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ILLEGAL MIGRATION AND STATE SECURITY: A CONTINUOUS DISPUTE OVER BORDER AND BELONGINGS

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Abstract

Illegal immigration is often a consequence of emergent socio-economic and political disruptions and urgent need of human survival. Every human born in this world, should not be deprived of dignity. The rights and duties are part of governance of state, which can ensure human rights to migrants. The state also has responsibility towards its citizens and to work for national interest.

This paper investigates the multifaceted challenges posed by illegal and irregular migration, focusing on the growing conflict between human-rights obligations and state interests in managing unauthorised immigrants. The research explores policy frameworks in the United Kingdom, United States, India and other states dealing with illegal migration. This paper will examine contemporary issues including refugee-related crime, social tensions between natives and migrants, and the economic impacts of irregular migration.

The study employs a systematic literature review approach, analysing peer-reviewed journal articles, governmental and institutional reports, news articles, and scholarly books published between 1997 and 2025. Key sources include UNHCR and OHCHR reports, national policy documents, and empirical studies on crime, labor market impacts, and refugee integration. Data and qualitative evidence from multiple contexts were synthesised to assess patterns, contradictions, and policy outcomes.

Some findings show that unauthorised migrants often fill essential, especially unreported labor-market roles while contributing less to fiscal burdens than public perception suggests. Whereas some studies shows that large number of immigrants population living in state are become a burden to UK, without contributing to economy. Policies such as the UK Illegal Migration Act and restrictive U.S. enforcement measures highlight the tension between national security priorities and international human-rights obligations, which sometimes result in procedural irregularities and human-rights violations. Evidence on refugee-related crime is mixed: Immigrants themselves become targets of crime and take the shadow of criminal activity to

survive. Social tensions exacerbated by anti-immigrant protests and cultural differences. The study also finds that countries with ad hoc or restrictive refugee frameworks, like India, face compounded challenges in balancing security, humanitarian obligations, and social cohesion. The research underscores the complexity of illegal migration as a global policy challenge. Reconciling state security interests with human-rights obligations requires integrated policy measures, including safe and regular migration pathways, fair asylum procedures, community integration programs, and data-driven enforcement strategies. Findings suggest that evidence-based approaches and international cooperation can reduce social tensions and enhance compliance with human-rights standards, ultimately contributing to more sustainable migration governance globally.

Research Question- Whether unauthorised migrants are threat to state security?; Whether state sovereignty results in human rights infringement?

Introduction

Migration is not a new phenomenon it is old as humanity itself. Before the existence of nation-states and border checkpoints human beings moved across places in search of safety and dignity. Traditionally it has been responded to economic & political persecution, and ecological pressure. In modern times migration tends to portray migrants, particularly those who are non-visa holders, as criminals, and economic liabilities. At present irregular migration is the centre of some of the most contentious policy debates across the globe. This securitised perspective prevails in both developed and developing countries, such as the United Kingdom or India. As opposed to the common belief, studies have revealed that migrants tend to be victims of injustice, and not its perpetrators. The international human-rights law recognises the dignity of all human beings irrespective of their status, which is not enforced equally. This paper questions the concept of migration by posing interconnected questions, which include legal control, protection of rights, economic equilibrium and international cooperation. In every policy of state, same fundamental tension plays out with different degrees of intensity- the sovereign authority of a state to define who belongs within its borders, and the universal human rights framework that insists certain protections travel with every person regardless of where they stand. Illegal migrants refer to these persons, who are refugees or temporary workers since they have entered the territory without authorisation. These actions put a strain on the border-

management capability of a state and the issue of law, rights, and policy is raised.¹

This paper critically analyses the tension with care and rigour. The title, *Illegal Migration and State Security: A Continuous Dispute over Border and Belongings*, places two competing concepts at the stage of friction. "Border" denotes the hard, territorial reality of state sovereignty – the concept that legally separates citizen, the documented one from the undocumented. Together with the term "belongings" frame a dispute that is simultaneously legal, economic, political and deeply human.

