

**Committee:** Special Conference on Migration

**Issue:** Reviewing the efficiency of close border policies on limiting undocumented immigrants

**Student Officer:** Eleanna Chalaraki

**Position:** Deputy President

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## PERSONAL INTRODUCTION

Dear Delegates of the Special Conference,

My name is Eleanna Chalaraki and I am a 9<sup>th</sup> grade student of Ekpedeftiki Anagennisi. It is my utmost honor to serve as the Deputy President in the Special Conference on Migration in the 4<sup>th</sup> session of the American College of Greece Model United Nations. MUN is an activity which I truly enjoy doing for the last two years. I have participated many times as a delegate but I decided it was high time to become a Student Officer. My goal is to share my passion and enthusiasm for this activity with all of you and create the ideal conditions inside the committee so as the delegates to manage to pass well-structured resolutions. This is going to be my first time chairing and I am looking forward to having an amazing MUN experience.

The present study guide will provide you with important information, key factors, and identified problems on the issue of “reviewing the efficiency of close border policies on limiting undocumented immigrants,” which concerns the international community and especially the European Union after the Syrian Civil War started in 2011. Except for the information that is being provided in this study guide, which will serve as a pretext to your investigation, I highly advise you to extend your research and that you research your delegation’s policy thoroughly.

Should you have any questions do not hesitate to contact me via my email ([aehalar@gmail.com](mailto:aehalar@gmail.com)) and I will be more than happy to help you.

Looking forward to seeing you all in March.

Sincerely,

Eleanna Chalaraki

## TOPIC INTRODUCTION

Illegal immigration is a global phenomenon and is often regarded as a tale of political failure. In 2017 approximately 10.5 million people lived illegally in the US<sup>1</sup> and a large number of undocumented foreigners resided in other advanced destination countries such as Germany, Italy, and France. Illegal Immigration has concerned the international community due to the fact that it causes a lot of economic, security, and humanitarian concerns. One of the countries that is highly affected by undocumented immigrants in the US, but, Congress has not yet reached an agreement on how to address immigration challenges such as border security and especially undocumented immigration.

The flow of irregular migrants entering the European Union (EU) reached unprecedented levels during the refugee crisis in 2015 and remained high in 2016. During 2016, Member States reported new arrivals from Africa, the Middle East, and Asia, many of whom turned to criminal networks of smugglers for assistance. The difficult reality of the irregular immigration phenomenon is highly noticed in the EU where thousands of immigrants and asylum-seekers trying to reach European countries to guarantee their survival. EU has developed an integrated border management strategy that aims to maintain high levels of security by using for example information technology to prevent undocumented immigrants and ensure their fundamental rights are fully respected.



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Figure 1: Illegal Border Crossings

Consequently, illegal immigration has become a very urgent issue of political debate and a major challenge to many governments especially from MEDCs that aim to control the flow of undocumented migrants. For this reason, many countries have adopted close border policies to limit undocumented foreigners. For too long, the policy debate over border enforcement has been split between two opinions: those who believe that borders can be sealed against illegal entry by force alone, and those who believe that any effort to do so is useless and without expanded legal work

<sup>1</sup> Statista Research Department. "Illegal Immigration in the United States - Statistics & Facts." 21 Jan. 2021, [www.statista.com/topics/3454/illegal-immigration-in-the-united-states](http://www.statista.com/topics/3454/illegal-immigration-in-the-united-states)

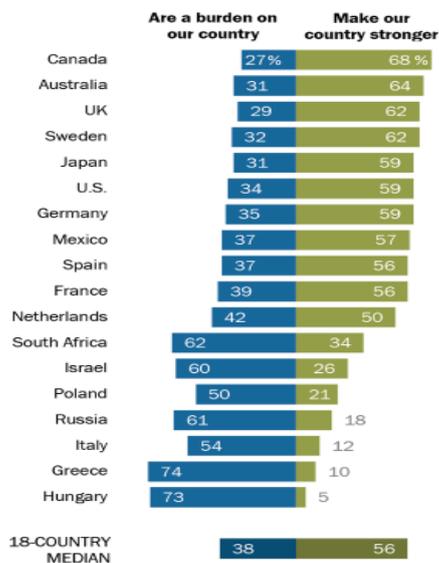
<sup>2</sup> Kolovos, Ioannis. "Illegal Immigration.", 2 Jan. 2017, [www.rieas.gr/researchareas/illegal-immigration](http://www.rieas.gr/researchareas/illegal-immigration)

