationship not being limited to his state only, but rather extending to the international community becoming concerned with this citizen.[3], which implicitly carries the character of global citizenship, relegating state sovereignty to the background. Perhaps this is what has influenced the traditional concept of state sovereignty.andIt has led to a weakening of public discourse within them (migrant-exporting countries and even transit countries), and has contributed to an increase in immigration and asylum.

Section Two: Protecting State Sovereignty in the Face of Irregular Migration

Perhaps regarding the restriction on immigration (whether from the European Union, the United Nations, or other entities), we can reach a consensus on basic issues that we mention as follows:[4]:

Protection of State Security: This protection is one of the essential responsibilities of the state. It is directed towards safeguarding its citizens, terri-

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[1]The term sovereignty appeared for the first time in the book of the French jurist Jean Urin, "Six Books of the Republic."The Six Books of the Republic, 1577 AD, Omar bin Abu Bakr Bakhashab. "State Sovereignty in Light of International Developments: An Analytical Study." An article published in the "Legal Journal." Bahrain. Issue 3. January 2015.

[2]- Subhi Al-Mahmasani, "The Pillars of Human Rights." Beirut: Dar Al-Ilm Lil-Malayin, 1979. p. 52.
[3]This is evident in the United Nations' adoption in 2005 of the concept of "responsibility to protect," which protects a country's citizen from his country if his rights are violated in a widespread and systematic manner.Regarding the concept of the responsibility to protect, see: Bouderbala Salah Eddine, "The Responsibility to Protect and Algeria's Position on It," an article published in the journal "Global Politics," Faculty of Law and Political Science, University of Boumerdes, Issue 2, Volume 5, June2021.https://asjp.cerist.dz/en/article/15374
[4]- Hussein Ahmed Saad Mohammed. "Modern Trends on Irregular Migration in Public International Law." Helwan Journal of Legal and Economic Studies. Issue 37, 2017. pp. 813-954.

tory, and the international community as a whole.

Maintaining Public Order in the Host State, Transit States, and Even the Migrant-Origin Countries: Sovereign states have the authority to define threats to their public order and to address them.

Preserving Public Health and Morality: Restrictions may apply to those entering or leaving the state's territory.

Protection of Human Rights and Public Freedoms within the State's Territory.

Criterion 2: The Standard of Respect for Human Rights

The United Nations has made significant efforts to clarify the terminology and determine the legitimacy of migration in the context of protecting and promoting human rights. The Universal Declaration of Human Rights recognizes migration as a fundamental right of the individual. Article 13, paragraph 2, states that every individual has the right to leave any country, including their own, and to return to their country. Additionally, Article 14, paragraph 1, affirms the right of every individual to seek asylum in other countries.

The United Nations has also emphasized that irregular migration represents a serious violation of human rights. It has been categorized as a crime, and those who support and encourage it are considered criminals. These individuals are subject to the criminal laws of the states dealing with irregular migration, as well as international criminal law. This has led the international community to intensify its efforts to criminalize those involved in facilitating irregular migration.

Setion 1: The International Criminalization of Irregular Migration

Many countries, each with varying interests, have considered irregular migration a crime that falls within the scope of transnational organized crime. The United Nations General Assembly, in its Resolution No. 25/55 dated November 15,

2000, adopted the United Nations Convention against Transnational Organized Crime and its three protocols, including the subsequent 2001 protocol:

• The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (2000).
• The Protocol against the Smuggling of Migrants by Land, Sea, and Air (2000)[1]

- Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (20001).

Perhaps the second protocol in order is what concerns us here, because it provides an agreed-upon definition of migrant smuggling, which means, according to what Article 3 states:[2] From this Protocol: "The illegal entry of a person into a State Party of which that person is not a national or a permanent resident, in order to obtain, directly or indirectly, a financial or other material benefit."