Illegal Immigration and Crime: Myth versus Facts

There is a substantial amount of criminology that opposes the argument that immigrants are more inclined to crime compared to natives. According to Kubrin and Stageman, both documented and undocumented groups of immigrants tend to commit less crime compared to the native populations.² These outcomes are a direct contradiction to the political and media rhetoric that equates immigration with criminality. This is supported by the economic literature³, which indicates that illegal immigrants are more likely to provide labour in the economy than to commit a crime. They indicate a moral panic paradigm where minor cases get exaggerated to support repressive legislation. On the contrary, media reports like Express-uk⁴ and Firstpost⁵ (2025) rely on anecdotal anecdotes in their depiction of migrants as a threat to their safety. Such reports affect the opinion but not through rigorous methods and do not consider broader statistics. Illegal immigration, particularly the one into India of the neighbouring Myanmar, is real security rather than humanitarian issues. Guha Sinha and Bannerjee⁶ state that illegal migration undermines the border security, puts pressure on local security, and complicates the relations between India and Myanmar. In India, Rohingya refugee flows are confused with illegal immigration, which is viewed as a threat by the government since porous borders can be used to help infiltrate into the country, recruit extremists, and even be involved in transnational crimes. Officials caution that the presence at the border even with

¹ Global Migration – Module 5, *Scribd*, <https://www.scribd.com/document/515718989/CW-Module-5> (last visited Nov. 29, 2025).

² C. E. Kubrin, *Immigrants and Crime*, ResearchGate 2–10 (2025).

³ Economic Policy Institute, *Unauthorized Immigrants and the Economy* (2025), <https://www.epi.org/publication/unauthorized-immigrants/>.

⁴ G. Sheldrick, Fury as Hundreds of Hotel Asylum Seekers Charged as Part of Shocking 3-Year Crime Spree, *Express.co.uk* (July 20, 2025), <https://www.express.co.uk>.

⁵ Editorial, Is Anti-Immigrant Sentiment Growing in UK? What London Protests Indicate, *Firstpost* (Sept. 15, 2025).

⁶ C.G. Sinha & P. Banerjee, Cross-Border Illegal Immigration from Myanmar: Impact on India's Border Security and Foreign Policy, *7 Int'l J. Soc. & Hum.* 244–46 (2025).

an illegal status would facilitate the connections with the terrorist groups, radicalisation, policing issues, domestic unrest. They demand heightened monitoring, collaboration and policy outlines between refugees and security menaces. According to National Crime Records Bureau (NCRB) figures (2019-2021) show thousands of cases booked against foreign nationals across states, including West Bengal (1,287) and Delhi (322), with offences ranging from overstaying, drug peddling, cheating, theft, rape, and forgery.⁷

Fear has been a major factor that influences immigration control in the United States, as well as racial prejudice and political rhetoric, rather than objective security evidence. The U.S. post 9/11 made immigration appear to be a threat despite the fact that the attackers had entered the country on legitimate visas. This confusion was a combination of three different categories; undocumented migrants, criminals and those who are real security threats. Although these categories are sometimes interchangeable, relating them as one simplifies the complicated security issues.⁸ Although an approx 1,605,000 native-born Americans, 79,820 illegal immigrants and 57,528 legal immigrants between the ages of 18–54 were incarcerated in 2024. The incarceration rate for native-born Americans was 1,195 compared to 674 per 100,000 for illegal immigrants and 303 per 100,000 for legal immigrants in 2024. (American Community Survey, 2024) Immigrants were considered the cause of major crime participation. However, there is 25 percent increase in crime rate of illegal immigrants.⁹

The commonly reported information is the claim that individuals residing in state-subsidized hotels, including a large number of asylum seekers or potential illegal immigrants, have been attributed to serious offenses, including rape, sexual assault, assault on emergency workers, theft and violence in UK. The records of the court of a sample of accommodation sites indicate that there were at least 312 asylum seekers who had been charged with approximately 708 criminal offences in three years including various rapes, assaults and thefts.¹⁰ Considered through the national-security prism, the issues become more tense due to the perceived deficits in the border control and immigration control. People argue that lack of proper vetting and slowness of asylum claims may release dangerous people, which may jeopardise the safety and trust in border security. These stories are increased with larger political arguments that demand

⁷National Crime Records Bureau, *Crime in India 2021* (2021), https://www.endnowfoundation.org/wp-content/uploads/2023/04/Crime-in-India-2021-NCRB-1_compressed.pdf.

⁸ Saskia Sassen, *Towards a Systemic Theory of Irregular Migration: Explaining Ecuadorian Irregular Migration in Amsterdam and Madrid*, Springer, <http://www.springer.com/series/13502> (last visited Dec. 5, 2025).