opportunities. And until recently both sides have been able to provide evidence to make their cases. But, technological improvements in both data and analysis are increasingly facilitating to offer answers to the critical question of the effectiveness of border enforcement in stopping and deterring illegal entry.

Majorities of publics in top migrant destination countries say immigrants strengthen their countries and they do not constitute a further burden, according to a 2018 Pew Research Centre survey of 18 countries that host half of the world’s migrants. In 10 of the 18 countries surveyed, among them some of the largest migrant receiving countries in the world namely the United States, Germany, the United Kingdom, France, Canada and Australia view immigrants as people who strengthen their country rather than as a burden. By contrast, majorities in five countries surveyed – Hungary, Greece, South Africa, Russia and Israel – see immigrants as a burden to their countries. This survey presents in some way how the close border policies have been generally shaped in the world and the way that immigrants are being treated in these countries.

**Half or more in many destination countries view immigrants as a strength**

*Immigrants today make our country stronger because of their work and talents OR Immigrants today are a burden on our country because they take our jobs and social benefits*



Source: Spring 2018 Global Attitudes Survey, Q54a. "Around the World, More Say Immigrants Are a Strength Than a Burden"

PEW RESEARCH CENTER

Figure 2: 2018 Immigration Survey

<sup>3</sup> "Around the World, More Say Immigrants Are a Strength Than a Burden.", 14 Mar. 2019, [www.pewresearch.org/global/2019/03/14/around-the-world-more-say-immigrants-are-a-strength-than-a-burden](http://www.pewresearch.org/global/2019/03/14/around-the-world-more-say-immigrants-are-a-strength-than-a-burden).

## DEFINITION OF KEY TERMS

### Immigration

“Immigration is a process through which individuals become permanent residents or citizens of another country.”<sup>4</sup>

### Undocumented Immigrants

“Undocumented immigrants are foreign nationals who lack proper authorization to be in another state. These immigrants either entered the foreign country without inspection according to immigration procedures or entered the foreign country on a temporary visa and stayed beyond the expiration date of the visa.”<sup>5</sup>

### Borders

“Borders are lines on maps that define where one place’s authority starts and where another stops.”<sup>6</sup>

### Closed Borders

“A closed border is a border that prevents the movement of people between different jurisdictions with limited or no exceptions associated with this movement. These borders normally have fences or walls in which any gates or border crossings are closed and if these border gates are opened, they generally only allow the movement of people in exceptional circumstances. Perhaps the most famous example of an extant closed border is the Demilitarized Zone between North Korea and South Korea.”<sup>7</sup>

### Open Borders

Open borders refer to government policies allowing for the free movement of people between countries or political jurisdictions with little or no restrictions. A country’s borders may be opened because its government doesn’t have border control laws or requires the enforcement of immigration control laws as it doesn’t

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<sup>4</sup> Parry, Sarah. “Immigration.” <https://www.britannica.com/topic/immigration>,

<sup>5</sup> Legal Information Institute. “Undocumented Immigrant.” [https://www.law.cornell.edu/wex/undocumented\\_immigrant](https://www.law.cornell.edu/wex/undocumented_immigrant)

<sup>6</sup> “Open Borders vs Closed Borders.” <https://www.ecnmy.org/engage/open-borders-vs-closed-borders-which-is-better-for-the-economy/>

<sup>7</sup> “Open Border.” [https://en.wikipedia.org/wiki/Open\\_border](https://en.wikipedia.org/wiki/Open_border)

have the necessary resources. The term “open borders” does not apply to the flow of goods and services or the boundaries between privately owned properties.