We can conclude from this article that only criminal acts are those whose intent is linked to financial or material gain, which necessarily excludes criminal acts whose intent is family ties or humanitarian reasons. Considering that this protocol came within the framework of the United

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[1] - United Nations Office on Drugs and CrimeCrime 2024https://sherloc.unodc.org15-10-

[2] Article 3: "Terms used for the purposes of this Protocol: (a) "Smuggling of migrants" means the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which that person is not a national or a permanent resident; (b) "illegal entry" means crossing a border without complying with the conditions necessary for lawful entry into the receiving   State; (c) "Forged travel or identity document" means any travel or identity document:1. It has been forged or materially altered by any person other than the person or agency lawfully authorized to prepare or issue the travel or identity document on behalf of a State; 2. or has been improperly issued or obtained by fraud, corruption, duress or any other unlawful means; (3) "vessel" means any type of watercraft, including hydrofoils and seaplanes, used or capable of being used as a means of transportation on water, excluding warships, fleet support vessels or other vessels owned or operated by a Government and for the time being used only in a Government non-commercial service.

Nations Convention against Organized Crime, its provisions relate to describing irregular migration as a crime that must be combated.[1],This protocol also included protective conditions for persons on board vehicles, ships, and aircraft, and urged the need for international cooperation, exchange of information, and facilitation of the return of irregular migrants through Articles 11 to 14.

As stated in the Schengen Agreement[2]Issued by the European Union through Article 92, it urges member states to work to limit the entry of irregular migrants, and the need for coordination between these countries to regulate movement between them and control the external borders of the Union.[3].

The European Union is working to combat irregular migration through the programEM-PACT2022-2025[4].which includes an integrated approach to internal security in the European Union, encompassing diverse and integrated measures ranging from border control, police, customs, judiciary, and administration to prevention and public-private partnerships.

Section Two: Practices of States that Violate International Obligations to Protect Human Rights

Many countries, in their response to irregular migrants, engage in actions that violate the commitments established in international human rights treaties and their promotion. These practices aim to restrict migrants' entry into and stay within their territories. Such actions are marked by their persistence over time and their diversity,

both in terms of the type of practice and the countries that carry them out.

1. Arbitrary Detention Arbitrary detention is a common practice, often lasting for extended periods, without charges being brought against the detainees or providing them with the opportunity to challenge their detention. This practice is frequently accompanied by mistreatment in detention centers, poor health conditions, and the separation of children from their families. The United Nations High Commissioner for Refugees (UNHCR) issued a report titled "Unleashing Rights: Towards Ending the Detention of Asylum Seekers and Refugees". The report warns that asylum seekers and refugees worldwide are often detained, unable to challenge their status or exercise their right to international protection, despite their fundamental human right to seek asylum.[5]This is perhaps what happened on the southern border of the United States regarding immigrants coming from South America, as was the case with the detention of asylum seekers in offshore detention centers on the islands of Nauru and Manus in Australia.[6].

02-Forced deportation: asMigrants may be forcibly deported and returned to areas where they may be dangerous., whereThey can faceADangers include torture and persecution, as may have happened in Libya in 2011.And beyondand in many European countries[7].

03 - Violence and Abuse: Irregular migrants are subjected to violence and mistreatment at international borders. For example, excessive force was used against migrants on the Polish-Belarusian border in 2021 and 2022, as well as on the border between Mexico and the United States. These human rights violations against

[1]- Mohamed Belaid Al-Sahli, "Illegal Immigration between International Human Rights Law and the Principle of State Sovereignty." PhD thesis in Law. Ain Shams University, Egypt. 2015.

[2]The Schengen Agreement is an agreement concluded by the European Union countries in 1985 regarding freedom of travel and movement within and across the member states of the Union.

[3]- Manar Sabrina et al. "International Mechanisms to Combat Illegal Immigration." Al-Baheth Journal of Legal and Political Sciences, pp. 70-73.

