

The main causes of illegal immigration and Algeria's strategy to combat this phenomenon

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Received: 24/10/2024

Accepted: 19/11/2024

Abstract:

One of the issues that have captured the attention of governments and the general public is illegal immigration. It causes concern because, as a result of the difficulties that follow, it has taken center stage in many nations, adversely affecting their stability and security. In order to stop and deal with this phenomenon, nations are actively working to determine its root causes. Similar to other countries, Algeria has devised several tactics and methods, primarily focusing on the human security approach, to reduce the incidence of undocumented immigration. Algeria has attempted to tackle this situation by utilizing a variety of techniques, including legal, security, and economic measures.

key words: *Illegal immigration, crime, security, refugees, border.*

Introduction

Illegal immigration is the movement of people from foreign countries across the borders of receiving countries without complying with legal requirements for entry, stay or residence in one or more countries. Therefore, the "illegal" immigrant will be the one who crosses the border of the country where he wants to reside without identity papers, passport, or even a transport ticket. The "illegal" immigrant evades the representatives of the authority in place and lives on the fringes of the laws. Economic globalization and the increase in means of communication and transport have been accompanied by an increase in migration, including irregular migration. However, foreigners are currently considered a threat, and "can cause political, economic or social tensions in the countries of destination"¹.

The rules concerning the condition of foreigners are the rules put in place for the entry and stay of foreigners, as well as rules concerning the ability of these people to enjoy or not enjoy certain rights. This set of rules forms Foreigners' Law which is presented as: "a necessary prerogative of the State, inseparable from the missions which justify its existence: the protection of the territory and a population"².

1- The concept of illegal immigration

The words “harragas”, “migrants” and “refugees” can be used with negative connotations referring to a prefabricated imagination. First of all, the word harraga mobilizes knowledge in relation to a history of colonial and postcolonial relations. Before, it was easy to travel from Maghreb countries to France. But since March 1995, a more rigid visa system has been in place, within the framework of the Schengen convention. While this convention aimed at the free movement of people and goods within the borders of Europe, it made access to this space more difficult for Africans and North Africans, particularly young people who were excluded or left early from the system educative.

The term “migrants” refers to people who cross borders illegally for various reasons: *“A migrant is a generic term not defined in international law which, reflecting common usage, designates any person who leaves their place of habitual residence to settle temporarily or permanently and for various reasons, either in another region within the same country, or in another country, thus crossing an international border. It encompasses a certain number of specific legal categories of people, such as migrant workers; people whose particular types of movement are legally defined, such as smuggled migrants; as well as those whose status and forms of travel are not expressly defined by international law, such as international students.”*³

The phenomenon of illegal immigration is crossing borders without the approval of the relevant authorities in the departing country and the receiving country. Foreigners entering any country are required to follow appropriate legal procedures. In the absence of this, their movement becomes illegal, whether by forging documents or otherwise, and regardless of the means of transportation, whether by land, sea, or air, without security or customs control.

Irregular or illegal migration is a series of different phenomena and includes people who enter or remain in a country of which they are not citizens, contrary to what is required by the internal laws of that country. It includes immigrants who enter or remain in a country without authorization, victims of illicit trade and human trafficking, and those seeking denied asylum, those who do not comply with the order, deportations, and people who circumvent immigration controls by entering into an arranged marriage.

The main goal of migration may be to search for a better life or a new lifestyle that differs from those they are accustomed to in their original society.

2- Characteristics of the crime of illegal immigration

Each crime has characteristics that distinguish it from others, and link it to the rest of the crimes. The crime of illegal immigration, like other crimes, is characterized by a series of characteristics, which are as follows:

2-1- illegal immigration is a crime against persons

Illegal immigration crimes are crimes committed against individuals, as the subject of this crime is a human being. If a person is exposed to any of the acts that constitute part of this crime, such as bringing him in, taking him out, or facilitating his stay in the state's

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territory in an illegal manner, then this is considered an assault on his rights as a human being.

2-2- Illegal immigration is an intentional crime

The crime of smuggling illegal immigrants is a carefully orchestrated operation carried out by specialized groups or individuals trained to carry it out. This criminal act requires careful planning and tight coordination to cross borders illegally, whether by smuggling them inside trucks, ships, or even via land routes. The perpetrators who carry out these operations must be fully aware of the laws and risks associated with their actions, and this crime is not committed accidentally or negligently, but rather is committed consciously and intentionally.