### **Asylum Seekers**

“An asylum seeker is someone who claims to be a refugee but whose claim hasn’t been evaluated. This person would have applied for asylum on the grounds that returning to his or her country would lead to persecution on account of race, religion, nationality or political beliefs.”<sup>8</sup>

### **Refugees**

“Refugees are people who have fled war, violence, conflict, or persecution and have crossed an international border to find safety in another country.”<sup>9</sup>

### **Legal visas**

“An official endorsement on a passport or other document required to secure an alien's admission to a country.”<sup>10</sup>

### **Conditionally Open Borders**

This term refers to the allowance of some people to freely enter a country that meet a legally established set of conditions and these conditions represent exceptions to existing border control laws that would otherwise be applied.

### **Controlled Borders**

Countries that have adopted controlled borders place restrictions mainly on immigrants.

### **Quota Controlled Borders**

“Both conditionally open and controlled borders may impose quota entry restrictions based on the entrant’s country of origin, health, occupation and skills, family status, financial resources, and criminal record.”<sup>11</sup>

### **Border Control**

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<sup>8</sup> Habitat for Humanity. “Refugees, Asylum Seekers & Migrants: A Crucial Difference.” [Www.Habitatforhumanity.Org.Uk/Blog/2016/09/Refugees-Asylum-Seekers-Migrants-Crucial-Difference](https://www.habitatforhumanity.org.uk/blog/2016/09/refugees-asylum-seekers-migrants-crucial-difference)

<sup>9</sup> UNHCR. “What Is a Refugee?” <https://www.unhcr.org/what-is-a-refugee.html>

<sup>10</sup> The free Dictionary by Farlex. “Visa.” <https://legal-dictionary.thefreedictionary.com/visa>

<sup>11</sup> Longley, Robert. “Open Borders: Definition, Pros and Cons.” <https://www.thoughtco.com/open-borders-4684612>, 22 Apr. 2019

“Border Controls are measures taken by a country so as to monitor and regulate its borders.”

## **BACKGROUND INFORMATION**

### **Historical Background Pre- modern History Immigration**

Immigration must be perceived as a permanent phenomenon rather than as a temporary movement of people and is a quite remarkably broad and multifaceted field embracing a multitude of issues, affecting numerous countries. The term immigration was first introduced in the 17<sup>th</sup> century referring to non-warlike population movements between the emerging nation-states. People have needed to immigrate due to numerous reasons for centuries now. Seasonal and temporary immigration, as well as immigration, with the intent of full residence, are types of immigrations that were and are formed as a consequence of various problems that infest our world, such as the expulsion of entire ethnic groups, the deportation of certain individuals, and the flight triggered by famine, by political persecution, by civil war, by environmental disasters, etc.

### **Pre-modern History Immigration**

Studies have shown that the pre-modern migration of human populations begins with the movement of Homo erectus out of Africa across Eurasia about 1.75 million years ago. Migration to America is estimated to have occurred 20,000 to 15,000 years ago. Also, approximately 2000 years ago humans had established settlements in most of the Pacific Islands. The main reasons that people tended to immigrate due to many factors, such as changing climate and landscape and inadequate food-supply for the levels of the population. From 728 BCE, the Greeks began 250 years of expansion, settling colonies in several places, including Sicily and Marseille. The pace of immigration greatly accelerated at the Age of Exploration and European Colonialism. In the 16<sup>th</sup> century, perhaps 240,000 Europeans entered American ports, and in the 19<sup>th</sup> century over 50 million people emigrated from Europe to America.

### **Modern History**

It is undeniable that the Second and the First World War impacted on a great scale humanity with all the genocides and crises sparked by them and had, as a result, the rising of immigration. In April 1915, during the collapse of the Ottoman Empire, Muslims moved from the Balkan to Turkey, while Christians moved the other way and then Ottoman Empire embarked upon the decimation of its civilian Armenian population. The Armenian population in 1915 in the Ottoman Empire was estimated

at two million. By 1918, a reported one million had disappeared while hundreds of thousands had become homeless and stateless refugees. Also, the Russian Civil War caused more than three million immigrants from Russia, Poland, and Germany who tried to move out of the Soviet Union. After the Holocaust from 1938 to 1945, there was an increased flow of immigrants to the British Mandate of Palestine, which became the modern state of Israel as a result of the United Nations Partition Plan for Palestine. One of the largest European immigration happened in 1945 by the provisions of the Potsdam Agreement signed by victorious Western Allies and the Soviet Union. This agreement involved the immigration and resettlement of close to or over 20 million people and the largest group affected were 16.5 million Germans expelled from Eastern Europe westwards. More, many of the several hundred thousand Jews remaining in Eastern Europe after the Holocaust migrated outside Europe to Israel and the United States.