[4]- EMPACT: European Multidisciplinary Platform Against Criminal Threats

[5]   -https://www.unhcr.org/ar/news/announcements/unhcr-reminds-states-legal-obligations-end-arbitrary-detention-asylum-seekers10/02/2025

[6]- France 24. "Australia reopens immigration detention center on controversial remote island."
https://www.france24.com/ar/201912/02/2025

[7]- Hodaoui Khaled. "Controversy over the forced deportation of Tunisian migrants from Europe."
https://alarab.co.uk12/02/2025

irregular migrants occur continuously and regularly in various regions around the world. Their intensity may increase or decrease depending on the political and economic situation of the receiving state, and the extent to which it needs to exploit vulnerable labor or reject the entry of foreigners into its social system.

Section Five: The Security Challenge of Irregular Migration Between the Two Shores of the Mediterranean and Methods of Combating It:

Irregular migration became a security issue when it was securitized during the 1980s. Migrants were considered a threat to culturally defined national identity, after previously being addressed as an economic issue, specifically as guest workers. The link between security and migration was established through a social and political discourse, framing it as a major security problem for Europe to be addressed with special means. The Mediterranean basin was examined as a strategically important region for the European Union. Due to the escalating phenomenon of irregular migration, the Mediterranean region has become a security risk, urging the EU to adopt a discourse suggesting that migration threatens the very existence of its foundational identity. This discourse is articulated through the use of security-related language and the involvement of European society in this issue, as the matter is viewed by Europe as a question of societal security [the state's role in protecting society], and at the same time, a security challenge.

Section One: The Transformation of Irregular Migration into a Security Crisis:

International migration has become one of the most debated issues in the so-called new security agenda, which emerged at the end of the Cold War. This shift led to a broader and deeper understanding of what constitutes security. People began to view migration as a security issue and a threat or challenge in security studies since the 1980s. "The dual threats posed by migration to both national autonomy and human security are largely reflected in much of the contemporary academic literature." While the situation at Libya's borders, from multiple perspectives, represents a clear humanitarian issue, "Beth Ferris" has pointed out that the prospects for large-scale migration resulting from the crisis in

Libya are also viewed as a security issue in Europe. Waves of Libyans and migrant workers from Libya were heading to Lampedusa in Italy. The Italian government temporarily halted the transfer of migrants from Lampedusa to reception centers in Sicily and the mainland. The EU Border Management Agency, Frontex, extended its support to the Italian Coast Guard and border authorities. Meanwhile, Italy's neighboring countries, including Switzerland, began to deploy personnel and equipment to these borders to strengthen them against the possibility of large-scale migration from North Africa (south of the Mediterranean)[1]

However, the perception of migration as a threat to national security has increased. This is partly due to the broader spread of security agendas across many areas of policy, and partly in response to the rapid rise in the number of international migrants (214 million in 2010, according to the International Organization for Migration), particularly "irregular" migrants (estimated between 30 and 50 million worldwide). The European Border and Coast Guard Agency (Frontex) has reported a noticeable increase in the number of irregular migrants crossing into EU countries, particularly to Italy[2].

Describing an Issue as a Security Threat

Labeling any issue as a security threat carries significant implications for laws, standards, policies, and procedures that become justified in response. In the context of migration, for example, this description has been used to justify increased surveillance, detention, deportation, and more restrictive policies. These responses, in turn, can affect the migrants involved. For instance, they may be denied access to safe countries, forcing more migrants into the hands of human traffickers and smugglers, and contributing to the growing anti-migrant sentiment

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[1] Khalid Koser, When is Migration a Security Issue?https://www.brookings.edu/articles/when-is-migration-a-security-issue/.
[2] https://shorturl.at/aztyH

among the public, within the media, and in political debates across many nations.