2-3- Illegal immigration is a cross-border crimes

The crime of smuggling migrants requires crossing land, air and sea borders, in accordance with international concepts of borders in accordance with international laws. It is essentially based on arranging the illegal entry of individuals into the territory of a state of which they are not nationals or permanent residents. The crime of illegal immigration is characterized by its nature that crosses the borders of more than one country, starting from crossing the borders of the country of origin of the immigrants to the borders of the country of destination.

2-4- Illegal immigration is both harm and danger crime

Illegal immigration poses a double danger, as it leads to many lives lost due to the drowning of immigrant youth, and also leads to the plundering of money for the purpose of making illegal profits, in addition to its threats to security at the national and international levels. These crimes are considered an immediate danger immediately after the criminal behavior they represent is committed, as they represent an actual and real threat.

3- Elements of the crime of illegal immigration

Illegal immigration is effectively criminalized in most international legislation, including Algeria. This immigration is considered a violation of the interests protected by the Constitution and various laws, which in turn protect the rights and duties of individuals. Every criminal act has elements upon which it is based, and this is called the elements of the crime.

3-1- The legal element of the crime of illegal immigration

Article 175 bis 01 of the Penal Code 01-09 issued in Algeria in 2009 stipulate the legal element of the crime of illegal immigration. Which says: "Without prejudice to other legislative provisions in force, every Algerian or resident foreigner who leaves the national territory illegally shall be punished with imprisonment from two (02) to six (06) months and a fine from 20,000 to 60,000 DA, or one of these two penalties. While crossing a land, sea, or air border post, by impersonating an identity, using forged documents, or any other fraudulent means to evade submitting the necessary official documents, or carrying out the procedures required by the applicable laws and regulations, the same penalty applies to every person Leaves the national territory through ports or places other than border posts"⁴.

Therefore, international treaties and internal laws are responsible for clarifying the political borders of the state, which include dry land, territorial waters, and the air space

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above both land and water. It is internationally recognized that the sea coasts and the borders separating the country from its neighboring countries are considered a border line.

The legislator did not limit himself to mentioning the fraudulent means used in this, but rather mentioned them only as an example, such as impersonation and the use of forged documents, and did not specify the place of illegal departure to implement the penalty, whether it was at land, sea or air border posts, but rather it was circulated until on those who leave the national territory through ports other than border posts.

3-2- The material element of the crime of illegal immigration

The material element consists of three elements: the criminal behavior and the punishable result, and the material causal link that links the behavior and the result. The material element of traveling illegally, in turn, consists of these three elements. The criminal behavior of traveling illegally is the use of one of the means mentioned by Algerian legislator, in Article 175 bis 1, states that the punishable result, through which the crime is achieved, is being caught while leaving the country, and the causal link in this area is that the departure occurred as a result of the offender's behavior, which is the presence of an Algerian and foreign person in one of the centers at the border crossing during departure without travel documents.

3-3- The moral element of the crime of illegal immigration

The crime of illegal immigration is one of the crimes in which the criminal intent must be present in which the aim of the illegal immigrant is to enter the territory of the destination country after long planning with the intention of residing there, in a way that would violate the laws and regulations of residence there. In the world of law, "*the psychological connection is an important element known as the causal link that links the criminal act and its results on the one hand, and the actor from whom this act occurred on the other hand. Therefore that it can be said that the behavior is caused by the will of the actor*"⁵.

4- Causes of illegal immigration in Algeria

The first hypothesis suggests that economic and social factors are driving the desire of young people to engage in illegal immigration. The second hypothesis posits that the absence of human security fundamentals within the Algerian context contributes significantly to the occurrence of illegal immigration

To study the phenomenon of illegal immigration, it was necessary to investigate its main causes that led to its aggravation in most countries of the world, and to study it in-depth by accessing the most important details causing the phenomenon. Through this, we divided this requirement into two branches. The first section deals with internal reasons that fuel illegal immigration, while the second section deals with external reasons that attract illegal immigration.

4-1- Internal causes of illegal migration

A stable, safe, and dignified life without poverty, unemployment, and backwardness would create a spirit of migration, even if that threatens a person's life and makes him travel without documents, in inhumane conditions, and without guarantees.

4-1-1- Political and security reasons

Political factors are among the most prominent factors that led to the occurrence of many migrations throughout history. Some societies moved away from the idea of alternating power between political parties, which led to an increase in the idea of illegal immigration, because the goal of these political parties is to accumulate wealth and compete for positions to achieve more economic gains, and this is what made these countries not achieve the desired development for all segments of society.

As for the security, it is considered one of the most important motives for migration, as many suffer from security instability in their countries. Civil wars in some southern African countries or revolutions in Arab countries may be a major reason for this migration. People find themselves facing constant threats, which prompt them to seek safety outside their country by any means possible.