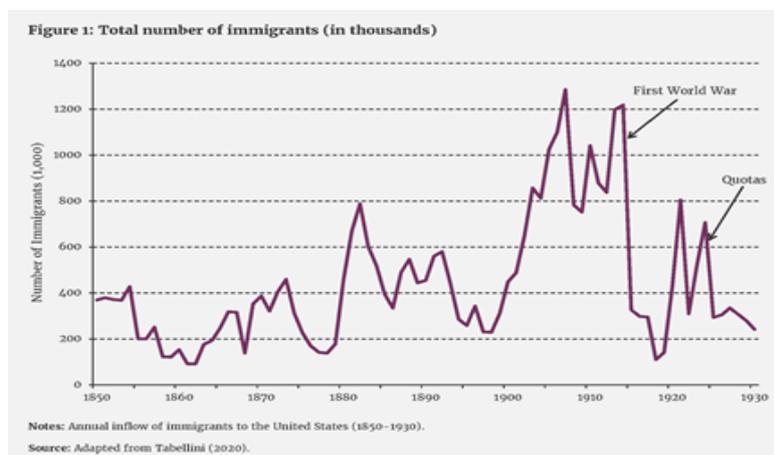


Figure 3: Immigration up to 1930<sup>12</sup>

More, one of the biggest flow of immigrants occurred when at 2011 Syrian Civil War started. Many countries were affected by this phenomenon that led to an impressive rising of undocumented immigrants. Many states reached the decision that the most efficient way to stop undocumented immigration is via close border policies that were criticized by a lot of states. Lastly, a significant humanitarian crisis has been unfolded since early-November 2020 in Ethiopia's Tigray region where thousands of refugees flee the ongoing fighting and seek safety in eastern Sudan. Approximately 45,000 refugees from Ethiopia's Tigray have fled into Sudan and 96,000 refugees from Eritrea are hosted in the Tigray region. <sup>13</sup>UNHCR is highly concerned with this crisis

<sup>12</sup> Tabellini, Marco. "The Age of Mass Migration: Contrasting Economic and Political Effects." *International Trade*, 7 Feb. 2020, <https://microeconomicinsights.org/the-age-of-mass-migration/>

<sup>13</sup> UNHCR. "Ethiopia Tigray Emergency, 30 Nov. 2020, [www.unhcr.org/uk/ethiopia-tigray-emergency.html?gclid=CjwKCAiAjeSABhAPEiwAqfxUReiLoYTcr4TJ0HII0olbjscdNbM2NE9ddAAuAJHxx7J\\_zhLtHqUZ5RoCR\\_cQAvD\\_BwE&gclid=aw.ds](http://www.unhcr.org/uk/ethiopia-tigray-emergency.html?gclid=CjwKCAiAjeSABhAPEiwAqfxUReiLoYTcr4TJ0HII0olbjscdNbM2NE9ddAAuAJHxx7J_zhLtHqUZ5RoCR_cQAvD_BwE&gclid=aw.ds).

and especially during Covid-19 pandemic as it seems that there is no end in sight to the conflict and the steady stream of daily arrivals is increasing.

### Effectiveness of close border policies

For too long there is a controversial debate between countries over border enforcement policies that have split to two different opinions. One supports that the only way to stop illegal immigration is by force alone while the other believes that any effort to do so is futile and without practical results. And until recently, both sides have been able to muster evidence to make their cases. The enforcers of close border policies were pointing out the success at sealing the borders while on the other hand, the critics argue that despite billions spent on enforcement the illegal entry continues to exist. But improvements in both data and analysis are increasingly making it easier to provide answers to the debate regarding the effectiveness of close border policies as a measure to stop and deter illegal entry.