Given these consequences, it is worth questioning whether migration genuinely represents a real threat to national security. The common responses to this question suggest that migration could serve as a means to import terrorists and criminals, or to spread infectious diseases. These are dangerously misleading perceptions, yet they are widespread. Firstly, there is very little evidence from any country in the world indicating a higher concentration of terrorists, potential terrorists, or criminals among migrant populations compared to local populations. Likewise, migrants have only been found to carry diseases that pose a significant threat to large groups of people in very exceptional circumstances. Secondly, accusing migrants of malicious intent without proof risks provoking further hostility toward them in public discourse. Thirdly, focusing solely on these behaviors shifts attention away from the conditions where migration might genuinely present a national security threat.

For example, irregular migration can be seen as undermining state autonomy, as every country has the right to control who crosses its borders and resides on its territory. It is important to note that most irregular migrants around the world do not cross borders without permission; Rather, they remain or work without authorization. However, the failure to manage and control migration effectively can undermine public trust in the integrity of government policy. The flourishing industries of migrant smuggling and human trafficking pose a real threat to law and order, especially when linked to organized crime and intersecting with the illegal movement of goods, including weapons and drugs.

The arrival of large numbers of migrants, particularly those from social or cultural backgrounds vastly different from the receiving communities, can also pose serious challenges to social cohesion. This can have practical implications for states, for example, regarding resource allocation, as well as conceptual impacts related to integration models and national identity. Migrants may compete with locals in the job market, particularly during periods of economic recession, thus becoming magnets for resentment. In cases where large numbers of people settle in a restricted area for extended periods, as seen in some asylum and migration countries, this can exacerbate the problem.

Section 2: The Challenge of Community Security and Irregular Migration in the Mediterranean Region

Migration poses a threat to community security in the receiving countries, particularly in European nations. This has intensified the concerns of these countries, as both Western and Eastern civilizations are increasingly blending in a tangible and rapid manner. For the first time in history, humanity is advancing towards a global, inclusive civilization through technology. The global focus on wealth has deepened the divide between countries and social segments within the same country. This divide exists not only between classes but also within the same class and between factions or individuals within a group. This section will attempt to highlight the key implications of migration for community security.

First: The Contribution of Irregular Migration to Changes in the Demographic and National Composition of Society

The number of migrants is generally higher than the birth rates of local populations, which makes Europe home to numerous nationalities. As a result, a new society is forming that is a mix of nationalities. The number of irregular migrants in Europe has been rising, coupled with selective immigration policies that rely on choosing individuals with high levels of experience. This is one of the first social impacts of irregular migration[1]

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[1]Abdullah Saud Al-Sarani, The Relationship between Illegal Migration and the Crime of Human Trafficking, in: Combating Illegal Migration, Center for Studies and Research at Naif Arab University for Security Sciences, 1st ed., Riyadh, 2010, p. 110.

Second: The Threat to Individual and Collective Identity

Due to the large numbers of irregular migrants in countries and communities, this issue has become a threat to both individual and collective identity. The impact is felt on the linguistic, ethnic, cultural, and religious identity of both the community and the individual. The new lifestyle patterns and contradictions in social behaviors create instability, leading to a reshaping of both collective and individual identities[1].

Third: Irregular Migration and the Issue of Belonging and Citizenship

The suffering of migrants from the phenomenon of alienation in the new society, due to their lack of loyalty and sense of belonging, leads to instability in the community. This is caused by the psychological and social isolation that drives migrants toward crime and deviance. Additionally, their inability to fully enjoy their human rights, even if they acquire citizenship, results in a citizenship that is either incomplete or dual, due to their divided allegiance between two countries[2].

Fourth: Irregular migration and ethnic conflicts

Irregular migration is associated with cultural threats that usually revolve around the issue of difference and the ability of incoming groups to be accepted by their host societies; this often has to do with the degree of ethnic affinity,[3] The greater the difference in language, religion or cultural practices between the host country and the immigrant communities, the greater the scope for mistrust, misunderstanding and mutual hostility. This is the case for large groups of non-white immigrants in Britain from ethnic groups such as Arabs and Chinese – especially after 9/11. SaturdayBR2001However, this does not

hide the ability of some countries, such as Canada, to mitigate the severity of the cultural mosaic when responding to some demands of ethnic groups, such as: the education of Chinese students by Chinese teachers, and the Muslim community when it demanded the exit from the Canadian judicial system in favor of Islamic law. The United States of America suffers from a cultural and linguistic threat due to the spread of the Spanish language in it due to the large number of Mexican immigrants, as it failed to reduce the number of Spanish speakers; which is estimated to be the largest minority by 2050, constituting a quarter of the population. The European continent also faces the problem of the Islamization of the old continent..[4]

