

Forum: Youth Assembly – Action Paper II

Issue: The question of the rights of illegal immigrants and the impact on hosting countries

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INTRODUCTION

Illegal immigration is living in a country without government permission. When talking about immigration, legal or not, several issues need to be addressed. Immigrants in general can have various impacts on the host country, such as: economic growth or decline, societal changes, and issues related to their human and constitutional rights that must be changed to balance the overall situation.

Today, immigration is at an all-time high. Wars, epidemics and inappropriate living conditions have pushed even more people to leave their country and seek a better life in another, sometimes more civilised, region of the world. But more often than not they face dangerous, if not deadly, journeys across the seas and, once they arrive at their destination, are treated as an inferior life form due to racism.

From a legal point of view, the rights of illegal immigrants are also at stake. While in some countries immigrants are granted full rights upon entry, some, such as the United States and some EU members, prohibit undocumented immigrants from using public services, such as public health care, education and financial benefits.

Organisations such as Amnesty International, work to protect and safeguard the rights of immigrants around the world. These organisations are much kinder to immigrants than most state policies because they are strictly opposed to the criminalization of immigrants.

The phenomenon of illegal immigration can, on the one hand, be beneficial for the local economy of the destination country, but it can also have a negative impact or even become disadvantageous on the other.

The points mentioned above lead to the question of how illegal immigrants should be treated in terms of human rights, as well as the changes they bring about in the socio-economic structure of the host country.

DEFINITION OF KEY-TERMS

Illegal Immigrant

Someone who lives or works in another country when they do not have the legal permission to be in said country. The term illegal immigrant, which can be found also as illegal alien, undocumented worker, or paperless resident.

National immigration law

A set of laws that allow people to gain full rights of citizenship. Immigration law also determines who may enter, the duration of their stay and the precise date of their departure.

Stateless person

This term refers to a person who is not regarded as a citizen by any state under its law. A person can not remove the stateless status off of them if they are not recognised as a citizen by any state.

Constitutional Right

Rights that are granted to citizens under a country's constitution. Often used to describe rights given to American citizens by the US constitution.

Citizenship

The status of being a citizen; According to State practice, nationality is a legal bond based on the fact that said bond is social, along with the existence of interests and sentiments, as well as mutual rights and obligations.

Discrimination

Treating a person or specific group of people differently, mostly in a negative aspect, due to certain characteristics, such as gender, sexuality, skin colour, country of origin, etc.

Human Rights

These are the rights everyone is entitled to, regardless of race, sex, nationality, ethnicity, language, religion or social status. Human rights include the right to life, liberty, freedom from slavery and torture, freedom of opinion and expression, right to work and education, and many more.

BACKGROUND INFORMATION

Immigration and Society

Immigration, and illegal immigration in particular, has sparked a debate of paramount importance to vital areas of society, such as employment levels, cultural diversity and financial growth, as well as border controls, law enforcement and national security. However, there is another debate to come about immigrant rights, their violation and the impact of such a large influx in some countries – or how it could be avoided or at least mitigated.

The issues with Illegal Immigration

When discussing illegal immigration in general, we come across some recurring issues. First and foremost, since a handful of nations disregard human rights conventions and treaties, when it comes to immigrants, a lot of human rights violations have been reported to the UN.

Wherever one looks they can see how immigrants are mistreated and discriminated against. In the news, it is not uncommon to see incidents including people who have fled their countries in pursuit of a new life, and find themselves in worse situations, where their own lives are endangered.

The social balance of the nations is not the only sector of life that is affected by immigration crisis. Due to each country having to employ, house and educate more people, there has to be some change to the financial system of every nation affected.

This can be both positive and negative. While it is true that immigration can aid the workforce of countries with smaller populations, one has to consider the fact that the amount of tax money going into the state becomes less, in comparison to the rising population, leading many nations to get less money than they need to function.

But the issue is much more complex than it seems at first glance. Due to the backwards steps taken to make this issue harder to solve and the nations not willing to spend valuable time and



Two men in the US, holding signs displaying discriminatory messages against immigrants

resources, it becomes clear that they are trying to keep the problems associated with immigration, legal or not, as a scapegoat to use when their position is at risk.