<sup>14</sup>In the USA new evidence suggests that unauthorized immigration was successfully declined to its lowest level in more than a decade, according to new Pew Research Center based on 2016 government data. Border enforcement is said to cause this decline, in particular the use of penalties to the undocumented immigrants such as jail time, for illegal border crossers. Also, the success of deterrence through close-border enforcement has meant that attempted crossings and smuggling of immigrants have fallen dramatically. For this reason, President Donald Trump wanted to add more border enforcement expenditures as he believed that this would have incremental benefits. Trump’s administration sought an additional \$2.6 billion for border security, including the construction of new physical barriers while Congress tried to consider this budget proposal and understand if its successes to date in reducing illegal entry across the border could produce diminishing returns.

#### Number of unauthorized immigrants in the U.S. declined over the past decade

*In millions*



Figure 4: The decline in documented immigrants in the USA

<sup>14</sup> Owen , Quinn. “Decade-Long Decline of Unauthorized Immigrants Hits New Low of 10.5M: Report.” *Mexicans No Longer Make up the Majority of Those in the U.S. Illegally*, 12 June 2019, <https://abcnews.go.com/Politics/decade-long-decline-unauthorized-immigrants-hits-low-105m/story?id=63660254>

Except for the USA, many countries have tried to implement close border policies, in particular, Hungary and Poland. When in 2015 Europe's refugee crisis began, Hungary was one of the countries in EU that decided to adopt close border policies so as to prevent illegal immigrants to enter the EU. Firstly, Hungary blocked its southern border with Serbia and declared a state of emergency in two southern counties as the new laws came into force and anyone found crossing the border illegally was facing charges, and 30 judges have been put on standby to try offenders. The state of emergency gave police extra powers and could allow the deployment of troops, if parliament approved. These moves were and continue to be a challenge to the EU's Schengen agreement on free movement, although the rules do allow for temporary controls in emergencies. The Serbian minister in charge of the government's working committee on migrants, Aleksandar Vulin, said that the closure of the border by Hungary was unsustainable and they couldn't maintain this burden. Afterward, Hungarian Foreign Minister Peter Szijjarto announced plans to build a fence to keep migrants out along part of its border with Romania, which is a fellow EU member, in order to prevent illegal crossing of their borders, a move that was characterized as "not a fair gesture."



Figure 5: Border Control in Europe<sup>15</sup>

The strategy of Hungary's policy led to the intolerance of Serbia that warned it could not become the dumping ground for Europe's refugees. Hungary's behaviour was also condemned by the UN, who said asylum-seekers shouldn't be expected to rely on Serbia's virtually non-existent reception system and Serbia is a safe place of origin but it does not have an organized asylum system for refugees from other countries. After these statements of the UN, the president of Serbia said that he would not allow his country to become a centre of arrivals of all immigrants. Also, Austria

<sup>15</sup>"Migrant Crisis: Hungary's Closed Border Leaves Many Stranded." *Europe Migrant Crisis*, 15 Sept. 2015, <https://www.bbc.com/news/world-europe-34260071>

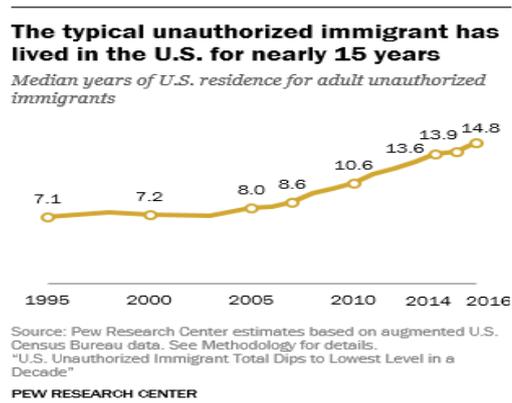
was one of the several countries to say it would tighten border controls and for this reason, they deployed hundreds of troops to help the police deal with migrant arrivals.