Requirement 2: EU Security Mechanisms in Combating Irregular Migration:

The disparity in development levels between the two shores of the Mediterranean has had a significant impact on the increasing number of irregular migrants year after year. Southern Mediterranean countries, like others affected by this phenomenon, have allocated significant financial and human resources to combat irregular migration. This issue has taken on alarming dimensions due to its negative social, health, political, security, and economic repercussions. As a result, it is ranked second in severity, after terrorism. Practical experience has shown that it is impossible to eradicate this problem without coordination, cooperation, and alignment of perspectives among the various countries involved in the phenomenon, whether they are countries of origin, transit, or destination.

Although the security approach to addressing migration responds to the urgent need to maintain public order and combat smuggling and

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[1] Same place.
[2] David T. Graham «The People Paradox Human Movement and Human Security in Globalizing World», In, David T.Graham and Nana K.Poku, (eds), Migration, Globalisation, and Human Security, First published, London and New York, Routledge, 2000, P.149
[3] Ibid. p.196.

[4] Morsi Mishri: "Securitization of Illegal Immigration in European Policies: Motives and Implications," Arab Policies, Issue 15, July 2015, p. 67.

human trafficking networks, it does not contribute to a sustainable solution to the issue[1].

Most countries in the European Union treat the issue of irregular migration as a security matter. It is considered one of the most significant phenomena threatening the security and political stability of EU member states, due to the potential link between terrorism and migrants. This is one of the reasons that led the European Union to focus its attention primarily on the necessity of halting the influx of irregular migrants to European shores. The following mechanisms have been implemented:

- **Establishment of Specialized Bodies (Formation of Euroforce and Frontex Agency):**

Formation of Euroforce: This is a force capable of intervening both on land and at sea for security and humanitarian reasons. The decision for intervention is made by the general leadership of this force, which was established in 1996 by a decision of the four European countries bordering the Mediterranean: France, Italy, Portugal, and Spain. It consists of land forces (Euro-Force) and naval forces (Euro-Mar-Force). Their mission is to protect the security and stability of the European southern borders. In 2002, Europe also established rapid intervention forces[2].

-Creation of Frontex: It is an independent, specialized body charged with coordinating international operational cooperation between member states in the field of border protection.Border Security, known as Frontex, was created by the European Union in October 2004 as part of tightening security at European borders to curb illegal immigration.[3]The agency has focused on

the flow of migrants between North Africa, Italy and Malta.[4].

