



Immigration law and human right

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Abstract

This paper examines the connection between immigration and human rights, concentrating on the theme listed below i.e. refugees and asylum seekers, the avoidance of discrimination against migrant, and the encouragement of migrant assimilation into new societies are all included in protection of human rights. This paper also addresses the difficulty of striking a balance between the rights of migrants and the state's justifiable interest in border control. Human rights and immigration law are two intricately linked area of law.

International borders crossing areas governed by immigration law. Whereas people freedom and fundamental rights are safeguarded by human rights law. The human right aspect of immigration rules have gained more attention in recent years.

Keyword: human right, immigration, refugees, and discrimination

Introduction

Human rights and immigration law are two of the most significant and intricate legal fields in existence today. Human rights law safeguards each person's fundamental freedoms and rights, while immigration law controls the movement of people across international borders. The human rights component of immigration has gained more attention in recent years. Due to their potential dependence and vulnerability, migrants are especially susceptible to violations of their human rights. They could also be the target of prejudice and discrimination. Therefore, it is crucial that immigration laws and policies uphold and defend migrants' human rights.

Human rights and immigration law have a complicated relationship, and it can be difficult to strike a balance between nations' legitimate interests in border security and migrant rights. But it's crucial to keep in mind that everyone has human rights, regardless of immigration status. International law recognizes the freedom of movement as a fundamental human right. This right is not unqualified, though, and the government may limit it for good reason. Things as public order and national security. Any limitations on the freedom of movement, though, must be reasonable and essential to achieving the stated goal. Migrants are especially susceptible to violations of their human rights. They could fall prey to mistreatment, exploitation, and discrimination. Additionally, they could not be allowed to access necessities like healthcare and education. Human rights and immigration law are two areas of law that are connected. Human rights law safeguards everyone's freedom and fundamental rights, while immigration law controls travel across international borders. This state is required by law to uphold and defend everyone's human rights, including those of immigrants. This duty applies to both legal and undocumented immigrants. Additionally, states need to make sure that their immigration laws and policies comply with human rights legislation.

The present study aims to investigate the correlation between immigration law and human rights. Specifically, it will concentrate on three key areas:

- (1) safeguarding human rights, which includes refugees and asylum seekers;
- (2) preventing discrimination against migrants; and
- (3) facilitating migrants' integration into their new societies.

This essay also addresses the difficulties in striking a balance between migrant rights and states' legitimate interests in border management.

Objective:

The objectives are:

1. Examine the connection between immigration law and human rights;
2. List the main issues pertaining to migrants' rights; and
3. Talk about the difficulties in striking a balance between the state's rightful interest in border control and the rights of migrant populations.

Methodology:

The foundation of this article will be an analysis of pertinent literature, including scholarly commentary, immigration law, and international human rights legislation. To highlight the main points, this paper will also provide case studies and examples from various nations.

Literature review:

The amount of research on the connection between immigration law and human rights is expanding. Among the important terms in this discipline are: James C. Hathaway, "Human rights and migrants: A global perspective," 2005. The second human right of migrants is a remark by Francesco Capotorti (2013) on the convention on the protection of the rights of all migrants who are workers and members of their families. 3 Nihat Erim's 2013 book Migration and Human Rights: A Critical Approach. Guy S. Goodwin-Gill, "The Human Rights of Migrants: A Global Handbook," (2013).

Some examples of how immigration law and human rights intersect:

1. A human right recognized by international law is the right to asylum: People who have left their home countries due to a legitimate fear of persecution on the grounds of race, religion, nationality, affiliation with a specific social group, or political opinion are known as asylum seekers. Many nations' immigration laws include a procedure for those seeking asylum to petition for protection and status as refugees.

2. Another human right that is safeguarded by international law is the right to family unity, which includes the freedom to live with one spouse and children. Certain nations have immigration laws that allow family members of immigrants to join them in their new country through family reunification visas.

3. One of the essential human rights is the freedom from discrimination, which is applicable to all people, including immigrants. Many nations' immigration laws forbid discrimination against migrants on the grounds of race, ethnicity, religion, nationality, or status as a migrant.

These are but a few instances of the ways in which human rights and immigration law interact. There are still numerous obstacles to overcome in the full and developing interaction between these two areas of law. The most crucial thing to understand, though, is that immigration law must be applied in a way that respects everyone's human rights.



Immigration law-

Immigration law is a multifaceted and dynamic area of law that regulates cross-border human mobility. It covers a wide range of subjects:

- 1 Requirement for a visa
- 2 Procedures for entering and leaving
- 3 Naturalization and Citizenship

Human right-

The legal framework known as human rights safeguards the essential liberties and rights of every individual. Its foundation is the idea that every human being is born free, equal, and endowed with dignity and rights.

All people are subject to human rights law, irrespective of their nationality, race, religion, gender, or sexual orientation. It covers a wide range of rights, including the following:

- 1 the right to live
- 2 the right not to be tortured
- 3 the entitlement to a just trial
- 4 the right to employment
- 5 the right to education

The relationship between immigration law and human right –

Human rights and immigration legislation are closely related. The human rights of migrants may be impacted by immigration rules in a number of ways. Laws that impede migrants' ability to gain citizenship or visas, for instance, may violate their right to freedom of movement. Laws that permit the cruel detention of refugees may contradict their right to be free from torture. States have a right to manage their borders, but they must do so without violating the human rights of immigrants. Additionally, states have a duty to defend the human rights of immigrants who are currently residing on their soil.

Challenges-

Balancing a state's right to regulate its borders with the rights of migrants is one of the major issues in the field of immigration law and human rights. States are entitled to control immigration flows and to safeguard national security. But they have to do so in a way that upholds everyone's fundamental rights. Making sure that immigrants' human rights are upheld in reality is another difficulty. This can be challenging, especially in nations where there is a strong anti-immigration feeling.

Conclusion-

Human rights and immigration law have a complicated and difficult interaction. States have a right to manage their borders, but they also have a duty to protect immigrants' human rights. The rights of migrants are protected by an expanding corpus of international human rights legislation, but there are still big gaps in its application. To guarantee that the human rights of migrants are upheld and safeguarded, additional work must be done. Human rights and immigration law are difficult and complicated topics. But it's crucial to keep in mind that everyone has human rights, regardless of ethnicity.