More, Poland was one of the countries that closed their borders on refugees but at the same time, Polish borders became practically closed to asylum seekers too. The European Court of Human Rights (ECtHR) has intervened in several cases involving foreign nationals denied access to Polish asylum procedures. Simultaneously, a parallel reality was created for economic immigrants from Ukraine as they weren't allowed to enter Poland. So, in this way, it is understandable that countries do not adopt close border policies with the sole intent to stop undocumented immigrants but at the same time they want to gain many other benefits.

### **Inefficiency of border enforcement**

Although close border policies reduced on a great scale the number of undocumented immigrants in countries that they have implemented, there are a lot of issues that lead to the inefficiency of border enforcement. Firstly, arrivals at the borders of states are usually made up of asylum seekers rather than traditional economic immigrants. Based on the United Nations Declaration of Human Rights at 1948 and article 14 "Everyone has the right to seek and enjoy in other countries asylum from prosecution". In this way, most countries have legal obligations to consider a serious request for asylum and it is illegal for countries to close their borders to asylum seekers.

Another serious issue that incommodes the efficiency of close border policies is legal visas. The majority of the unauthorized population in a country is arriving on legal visas and then overstaying. Border enforcement does nothing to respond to this challenge as the immigrants enter legally the country. Virtually, in every country, overstays substantially exceed apprehensions. Taken together, for the rest of the world, the number of overstays is more than 30 times the number of border apprehensions. Lastly, among undocumented immigrants, a growing percentage of repeat border crossers are parents with children left behind in a country, a population that is far harder to deter than young economic immigrants.



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Figure 6: Median Years of the US residence for adult unauthorized immigrants

## MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

### United States of America

The USA shares 7,000 miles of land border with Canada and Mexico, as well as rivers, lakes and, coastal waters around the country. These borders account for trillions of dollars in trade and travel each year and as a result, they are significant economic gateways. President’s Trump border policy was to construct a border wall and ensure the swift removal of unlawful entrants, end chain migration, eliminate the Visa Lottery, and move the country to a merit-based entry system. The signature promise of President Donald Trump's 2016 election campaign was to build a wall between the USA and Mexico as a measure to limit undocumented immigration. On the other hand, the new President of the USA Joe Biden said that, while he would not tear down the barrier Mr. Trump has built, he would not expand it further.

### Hungary

The closure of the Hungarian borders to foreigners as a COVID-19 measure has set the country on a coalition course with the European Commission recalling its obligations under Schengen. As a reaction to the ruling by the Court of Justice of the European Union (CJEU) in May Hungary closed the controversial transit zones and introduced a new asylum system de facto removing the country from the CEAS (Common European Asylum System). From 1 September, Hungary has closed its borders to all foreigners except for V4 countries reportedly for one month. The closure was introduced as a COVID-19 measure but the initiative was criticized by the

<sup>16</sup> D’VERA COHN, JEFFREY S. PASSEL. “U.S. Unauthorized Immigrant Total Dips to Lowest Level in a Decade.” *Number from Mexico Continues to Decline, While Central America Is the Only Growing Region*, 27 Nov. 2018, <https://www.pewresearch.org/hispanic/2018/11/27/u-s-unauthorized-immigrant-total-dips-to-lowest-level-in-a-decade/#fn-27268-3>

European Commission warning Hungary that border closures are “not efficient” to fight COVID-19.

### **Poland**

The geographical position of Poland between the western edge of the former Soviet Union and the affluent West makes it a busy transit area, used both by economic migrants and asylum seekers. Although it has begun closing up its borders nevertheless remains an important transit country and it is estimated that about 15,000 people illegally cross the territory of Poland every year. Poland as Hungary closed its borders due to Covid-19 but the nature and execution of some measures as well as their intentions remain questionable, as they appear to be focused on securing political power rather than protecting citizens from the disease. The economic needs are prioritized over people’s safety and the rights of citizens over those of the immigrants.

### **Mexico**

Arrivals at the borders of the USA are increasingly made up of asylum seekers from Mexico rather than traditional economic immigrants. This is a population harder to deter because of the dangers faced at home and in many cases not legally right to prevent because the USA has the legal obligations to request serious request for asylum.