People in positions of power will often use whatever means available to sway the citizens' opinion to their side. One of the most common issues that are being debated in this day and age are immigrants' rights and illegal immigration in general. Thus, as long as this remains an issue, other issues can be overlooked.

Taking all of the above into consideration, we can conclude that this subject is of utmost importance, since we are living in a new wave of immigration, due to wars taking place throughout the world.

The impact on Hosting Countries

Financial

As was mentioned before, the phenomenon of illegal immigration can be both helpful and detrimental to a country. While immigration can sustain labour in sparsely populated countries, it should be kept in mind that the amount of taxpayers' money flowing into the state will decline relative to the growth of population, leaving many countries with less money needed to work.

In the past, the demand for cheap, unskilled labour has increased dramatically. The need for workers in the Westernised world, such as the European Union and the United States of America, have created many waves of unwanted immigration from countries, which have a surplus of low-skilled labourers. The number of immigrants who leave their countries to find labour elsewhere in the world has been the cause of immigrant crises in many parts of Europe, the Americas and Oceania. The situation resulting from this phenomenon has been very serious and decisive for the financial future of these countries. So, to address the growing problem, they found some solutions. For example, it is possible to make immigration less harmful to the economy by keeping people who are qualified in higher labour sectors. One of the most obvious examples of this is that of the French ban on immigration from Algeria.

Law Enforcement and Crime

One of the issues that are attributed to illegal immigrants is the rise in crime rates around the world, most specifically in the US. But that is not exactly the case. While violations on immigration law are usually committed by immigrants, however, compared to undocumented immigrants, U.S.-born citizens are twice as likely to be arrested for violent crimes, 2.5 times more likely to be arrested for drug-related offences, and four times more likely to be arrested for property offences.

In addition, arrest rates for undocumented immigrants have been relatively stable or decreased during the previous years. Differences between U.S.-born citizens and undocumented immigrants are evident in their use of alternative estimates of the wider undocumented population, alternative classifications of those considered "undocumented" at the time of arrest, and the use of offenses or substitution sentences as criminal measures. This proves that illegal immigrants, more often than not, will be accused of committing more crimes than country nationals, without the former being true.

The Rights of Immigrants

According to international human rights standards, which are based on the inherent dignity of every person, migrants enjoy the fundamental rights granted to all people, regardless of their legal status in their country.

First of all, any person has a right to life, as was outlined in the Universal Declaration of Human Rights¹. States must ensure that no immigrant is arbitrarily deprived of this right. In general, under international human rights law and international law of the sea, states are obliged to protect and ensure the right of life to people in their land and on ships in their seas.

The other fundamental right immigrants possess is that of non-discrimination. International human rights law guarantees freedom of discrimination in the exercise of human rights for all, including migrants. Local human rights instruments also guarantee the right to non-discrimination in public and the workplace.

All Member States, even if they have not ratified the related International Labour Organisation (ILO) convention², are obliged to respect the principles of fundamental rights deriving from their membership in the ILO. The subjects of this Convention are: the effective recognition of freedom of association and the right to collective bargaining, the abolition of all forms of forced labor, the effective abolition of child labor, the elimination of discrimination in respect of employment and occupation.

Violations of Human Rights

Although immigrants are not inherently vulnerable, they may be subject to human rights violations. Immigrants in illegal situations are often excessively vulnerable to discrimination, exploitation and marginalization, often living and working in the shadows, fearing complaints and fear of being deprived of human rights and fundamental freedoms.

¹ United Nations. Universal Declaration of Human Rights, 18 Dec. 1948, www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf.

² ILO. "The Text of the Declaration and Its Follow-up (DECLARATION)." International Labour Organisation, 2010, www.ilo.org/declaration/thedeclaration/textdeclaration/lang--en/index.htm.

When these people arrive at their destination, they find themselves in a foreign nation with different rules, customs and -most likely- a different language. This way, a gap in communication is created between immigrants and natives, allowing the latter to exploit the former. The exploitation of immigrants becomes easier, when considering that most undocumented immigrants are financially unstable and would do anything to have any source of income. Finally, due to racist tendencies in certain parts of the western world, this endless cycle of inappropriate behaviours can not be stopped easily.

States allow human rights violations, directly or indirectly. Violations can occur either intentionally by the state or by the state's failure to prevent the violation. When the state is involved in human rights violations, various officials such as the police, judges, prosecutors and civil servants can be involved. Violations can be physical in nature, such as police brutality, and can violate rights such as the right to a fair trial, even in the absence of physical violence.