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[1]The Algerian approach to combating illegal immigration is based on supporting peace, security and development.https://www.aps.dz/ar/algerie/147272-2023-07-23-17-20-31.
[2]Assia Ben Bouaziz, "The European Union's Policy on Confronting Illegal Immigration," op. cit., p. 34.
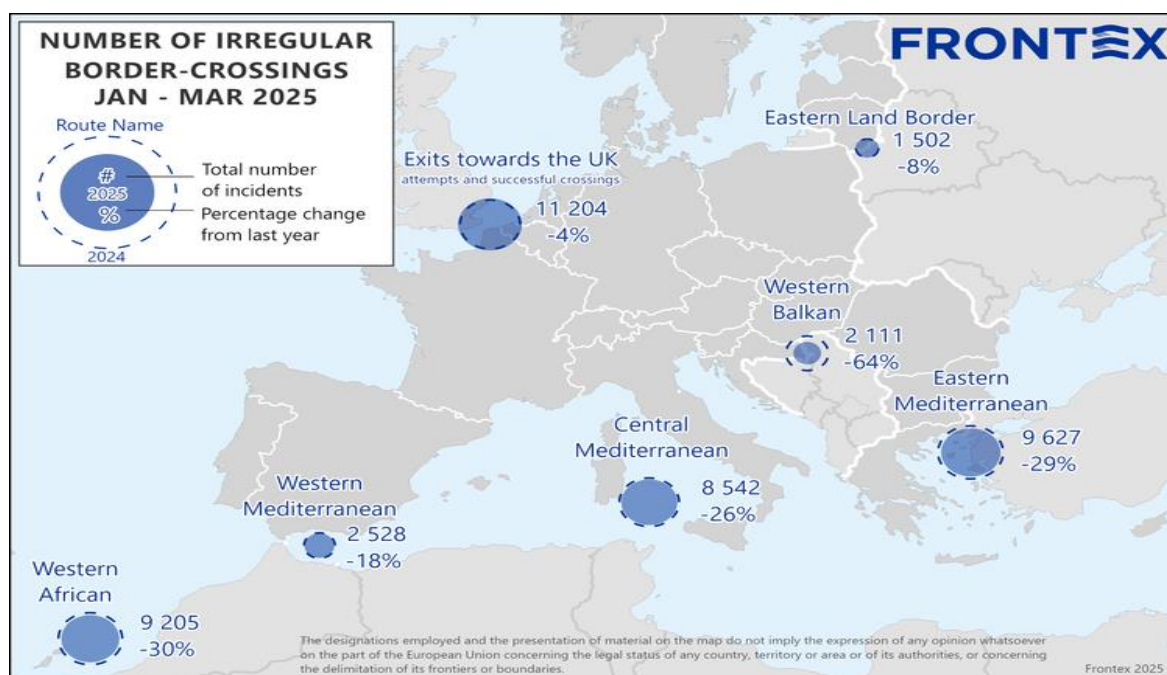[3] http://frontex.europa.euEuropean Border and Coast Guard Agency, at the following website:

[4] Badiaa Chaifa, "The Illegal Immigration Crisis and the European Union Countries," Law and Business Journal, Morocco, Hassan I University, Faculty of Legal, Economic and Social Sciences, Issue 2, February 2016, p. 19.

European Security Measures to Combat Irregular Migration:

The European Union has implemented several security measures to combat irregular migration. These include tightening security at the European borders, constructing a border wall up to six meters high, equipped with cameras, thermal imaging, long-range radars, and infrared night vision devices. Additionally, the EU launched a satellite network called "Seahorse" to monitor irregular migration activities. This is a rapid monitoring network for the sea that facilitates the distribution of information regarding migrant flows.[1]

The following map shows the decline in irregular migration to European countries in 2025 via known routes:

Source: Irregular crossings to Europe fell by a third in the first quarter of 2025, link: https://2u.pw/SAECCBrowsing date: 04/16/2025.

The European Border and Coast Guard Agency, Frontex, has announced that cases of irregular crossings into the European Union decreased by 31% in the first quarter of 2025, reaching nearly 33,600 incidents. The agency reviewed, using maps, the migration routes that are witnessing the highest influx of migrants. These routes include the Eastern Mediterranean, specifically the Aegean Sea, which saw 9,627 migrants crossing this year, a reduction of 29%. Most of the migrants using this route are from Afghanistan, Egypt, and Sudan. The Central Mediterranean route recorded 8,500 cases of irregular crossing in the first quarter of 2025. This represents a 26% decrease compared to the first quarter of 2024[2]

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[1] The same reference, p. 19.
[2] Irregular crossings to Europe fell by a third in the first quarter of 2025, link: https://2u.pw/SAECCBrowsing date: 04/16/2025.

The Agreement Aspect in Combating Irregular Migration:

In addition to the previous security measures, the European Union has signed and established agreements regarding the return of individuals who have entered another country illegally. Moreover, EU countries have adopted a policy of joint cooperation with North African countries, through bilateral and multilateral agreements. These include agreements such as the one signed between Libya and Italy, the one signed between Tunisia and Italy, and the agreement between Spain and Morocco.

