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Tackling The Challenges of Mass Illegal Migration

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Introduction

Mass illegal migration is a global phenomena that is posing a serious threat to the fabric of countries around the world, making it one of the most difficult and urgent issues of our day. The world community is facing a critical moment as waves of people and families set out on dangerous treks in search of safety, opportunity, or just to survive. This phenomena, which has its roots in a wide range of political, social, and environmental issues, necessitates immediate attention and coordinated efforts to comprehend, lessen, and eventually address its complex obstacles.

Massive illegal migration has far-reaching effects that put countries' ability to withstand hardship, tax their resources, and create humanitarian catastrophes never seen before. The human aspect of this catastrophe is clear and harsh, ranging from the heartbreaking pictures of overcrowded boats on dangerous waters to the hardships of border communities overrun by the inflow. Furthermore, the effects transcend national boundaries and have an impact on labour markets, economies, social cohesiveness, and the concept of national identity itself.

Key Terms

International migration: The movement of persons away from their place of usual residence and across an international border to a country of which they are not nationals.

International migration law: The international legal framework governing migration, deriving from various sources of international law that apply to the movement of persons within or between States and regulate States' competence and obligations, migrants' status, rights and duties, as well as international cooperation.

Irregular(illegal) migration: When a person enters, stays or works in a country without the necessary authorization or documents required under immigration regulations.

International Organization for Migration (IOM): The IOM works to help ensure the orderly and humane management of migration, to promote international cooperation on migration issues, to assist in the search for practical solutions to migration problems and

to provide humanitarian assistance to migrants in need, be they refugees, displaced persons or other

United Nations High Commissioner for Refugees (UNHCR): UNHCR, the UN Refugee Agency works to ensure that everybody has the right to seek asylum and find safe refuge, having fled violence, persecution or war at home.

Mixed migration: Refers to flows of people travelling together, generally in an irregular manner, over the same routes and using the same means of transport, but for different reasons.

Asylum seeker: An individual who is seeking international protection. In countries with individualised procedures, an asylum seeker is someone whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum seeker will ultimately be recognized as a refugee, but every recognized refugee is initially an asylum seeker.

Best interests of the child (principle of): A threefold concept:


(a) A substantive right: The right of the child to have his or her best interests assessed and taken as a primary consideration and the guarantee that this right will be implemented whenever a decision is to be made concerning a child

(b) A fundamental, interpretative legal principle: If a legal provision is open to more than one interpretation, the interpretation which most effectively serves the child's best interests should be chosen

(c) A rule of procedure: Whenever a decision is to be made that will affect a child, the decision-making process must include an evaluation of the possible impact (positive or negative) of the decision on the child or children concerned

Bilateral labour migration agreements: Agreements concluded between two States, which are legally binding and are essentially concerned with inter-State cooperation on labour migration.

Border governance: The legislation, policies, plans, strategies, action plans and activities related to the entry into and exit of persons from the territory of the State, comprising detection, rescue, interception, screening, interviewing, identification, reception, referral,



detention, removal or return, as well as related activities such as training, technical, financial and other assistance, including that provided to other States.

Expulsion: A formal act or conduct attributable to a State by which a non-national is compelled to leave the territory of that State.

General Overview

Understanding the Causes

Migration occurs due to a list of reasons ranging from economic disparities, political instability, conflict, and the environment. Poverty and lack of economic opportunities in home countries often drive individuals to seek better prospects elsewhere; those who don't have the luxury to get proper documents are forced to migrate irregularly. Standards of living range along with the real GDP of the country, this can be seen by the global economic inequalities between developed and developing nations, which contribute significantly to migration flows as people search for better lives. For example, regions plagued by conflict, political instability, and human rights abuses push people to flee their homes in search of safety. To explain the effects of changes in the environment, climate change-induced events such as droughts, floods, and rising sea levels force communities to migrate in search of habitable areas, this usually entails internal migration; however if the country that is affected is developing or third world then the government is unable to provide safety for the citizens, thus leading to border-crossing.

Challenges Faced

Mass migrations often lead to humanitarian crises, with individuals facing risks of exploitation, trafficking, and abuse because of their irregular status and minimal knowledge of their rights and power to exercise them. Moreover, overcrowded refugee camps and inadequate resources strain the ability to provide basic necessities such as food, shelter, and healthcare. Additionally, governments face challenges in securing borders and managing the influx of undocumented migrants, this is further worsened by the smuggling networks and organised crime that thrive on the desperation of migrants, further complicating border control efforts. On the other side of the spectrum, due to the sudden influx of migrants, the demand for housing, healthcare, and education suddenly increases thus causing host communities to experience strain. Job market dynamics can

also be affected, leading to competition for low-skilled jobs and potential exploitation of migrant labour.

The lack of reliable estimates has for a long time prevented the government authorities from planning an adequate response to irregular migration in the country, including the development of regularisation programmes. Furthermore, the lack of reliable estimates also results in the replication of obviously exaggerated information on the number of irregular migrants, promotes the spread of migrant-related phobias and allows for irregular migration to be misused in political dialogue.