### **European Union**

The Schengen Borders Code provides the EU States with a single set of common rules that govern external border checks on persons, entry requirements, and duration of short stays in the Schengen Area. The EU tries to make these rules more efficient while increasing its transparency. Also, the EU as a measure to combat and harmonize the issue of short-stay visas has implemented the Visa Code. More, EU often plays the mediator between the disagreements of Turkey and Greece trying to promote peace and help both sides to pursue their interests.

### **International Organization for Migration (IOM)**

The International Organization for Migration was established in 1951 and is the leading intergovernmental organization in the field of migration and works closely with governments and other partners. Its main activities are to provide assistance to governments so as to respond to contemporary migration challenges, offer guidance, information, advice and support to the further development of national, regional and global migration strategies. IOM’s work focuses especially on four broad areas of migration management: migration and development; facilitating migration; regulating

migration; and forced migration. 125 member states work with IOM and it promotes global cooperation on migration issues.

### United Nations High Commissioner for Refugees

The United Nations High Commissioner for Refugees is a UN agency that aims to aid and protect refugees, forcibly displaced communities, and stateless people, and to assist in their voluntary repatriation, local integration or resettlement to a third country. It was created in 1950 and it is headquartered in Geneva, Switzerland. The 1951 Refugee Convention established the scope and legal framework of the agency's work. As of June 2020, UNHCR has over 20 million refugees under its mandate and as a result its annual budget has grown from US\$300,000 in 1951 to US\$8.6 billion in 2019, making it one of the largest UN agencies by expenditure.

### TIMELINE OF EVENTS

Date	Description of event
May 26, 1924	The National Origins Act authorized the formation of the U.S. Border Patrol.
December 10, 1948	United Nations Declaration of Human Rights.
July 28, 1951	Geneva Convention relating to the status of refugees.
October 4, 1967	Protocol Relating to the Status of Refugees.
June 14, 1985	The first Schengen Agreement was signed.
1990	A Convention implemented the Schengen Agreement.
September 19, 1993	Operation Hold the Line was created.
September 1, 1997	The Dublin Convention came into force.
May 1, 1999	The treaty of Amsterdam was signed.
October 26, 2004	Establishment of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex).
2011	Syrian Civil War started.
October 10, 2013	The European Border Surveillance System was put into effect.
2015	The year of Europe's refugee crisis.
September 15, 2015	Hungary completed a fence along its border with Serbia.
November 4, 2015	The first relocations from Greece started.
November 30, 2017	The European Commission adopted a Regulation for the establishment of an Entry/Exit System.
March 21, 2020	The United States will temporarily limit inbound land border crossings from Canada and Mexico to "essential travel".

2020	Current Temporarily Reintroduced Border Controls from EU.
October 30, 2020	New Border Wall Reaches 400 Miles in the US.

## RELEVANT RESOLUTIONS, TREATIES AND EVENTS

### United Nations Declaration of Human Rights of 1948

The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. Article 14 of this declaration creates the legal obligation of countries to provide shelter and humanitarian aid to asylum seekers as it says that “Everyone has the right to seek and enjoy in other countries asylum from prosecution”. Also, it states that “ This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or acts contrary to the purposes and principles of the United Nations”.<sup>17</sup>

### Convention Relating to the Status of Refugees of 1951 / Protocol Relating to the Status of Refugees of 1967

The 1951 Refugee Convention and its 1967 Protocol are the key legal documents that form the basis of UNHCR. These conventions enshrine a universal ‘refugee’ definition and outline the rights of refugees and the legal obligations of states towards them. The core principle is non-refoulement that forbids a country receiving asylum seekers from returning them to a country in which they would be in likely danger of persecution based on race, religion, nationality, membership of a particular social group, or political opinion.

### Schengen Convention of 1990

The Schengen Convention, signed on 19 June 1990, supplements the Schengen Agreement, signed on 14 June 1985 from Belgium, France, Germany, Luxembourg, and the Netherlands. These countries agreed that they would gradually remove controls at their common borders and introduce freedom of movement for all nationals of the signatory EU States, other EU states, or non-EU countries. The Schengen Convention safeguards for the implementing freedom of movement.