⁹ Illegal Immigrant Incarceration Rates, 2010–2024: The Demographics of American Imprisonment -Immigrants have a low incarceration rate, MARCH 25, 2026• BRIEFING PAPER NO. 198, Alex Nowrasteh and Michelangelo Landgrave, CATO institute

¹⁰ Visa & Immigrations, *UK Anti-Migrant Protests 2025*, <https://visaandimmigrations.com/uk-anti-migrant-protests-2025/> (last visited Dec. 13, 2025).

more strict borders. Official UK statistics do not however systematically disaggregate the number of offences by immigration status and independent research usually lacks evidence that asylum seekers or migrants are more likely than the rest of the population to commit crime

Economic Burden or Participation

According to Costa, Bivens and Morrissey (2025) and other authorities, the debate on the economic cost of illegal immigrants should consider both the costs and the contribution. According to the Economic Policy Institute, the vast majority of unauthorised migrants are not enrolled in significant federal benefits (e.g. SNAP, SSI, Medicaid, TANF, ACA subsidies), which implies that they hardly use numerous federal resources. However, at the state and local levels, they may impose fiscal pressure, since they are users of services such as K-12 education, emergency care and local infrastructure, which are paid by state and local budgets; federal level net change is a little ways to the positive. Contrary to cost-oriented reports, the data offered by the Institute on Taxation and Economic Policy indicate that the illegal immigrants contributed approximately 96.7 billion dollars in the federal, state and local taxes in 2022¹¹, which is comprised of payroll, sales, property and income taxes- whereas they are typically ineligible to most benefits. Therefore, though the financial burden of local services in localities with large illegal immigrant populations may be experienced, the economy as a whole is not straightforward: illegal immigrants are a great source of tax revenue and labour to the economy, although certain state budgets may have to deal with the strain of providing services to illegal immigrants.

Demographic Stress and Civilian Conflict

The unauthorised or irregular immigrants may lead to demographic pressure and cultural conflict with host communities. By 2023, the U.S has a record of 14 million illegal immigrants, which is considerably higher than before. A greater number of individuals had temporary shelter or were asylum seekers. This was the largest figure ever, and it was on top of a figure of over 53 million in the U.S. who are immigrants and that translates to about 15.8 percent of the country.¹² Although, the Government of India has officially stated that it does not have precise data on the total number of illegal immigrants living in the country. According to Delhi based academic report "Illegal immigration to Delhi has significantly altered the city's

¹¹ Inst. on Taxation & Econ. Policy, *Report: Tax Payments by Undocumented Immigrants* (July 30, 2024).

¹² Pew Research Center, *U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023* (Aug. 21, 2025), <https://www.pewresearch.org>.

demographic landscape,"¹³. Whereas, Tripura government reported that it detained 3,518 illegal immigrants over three years, demonstrating regional demographic and border pressures.¹⁴ These strains are most entrenched where a high growth of population is in conflict with scarce social services, economic anxieties and varying social values.

To deal with such issue the government of India uses Foreign Act to deport immigrants and further "High-Powered Demography Mission," is announced by prime minister in his Independence Day address, is framed as a government effort to monitor and respond to demographic changes linked to illegal immigration. In principle, it aims to strengthen border control, improve population data systems and address concerns about national security and resource distribution. (PM Independence Day address, 2025) However, such a mission raises important human rights questions. Measures like large scale data collection, biometric tracking or identification of "illegal" migrants risk affecting the right to privacy and dignity under Article 21 of the Constitution of India. There is also a concern that without clear safeguards, it could lead to profiling or discrimination against vulnerable communities, potentially conflicting with equality guarantees under Article 14 of the Constitution of India. If implemented without transparency and accountability, the mission could blur the line between legitimate state regulation and intrusive surveillance, making it essential that any such policy be carefully designed to balance security objectives with fundamental rights protections.

Studies indicate that hostility can be ignited by misinformation and perceived threats with regard to migrants even in cases where information does not substantiate the relationships among migrants and crime or security. Indicatively, fake social media allegations in the UK attributed violent stabbing to an asylum seeker. These rumors resulted in mob attacks on mosques and migrant housing, harmed police and resulted in more than 100 arrests in 2024. There are numerous instances of protests and clashes in various European cities surrounding the hotels where asylum seekers have their accommodation. Local resentment regarding housing, resources, and cultural assimilation is overfilled into bigger clashes with the police and anti-protestors. Such incidences mirror macro demographic strains. People are under the impression that they are experiencing pressure on their schools, homes, health amenities, and cultural unity, which are heightened by social network sites and political rhetorical speech.

¹³ India Today, Illegal Immigrants to Delhi: Analysing Socio-Economic and Political Consequences (Feb. 3, 2025), <https://www.indiatoday.in/india/story/illegal-migration-delhi-demography-electoral-process-crime-networks-slums-jawaharlal-nehru-university-jnu-report-2673899-2025-02-03>.

¹⁴Northeast Now, 3,518 Illegal Immigrants Detained, 2,739 Pushed Back in Last 3 Years: Tripura CM (Sept. 23, 2025), <https://www.nenow.in/north-east-news/tripura/3518-illegal-immigrants-detained-2739-pushed-back-in-last-3-years-tripura-cm.html>.