4-1-2- Social reasons

The inability of the local labor market to provide job opportunities for these groups prompts thousands of individuals to search for job opportunities abroad, even if the practical conditions are difficult. Furthermore, immigration enhances the image of the immigrant's social success when he returns to his country for a holiday, as he flaunts wealth through cars, gifts and investment in real estate.

4-1-3- Economic reasons

The economic situation in most immigrant-sending countries is linked to their demographic situation, as the population growth rate increases at a rate parallel to the growth in national income. This leads to the state's inability to meet the needs of the growing population, which leads to a deterioration in the standard of living and pushes many to search for better job opportunities in other countries, especially young people who suffer from unemployment and want to establish a family life. Numerous studies in the field of migration have confirmed that society varies or is affected by fluctuations in the economic system.

4-2- External causes attracting illegal migration

The historical factor had a prominent impact in pushing young people to emigrate and what the European colonial countries left behind on the exporting countries, which reflected negatively on their youth, without neglecting the factor of geographical proximity as well.

4-2-1- Historical reasons

The majority of countries exporting the phenomenon of illegal immigration are among the countries that were subject to colonialism by the receiving countries, which led to the creation of a feeling that these countries are the ones who caused the tragic situation that poor countries are experiencing as a result of the depletion of their wealth. The progress achieved by these countries is considered a result of this plundered wealth, and therefore the

southern countries believe that the colonial countries must commit to compensating for what they have spoiled throughout history for the benefit of the southern countries.

4-2-2- Geographic reasons

Geographical factors can be a reason for the emergence of illegal immigration. It is noted that most of Africa's immigrant population are residents of dry areas and African countries that have been suffering from drought for years, as these countries were affected by a high rate of drought, which made them unsuitable for agriculture and they were forced to migrate in search of better living conditions. Furthermore, geographical proximity between Africa and Europe contributes greatly to youth migration.

5- Illegal immigration's repercussions in Algeria

Numerous journals have discussed how illegal immigration has impacted Algeria's economy and security as well as numerous other areas that have adversely impacted Algeria's circumstances.

5-1- Security repercussions

Security-wise, illegal immigration fosters collaboration between traffickers and terrorist networks, which has varying effects on regional security. Given that Algeria is Africa's gateway to Europe, its geopolitical significance to its neighbors poses a direct danger to Algeria's security from all border perspectives. Due to its proximity to worldwide drug and weapons trafficking networks, Algeria faces challenges in maintaining security within its borders as a result of the facilitation of drug and weapon trafficking across many networks.

Because the wide expanse of Algeria's borders provides a convenient entry point for weaponry intended to help terrorist organizations. The relationship between illegal immigrants and organized crime is demonstrated here, along with the growth of drug trafficking of all kinds. Since numerous security investigations by Algeria's security services have shown how simple it is to recruit illegal immigrants for smuggling and organized crime cases, as well as foreign intelligence gathering, illegal immigrants are taken into consideration. The genuine pose the most concerns to Algeria's overall security situation since they are the most active in this area.

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5-2- Economic repercussions

Regarding the economic side, Algeria has been negatively impacted by illegal immigration due to the large sums of money it has to spend fighting it along its long coastline and vast borders, as a result of waves of African foreigners living there.

Additionally, the country's unemployment rate has gone up as a result of the availability of cheap laborers who come to Algeria in search of daily subsistence, which has a negative effect on social conditions across the board and negatively impacts the country's economy. Furthermore, the depreciation of the citizen's purchasing power and the growing weakness of the national currency have been evident in economic transactions.

5-3- Social repercussions

Socially speaking, this economic irresponsibility has resulted in the rise of several social evils, the expansion of phenomena like drug trafficking and corruption that have weakened the economy over time, and as a result, public ire and demands for reform. The political climate, the loss of stability, and the rise in immigration are among the most significant features of the African nations. Internal instability, as well as the worsening of citizens' conditions of poverty and unemployment, is also critical factors.

6- Algerian strategies to combat illegal immigration

Algeria uses a multipronged strategy focused on three main elements to combat illegal immigration: economic and social tactics, legal and security methods.

6-1- Security measures

Algeria promotes coordination among security services, border guards, customs, and police to effectively reduce smuggling of illegal migrants. The Coast Guard, which is under the Ministry of Defense, protects foreign ships, beaches, and marine borders. To stop attempts at illegal immigration, it works with maritime border police and marine traffic surveillance guards. *“As a holistic approach, integrating human security principles becomes pivotal, as it aims not only to counteract the symptoms of illegal migration but to fundamentally transform the conditions that give rise to it”*⁶.