Violations of human rights against migrants may also include denial of civil and political rights, such as arbitrary detention, torture or lack of a fair trial, and denial of economic, social and cultural rights, such as the right to health and housing, or education. Denial of immigrants' rights is often closely linked to discriminatory laws and entrenched prejudice or xenophobia.

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

United States of America (USA)

In recent decades, the country has experienced another massive wave of immigration, the largest since the 1920s, with more than 600 million immigrants crossing the Mexican border each year. For the first time in American history, there were more illegal immigrants than legal ones, which, of course, is very worrying.

Many laws have been implemented to protect the U.S.-Mexico border, such as the Arizona State Act, the Immigration and Nationality Acts of 1952, 1965, and 1986, the Illegal Immigration Reform Act, and the Immigration Liability Act of 1996, and in finally, the United States Real Identification Act of 2005.

The most controversial era of illegal immigration in the US was 2016-2020, during the Trump administration. The most famous decision was the attempt to design and build a wall across the U.S-Mexico border, which would, supposedly, keep out illegal immigrants. But, due to high costs and problems regarding the area's mountainous landscape, what remained of the plan was the metal fence going across the border.

Organisations such as Amnesty International, which argue that the United States has failed to fulfil its legal obligations to protect the human rights of immigrants, often criticise the application of US immigration and border immigration rules at the national level.

United Kingdom (UK)

Considering the UK's colonial history, many people from former colonies in Asia and Africa have tried to immigrate to the United Kingdom to better their lives.

Due to illegal immigration's nature, it is impossible to accurately calculate the number of illegal immigrants in the UK. For this reason, the UK government does not report on the number of illegal immigrants.

In June 2005, the Home Office published the results of an assessment of whether methods used in other countries to estimate the illegal population could be applied in the UK. As a result, a total of 430,000 undocumented immigrants lived in the United Kingdom in 2001.

The Home Office introduced the "New Plan for Immigration", which will come into force in 2022. Those who enter the UK illegally and arrive in the UK through a "safe third country" such as Greece will have fewer rights than before.

It was noted that there were several criminal complaints and requests from foreigners who were not granted the right to reside in the United Kingdom in accordance with the British legal system.

Greece

Greece is considered the first location in European immigration for most people. Due to the country's location, climate, and ties to the European Union, immigrants often flock to the nation, in order to better their financial situation, before moving to other nations such as Germany, France and the United Kingdom.

Ukraine

After the Russian invasion of Ukraine, the number of immigrants to Europe has risen to a staggering amount. As of July 2022, over 4,7 million people have fled the country to the European continent, most of those being undocumented immigrants, due to the destruction of Ukrainian cities by Russian forces in a short span of time and the collapse of Ukrainian bureaucracy services, which were responsible for the acquisition of visas and passports.

Ukrainian immigration has taken its toll on neighbouring countries, such as Poland and Moldova, who find themselves in a poor financial and infrastructural situation, ever since the fall of the USSR in 1991.

Amnesty International

Amnesty International is an organisation which focuses on violations of Human Rights throughout the world. The organisation's goal is to fight until "[...] the last prisoner of conscience has been freed, when the last torture chamber has been closed, when the United Nations Universal Declaration of Human Rights is a reality for the world's people, will our work be done."³

As such, this organisation focuses on the rights of illegal immigrants and asylum-seekers. Their attitude towards illegal immigrants is much more tolerant than some countries, such as the United States or the EU. Amnesty International is concerned that the proposed measures by the previously mentioned countries could impose significant prison sentences on those who help undocumented immigrants enter the EU, in breach of immigration law.

Amnesty International warns against alleged violations of the EU's international human rights obligations and promotes a humanitarian approach. The main challenge is to respect human rights, to look at each from a different perspective and to remind Member States of the responsibilities associated with these rights.

International Organisation for Migration (IOM)

Founded in 1951, the IOM is a leading intergovernmental Immigration organisation. The organisation is committed to promoting a moral and orderly migration for the benefit of all, first and foremost through the provision of services and counselling. More than 140 Member States and 13 other Member States are members of the IOM as observers. The IOM focuses on four sectors, those being: Migration and development, Facilitating migration, Migration regulations and Forced migration.