Scholarly research demonstrates that the levels of conflict are based upon local factors, rather than just the existence of immigrants. Nevertheless, these incidences show how cultural anxiety and identity tensions can arise because of demographic change, and in severe cases lead to actual conflict in the real world.

Implementation of Human Rights Against State Sovereignty

The discussion of the implementation of human rights and state sovereignty in border control is a central topic in the international law. States possess the sovereign authority over entry, detention and removal of non-nationals for the care and security of its own citizens. Meanwhile, the international human rights and refugee law compels them to observe fundamental rights to all people in their land. Article 1(3) of the UN Charter Promotes and encourages respect for human rights and fundamental freedoms for all, without distinction. Mechanisms like the 1951 Refugee Convention, its 1967 Protocol, and customary international law require non-refoulement. Non-refoulement prohibits the deportation of asylum seekers to locations where they are likely to be persecuted or harmed severely, independent of their immigration status. States also have an obligation to offer fair asylum processes and not to discriminate against nationality or other protected characteristics. The practice cases reflect both sides of the balance. This was because the European Court of Human Rights concluded that Greece was guilty of contravening human rights by pushing back asylum seekers in a systematic manner, despite the claim of Greece that it required prerogatives of controlling its borders. On the other hand, other states, such as Greece, have temporarily suspended asylum claims at periods of increased crossings across the Mediterranean.¹⁵ Human rights analysts condemn the actions saying that they may be against international obligations. These dynamics demonstrate that sovereign border control is authoritative and has to be applied in accordance with human rights principles and protection of the vulnerable population and adherence to the UN-based standards.¹⁶

International Cooperation and Need of Reform

The unilateral enforcement of the border will not work in efficiency in controlling irregular or illegal immigration. It presupposes integrated international collaboration and system reforming. People leave their countries because of instability, conflict, climate stress, and

¹⁵ Greek Lawmakers Back Asylum Freeze Despite International Criticism, AP News (July 11, 2025).

¹⁶ Laura Thompson, Protection of Migrants' Rights and State Sovereignty, 50 U.N. Chron. 8 (2013).

economic inequality in the countries of origin. These are the root causes that require collective action by the way of development help, conflict prevention, and creation of employment in such nations. Multilateral agreements like the UN Global Compact for Safe, Orderly and Regular Migration (2018) invite the states to enhance legal migration channels, enhance returns and readmission treaties, and eliminate transnational networks of smuggling by means of joint intelligence. The practical programs explain how coordination is done. The bilateral labor-mobility agreements and EU-Turkey migration cooperation are integrated to contain irregular crossings through the merging of border management, financial aid, and responsibility sharing. Asylum systems must also be reformed to make them faster, establish equal criteria, and offload. Enforcement-only strategies are prone to humanitarian infractions, international irritation, and policy breakdowns, unless based on long-term international cooperation. This highlights the fact that migration restraint should be collective, preventive, and rule based and not necessarily coercive.

Conclusion

The discourse on illegal immigration reveals a complex intersection of national security, economic stability, human rights and state sovereignty, where unilateral approaches have proven insufficient. Throughout this paper, the recurring theme has been contradiction — between the data and the political narrative, between state authority and human rights obligations. While states own the sovereign right to regulate borders and protect public order, international law obliges them to uphold fundamental human rights, including non-refoulement¹⁷ and due process. Data shows that irregular migration can place pressure on public resources, and security beliefs, occasionally triggering demographic stress, and conflict with local community, even though migrants may contribute economically in limited ways. The central finding of this research includes that illegal migration forms a governance challenge of structural proportions, one that cannot be resolved through enforcement alone. These competing realities highlight that the crisis is not merely migratory but institutional and structural in nature. Effective restraint of illegal immigration therefore requires cooperation at international level. A systemic reform of international organisations is need that can effectively work on reducing the migration and help to resettle them. Other reforms may include asylum and border management regimes, intelligence sharing, and responsibility-sharing among states, alongside investment in addressing root causes in origin countries. A balanced, law-based

¹⁷ Convention Relating to the Status of Refugees art. 33 (non-refoulement), July 28, 1951, 189 U.N.T.S. 137.

approach, integrating security enforcement with humanitarian obligations is essential to maintain public trust, protect vulnerable populations, and preserve the legitimacy of both state sovereignty and international legal order. The path forward demands political courage, institutional reform, and a willingness to hold both security and humanity as genuinely non-negotiable values and not as opposites, but as the twin foundations of legitimate governance in an interconnected world.