The bodies that wash up dead at sea and the illegal immigrants who flee and live in Algeria have made illegal immigration to the country a threat to security on all fronts, despite the implementation of specialized security strategies in this area. Consequently, the goal of these security measures has not been met, even though they have made progress in stopping numerous illegal operations.

6-2- Economic and social strategies

Development initiatives are essential for increasing GDP, reducing unemployment, and promoting social and economic progress. The goal of programs like the national policy for employment promotion and unemployment reduction is to assist microenterprise development and vocational integration as a means of fostering self-employment. Algeria is focusing on youth involvement, employment methods, and unemployment reduction in order to combat illegal immigration through its economic and developmental initiatives.

The National Employment Agency (ANEM), which functions within the parameters of understanding the labor market in terms of supply and demand, and another policy to support the promotion of salaried employment through facilities allowing benefiting from a permanent contract, are two examples of these economic strategies. Jobs for youth, which aim to draw in as many youth as possible, along with another policy—the pre-employment

The main causes of illegal immigration and Algeria's strategy to combat this phenomenon ————— AKILAL Nassim contract program—are the outcome of the rise in university graduates. In addition to the National Unemployment Insurance Fund for jobless individuals between the ages of 30 and 50, this strategy was implemented to cut employment and incorporate groups of university graduates. It also served to support and links these individuals with operating and integrative interests.

Thus, it can be said that Algeria employed a variety of economic policies, one of which was to lower unemployment as it was identified as a major driver of illegal immigration. However, all of the policies that were implemented in an attempt to lower unemployment and, consequently, lower immigration abroad, were restrictive economic policies that, aside from raising spending, produced no outcomes that were better than anticipated. Spending on these measures is growing without producing any beneficial impacts, while unemployment and illegal immigration are rising, indicating that these are ineffective and restrictive policies.

6-3- Legal strategies

The Algerian legislature views illegal immigration as a misdemeanor and has established two types of penalties: imprisonment for two to six months and fines ranging from 20,000 to 60,000 DA. For those who orchestrate smuggling, the penalties vary from three to five years in prison and fines ranging from 300,000 to 500,000 DA. In extreme cases, the penalties increase to ten to twenty years in prison and fines ranging from one to two million dinars. In order to improve protection for illegal immigrants, Algeria collaborates with non-governmental organizations that are committed to refugee rights and the development of a rights-based culture.

These are a few of the legislative texts that Algerian legislators have diligently crafted to limit immigration, demonstrating that every available legal avenue has been explored to address the issue. Nevertheless, in spite of all this legal precedent, the phenomenon of illegal immigration in Algeria is speeding up its cross-border movement.

Conclusion

Given the previous conversations, it is clear that a complex interaction of economic, social, geographic, and demographic factors is responsible for Algeria's recent increase in illegal immigration. These elements have made illegal immigration an attractive option for sections of the population, especially the young, who are struggling with poverty and misery. Many young people are forced to explore and enter illegal immigration as a means of pursuing their lifelong aspirations due to our societies' inability to provide for their basic requirements, particularly in the areas of adequate living conditions and employment prospects. This entails traveling to the coast of Europe and becoming wealthy, even if it means risking their lives to do it. Algeria is also dealing with a large migration of Africans from nearby nations who see it as a route to the Mediterranean coast, unintentionally plunging the country into a complex problem.

As a result, tackling the escalation of this issue necessitates coordinated and comprehensive measures that are focused on improving the socioeconomic standing of the general public, especially the youth. Empowering them to actively participate in

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comprehensive community development and directing their abilities and efforts towards positive pathways can lead to the development of useful programs that promote research, studies, and information exchange. The goal of this cooperative method is to produce common plans and policies that successfully deal with the problem.

Recommendations:

- ✓ Destroying networks supporting illicit migration requires bolstering security cooperation and information sharing across concerned nations. Laws must be updated concurrently in order to discourage migrants and smuggling networks.
- ✓ Launching investment initiatives to maximize the economic potential of returned migrants and educating these skilled individuals about the ways in which they may support the development of the country in a variety of fields.
- ✓ Promoting medium- and long-term investment initiatives to reduce the appeal of illegal immigration and create job opportunities.
- ✓ It is essential to do a thorough reevaluation of the dynamics of migration, highlighting the long-term necessity of addressing core causes such as unemployment, poverty, conflicts, and disasters. It is crucial to have a national development strategy that maximizes the potential of people and natural resources.

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