### Treaty of Amsterdam of 1999

The Treaty of Amsterdam was signed on 2 October 1997, and entered into force on 1 May 1999. The Treaty of Amsterdam represented a turning-point in European migration policy, as the competence for immigration and asylum was

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<sup>17</sup> United Nations. “Universal Declaration of Human Rights., 10 Jan. 1948, [www.un.org/en/universal-declaration-human-rights](http://www.un.org/en/universal-declaration-human-rights).

transferred from member states to the EU. Also, it adopts civil and criminal laws and enacts foreign and security policy.

### **Dublin Convention of 1997**

The Dublin Convention determined “the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities”. In other words, it stipulated that an asylum claim would be dealt with by one state only, specifically the state of first entry, laying the foundation for a Common European Asylum System (CEAS).<sup>18</sup>

### **Security Council Resolution 1373 (2001)**

Resolution 1373, signed by the Security Council in 2001, is the first line of defense against the movement of terrorists across borders and the illegal cross-border movement of goods and cargo. It plays a key role in the effective implementation of counter-terrorism and border control.

## **PREVIOUS ATTEMPTS TO SOLVE THE ISSUE**

Organizations and nations all around the world have tried with various attempts to solve the issue of undocumented immigrants throughout the years and ensure that the rights of immigrants are respected by all states. Firstly, Frontex, which is the European Border and Coast Guard Agency, focuses on deterring ‘irregular’ immigrants and preventing them from reaching the EU, without first knowing whether they are in danger or need of protection. Frontex can provide additional technical support for EU countries facing severe migratory pressure and it does this by coordinating the deployment of additional technical equipment and specially-trained border staff. The agency also collaborates with third countries intercepting migrants and asylum-seekers before they reach the EU’s borders.

Secondly, UNHCR (United Nations High Commissioner of Refugees) is working to provide life-saving support, distributing clean water, personal protection equipment, along with clothes, thermal blankets, and shelter to keep people warm and healthy. It has raised numerous concerns about human rights issues stemming from the EU–Turkey deal, ranging from keeping migrants in overcrowded and unsanitary detention centers on the Greek islands to inadequate legal protection for people seeking to appeal against the rejection of an asylum claim. Alongside, the

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<sup>18</sup> European Union. “Convention Determining the State Responsible for Examining Applications for Asylum Lodged in One of the Member States of the European Communities (‘Dublin Convention’).”, 15 June 1990, [www.refworld.org/docid/3ae6b38714.html](http://www.refworld.org/docid/3ae6b38714.html).

Office of the High Commissioner for Human Rights (OHCHR) works to promote and protect the human rights that are guaranteed under international law. It launched the recommended principles and Guidelines on Human Rights at International Borders. States are entitled to exercise jurisdiction at their international borders, but they must do so in light of their human rights obligations. Lastly, the European Union Emergency Trust Fund for Africa is explicitly designed to tackle the 'root causes' of instability, forced displacement, and irregular migration and to contribute to better migration management.

## POSSIBLE SOLUTIONS

### Implementation of Visa Policy

Prevent irregular migration through cooperation with LEDCs and implement an effective visa policy may be an effective solution to this issue. Visas will be provided to those people who meet the conditions to be refugees prioritizing those that have families with children, elderly people to care for, families in other areas with which they need to be reconnected. These visas will last for two years for example and after this period they will be re-evaluated and they will be renewed accordingly with the political situation of their homeland and with other criteria such as if immigrants have found a job and they are economically independent.

### Funds to countries facing migration challenges

Lastly, funds and humanitarian aid is crucial to be provided to countries that are affected by the close border policies of other countries because they raise all the burden of responsibility for refugees. States like Greece and Italy that are highly affected by the refugee crisis and undocumented immigrants cannot provide adequate protection for immigrants so organizations and countries with close border policies need to help them so as to ensure the appropriate treatment of refugees.

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