Conclusion:

The study clearly demonstrates the significant difference in defining the concept of irregular migration. It refers to a phenomenon where individuals leave their countries due to issues that prevent them from living with dignity and achieving their hopes and dreams. They risk their lives in the pursuit of improving their circumstances, entering foreign countries without following the usual legal procedures. Their journey may involve human trafficking networks, or they may enter other countries legally but overstay their allowed period of residence.

Irregular migration has positive effects on the economies of the migrants' countries of origin. It facilitates the exchange of benefits and contributes to the revitalization of the economies of both developing and developed countries. However, from an economic perspective, the negative side of irregular migration impacts both the host countries (whether for regular or irregular migrants) and the countries of origin.

Irregular migration also affects the social structure of both the sending and receiving countries. Nations have organized the entry, settlement, and exit of individuals from and to their territories, imposing restrictions on the movement of migrants. As a result, migrants whose applications are rejected under regular migration schemes often resort to irregular means. This situation has led to international crises involving issues of state autonomy and human rights protection, which concern both the receiving and sending countries, as well as transit nations.

Study Results:

- Several countries that have experienced significant demographic changes can be observed. However, this development was not accompanied by sufficient attention to the youth and those seeking employment opportunities.
- **Economic Factors** Economic reasons have a substantial impact on the decision to migrate irregularly, risking one's life across the Mediterranean Sea in overcrowded and unsafe boats. Other factors include harsh environmental conditions, the threat of disasters, droughts, famines, and epidemics. Irregular migration is viewed by the youth as a solution in their search for a safe space that guarantees them a life with human dignity.
- **Impact of Irregular Migration** Irregular migration has positive effects on the migrants' countries of origin, as it brings in foreign currency through remittances sent to families. There is also the potential for migrants to invest their earnings in their home countries. However, the negative consequences are significant for emerging economies. These countries lose skilled workers and specialized expertise, as many now prefer to settle in Western countries, which, in turn, benefit from these talents to bolster their economies.
- **Identity Threat** Given the large number of irregular migrants in various countries and communities, this issue now poses a threat to individual and collective identities. This is due to the impact on linguistic, ethnic, cultural, and religious identities, caused by new lifestyles and contradictions in social behaviors. This situation leads to a reconfiguration of both collective and individual identities.

Recommendations:

- **Addressing Youth Concerns** It is essential to listen to the concerns of the youth within the framework of true citizenship. The focus should not merely be on the population size, but rather on how to accommodate the continuous increase in youth within society. They should be engaged in a real development process that uti-

lizes their potential. This benefits not only their social status but also their communities. Their contribution to the public sphere should be encouraged, and citizens' concerns should be addressed across all sectors, not just employment, in a way that ensures the sustainable development of the state.

- **Tackling the Effects of Globalization** There should be serious consideration given to the effects of globalization and modern media and communication tools. These can facilitate and encourage the youth to risk their lives. Practical solutions must be found to preserve their dignity, alleviate their suffering from unemployment or precarious employment, and provide long-term, stable job opportunities.

- **Improving Wages and Income** Addressing the issue of low wages and insufficient income is crucial for ensuring a decent standard of living. These wages should be adjusted to enable young people in countries that export irregular migration to afford housing and meet their daily needs.

- **Human Trafficking and Smuggling Networks** Irregular migration and the involvement of human trafficking networks in transit countries result in many tragedies. This highlights the urgent need to enhance preventive measures to avoid the spread of diseases and epidemics, while also monitoring the potential involvement of criminal gangs.

- **Review of European Security Measures** European security measures should be reviewed in a manner that respects the dignity of irregular migrants. Development solutions should be emphasized when drafting and concluding agreements regarding the victims of irregular migration between countries on both sides of the Mediterranean.

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