At the same time, IOM activities on "promoting international migration" are expanding⁴. As a leading intergovernmental organisation supporting humanitarian aid and orderly migration since 1951, IOM has played a key role in supporting the achievement of the 2030 Agenda through a series of interventions linking humanitarian aid and sustainable development.

European Union

The Member States of the European Union (EU) receive a large number of migrants every day, which is a problem because this is one of the most complex and divisive subjects between them. The EU is working to address a declining population and the need for skilled labour and has implemented national policies to treat asylum seekers fairly and, in general, to cope with this huge wave of migrants.

³ Amnesty International. "Who We Are." Amnesty International, 26 Nov. 2021, www.amnesty.org/en/who-we-are/.

⁴ IOM. "Who We Are." International Organisation for Migration, 11 May 2022, www.iom.int/who-we-are.

Committed to maintaining a common migration management policy, the EU adopted a Common Immigration Policy in October 1999 to harmonise existing immigration laws to facilitate immigrant applicants, referring to the economic capacity of EU Member States and their ability to accommodate and incorporate new migrants. The initiative, which aims to promote economic, social and political clarity in Europe and the integration of new migrants, has remained promising, albeit unfinished.

The EU is taking a balanced approach to managing permanent immigration and combating illegal immigration. Proper management of migration flows includes fair treatment of third-country nationals legally residing in Member States, strengthening measures to combat illegal immigration, including trafficking and smuggling, and working closely with third parties. The aim of the EU is to establish a uniform level of rights and obligations for permanent migrants, similar to EU citizens.

TIMELINE OF EVENTS

DATE	DESCRIPTION OF EVENT
April 12, 1930	The League of Nations adopts the Hague Convention on Certain Questions Relating to the Conflict of Nationality Law
July 28, 1951	The United Nations adopts the Convention relating to the Status of Refugees, establishing the rights of asylum seekers
1954	The International Organisation for Migration (IOM) is founded
1967	The United Nations approves the Protocol Relating to the Status of Refugees
1994	The adoption of the North American Free Trade Agreement (NAFTA), along with Mexico's economic collapse in 1994, would bring about

	13 million undocumented immigrants to the United States over the next few years.
1999	The EU adopt a common immigration policy
April 10, 2010	Arizona has introduced laws that allow police to search for legal documents of suspected criminals.
2015	The United Nations General Assembly Resolution, 2030 Agenda for Sustainable Development was agreed and signed by the members of the UN.
2016	Former US President Trump proposes the creation of a border wall across the US-Mexico border, designed to decrease illegal immigration
August 15, 2021	After the Taliban regained control of Afghanistan, many people, especially women and children, fled the country. More than 122,000 people left the country by airlift.
2022	The United Kingdom introduces the New Plan for Immigration, a set of regulations to deal with illegal immigration

RELEVANT UN RESOLUTIONS, TREATIES AND EVENTS

Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws⁵

The codification conference of the League of Nations held in The Hague in 1930 ended with the adoption of a convention on specific issues related to conflicts of nations. Many countries have signed it, but only 23 have ratified it.

In the first provision, each state must adopt its own national legislation. However, this right is limited as follows: "Each state decides for itself what makes up the country based on its own laws. Other countries should recognize this law insofar as it is in accordance with international treaties, international customs and generally accepted legal principles of citizenship."

The Convention recognized that statelessness may be the result of domestic law which does not consider the wider international context. The Convention emphasised that citizenship is acquired primarily through birth, minority or marriage and made recommendations to prevent the increase of statelessness

United Nations 1951 Convention Relating to the Status of Refugees⁶

The convention relating to the Status of Refugees, also known as the 1951 Refugee Convention or the Geneva Convention of 28 July 1951, is a United Nations multilateral agreement defining who a refugee is and establishing the rights of asylum seekers and the responsibilities of a host country to immigrants, such as providing shelter. The agreement also designates people who are not considered refugees, such as war criminals. The Convention also provides for visa-free travel for holders of travel documents for refugees issued under the Convention.

Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) is a document that establishes the rights of a human being simply because it is a human being. The declaration, prepared by representatives of various legal and cultural circles in all regions of the world, was presented to the United Nations General Assembly in Paris on 10 December 1948 as a common standard of action for all citizens and all nations

⁵ United Nations High Commissioner for Refugees. "Convention on Certain Questions Relating to the Conflict of Nationality Law." Refworld, 25 July 2022, www.refworld.org/docid/3ae6b3b00.html.

⁶ United Nations. "Convention relating to the Status of Refugees." UN Human Rights Office, 28 July 1951, www.ohchr.org/sites/default/files/refugees.pdf.

Sustainable Development Goal 10/16

In September 2015, the United Nations, together with the General Assembly (GA), drafted the 2030 Agenda for Sustainable Development, signed by all United Nations (UN) member states. The 2030 Agenda also includes 17 Sustainable Development Goals (SDGs) to be achieved by 2030. However, from the 17 sustainable development goals only the tenth and sixteenth goals is the one related to the topic.

Goal 10: Reduce inequality within and among countries⁷

Goal 10 presents the following challenges to the international community: By 2030, the General Assembly ensures that the income growth rate of the bottom 40% of the population exceeds their national average.

Fundamentally, policies to reduce inequality must be universal, addressing the needs of disadvantaged and marginalised populations. Social and political inclusion for all ages, genders, racial, religious and ethnic groups must be actively promoted to create conditions for equality in the country.

This goal is fundamental to our subject, as populations of immigrants are often mistreated in their hosting country.



Goal 16: Peace, Justice and Strong Institutions⁸



Goal 16 aims to promote peaceful and inclusive societies for sustainable development, ensure access to justice for all and build responsible institutions at all levels. National and global institutions must be transparent and effective, including local governance and the judicial systems essential for ensuring human rights, order and security.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Amnesty International's Resettlement Campaigns

⁷ United Nations. "SDG 10: Reduced Inequalities." in.one.un.org/page/sustainable-development-goals/sdg-10/.

⁸ United Nations. "SDG 16: Peace, Justice And Strong Institutions." in.one.un.org/page/sustainable-development-goals/sdg-16/.

Resettlement is a way to protect immigrants who are at high risk of harm, such as those who have been tortured. When they meet certain criteria⁹ they are able to be relocated to another country, through safe, and legal, migration routes.

Although this is a good idea on paper, only a few countries have allowed immigrants to relocate inside their borders. Every year, Amnesty International requires countries around the world to host at least 10% of the world's refugees. However, according to the organisation, in 2015, 134,044 relocation commitments were made in 30 countries, many of which have not yet been implemented. There are many places to recommend and they will appear soon.

European Immigration Policy

The European Union must prevent and reduce illegal immigration, in particular through effective return policies that respect fundamental rights. The Union is taking a balanced approach to managing permanent immigration and combating illegal immigration. Proper management of migration flows is important to member states' borders, as was mentioned in the EU "Proposal for a comprehensive plan to combat illegal immigration and trafficking of human beings in the European Union", which aims to strengthen the fight against illegal migration and trafficking in human beings by establishing a secure information and coordination network on the Internet to exchange information on illegal immigration, illegal entry and return of illegal immigrants.

POSSIBLE SOLUTIONS

Refugee-friendly policies

The world's stance towards immigration is relatively negative. All nations should protect the refugees and their rights by implementing refugee-friendly laws that do not interfere with countries' policies, so that all nations can be able to adapt to these -widely accepted- decisions.

Easier acquisition of asylum

The Asylum process, as we have heard before, is long and time-consuming. This, in some countries, is intentional. The governments of those countries prevent immigrants from legally staying in their country by making this -otherwise simple- process, extremely difficult.

⁹ Amnesty International. "Refugee Resettlement Changes Lives." Amnesty International, 17 June 2021, www.amnesty.org/en/latest/campaigns/2016/03/why-does-refugee-resettlement-change-lives/.

Teach/inform about immigration; its causes and impact

Knowing about a subject is important when our world is clouded by misinformation. Teaching youth about the subject, not only theoretically but also in practice (by visiting border posts or immigration agencies), is a way to allow today's youth to think of other ways to prevent or mitigate illegal immigration.

Stricter border security

The possible stricter securement of borders as part of a two-pronged plan; while strengthening international boundaries, immigration should be facilitated and monitored so as to locate and record all illegal immigrants and confront this problem. Immigration centres should monitor the migration influx in proportion to the country's needs concerning labour;

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