Major Parties/Countries Involved

UNHCR: The UNHCR is dedicated to safeguarding refugees and relocating them in a way that will last. The UNHCR understands that actions taken to safeguard refugees must take into account the larger patterns, laws, and customs influencing international migration. Additionally, it acknowledges that those falling under its purview— asylum seekers, refugees, and stateless people—are impacted directly by immigration laws and procedures, especially when they participate in mixed movements.

European Union (EU): The EU has created uniform rules and procedures to handle migration within its member states because it is a regional organisation. This covers programs pertaining to processing asylum claims, monitoring borders, and aiding nations dealing with an excessive influx of migrants.

Russia: In Russia, irregular migrants make up the bulk of migrant labour, and they are especially susceptible to contemporary slavery. Many people from the Central Asian Republics have moved to Russia in search of jobs and opportunities after the fall of the Soviet Union. Russia has long trailed the United States in terms of the number of foreign residents in the nation, according to IOM estimates. In terms of immigration, it ranks second in Europe, behind Germany. The OECD states that Russia is the country with the largest population of undocumented immigrants.

USA: Mexico is the most common place of birth for undocumented immigrants. Nonetheless, between 2017 and 2021, the number of undocumented immigrants from Mexico fell dramatically. Unauthorised immigration from South America, Asia, Europe, the

Caribbean, Central America, and sub-Saharan Africa increased. An equivalent portion of undocumented immigrants worked in the United States in 2021 as they did in 2017.


India: The number of Indians attempting to enter the US illegally is concerning on the rise. This comprises a number of towns, and districts in Gujarat and Punjab are well-known centres for immigration, both legal and illicit. This is primarily due to the need to obtain employment abroad.

United Kingdom: The UK's Illegal Immigration Bill will have serious ramifications for those in need of international protection and is in conflict with the nation's commitments under international human rights and refugee law. The Bill revokes anyone's ability to apply for asylum in the UK if they enter the nation illegally after travelling through one where they were not persecuted. No matter how compelling their circumstances, it prevents individuals from raising claims for refugee protection or other human rights. Furthermore, it calls for their exile to another nation, where there is no assurance that they would be able to find safety. It establishes a broad new detention authority with little judicial review.

Ukraine: Numerous refugees from Ukraine have sought temporary safety in Europe, primarily in Germany and Poland, according to Eurostat. Prior to the NATO meeting, Lithuania stepped up border security with Belarus, in part because of concerns about "illegal" migration. Over the past two years, at least 48 bodies have been found along Poland's border with Belarus, and hundreds more people who are displaced are still in danger. The Polish opposition has started using anti-immigration rhetoric as the subject becomes more important before elections. Due to the nature of the phenomenon itself, the possibility of migratory status changes, and the challenge of developing a reliable estimation methodology, Ukraine faces many of the same challenges as other nations when it comes to accurately estimating the number of migrants who are irregularly residing in the nation.

UN Involvement & Relevant Resolutions

The 1951 Refugee Convention and its 1967 Protocol is non-refoulement, which asserts that a refugee should not be returned to a country where they face serious threats to their life or freedom. The document outlines the basic minimum standards for the treatment of refugees, including the right to housing, work and education while displaced so they can lead a dignified and independent life. It also defines a refugee's obligations



to host countries and specifies certain categories of people, such as war criminals, who do not qualify for refugee status. In addition, it details the legal obligations of the States that are party to one or both of these instruments.

On 18 July 2023, UNHCR made a press release on the UK Illegal Migration Bill. This raises concern about the downsides of the bill, and discusses how it will affect asylum-seekers. It also provides the UN High Commissioners' responses to the passing of this bill and how they believe this law should be reversed.

In November 2000, a UN protocol about the smuggling of migrants was adopted. This protocol intended to combat the smuggling of migrants while protecting the rights of smuggled migrants. The protocol goes on to discuss the measures that should be taken to prevent smuggling of migrants by land, sea and air while acknowledging that these migrants should be safeguarded.

Possible Solutions:

Addressing Root Causes: Investing in sustainable development initiatives in source countries to create economic opportunities and reduce poverty. Supporting conflict resolution efforts and peacebuilding initiatives to promote stability and reduce forced displacement.

Strengthening Border Management: Enhancing border security through technology, intelligence-sharing, and cooperation between countries. Implementing fair and efficient asylum processes to identify genuine refugees while deterring illegal migration.

International Cooperation: Collaborating with international organisations such as the United Nations, International Organization for Migration (IOM), and Interpol to develop comprehensive solutions. Sharing best practices, data, and intelligence to combat smuggling networks and transnational crime.

Integration and Support: Providing adequate support and resources for host communities to mitigate socio-economic impacts. Promoting the integration of migrants through language programs, job training, and cultural exchange initiatives.

It is true that efficient border management policies and tools, help prevent irregular migration, dismantle organised criminal networks, and protect the rights of migrants

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