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Migration and Sovereignty between the Logic of the State and International Obligations

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Abstract:

There is doctrinal conflict between the concepts of national sovereignty and international migration within the framework of human rights, as they are viewed as conflicting requirements, where the existence of one necessarily affects the other. When analyzing the management of migration, a deeper understanding of the concept of sovereignty becomes evident, as it exercises its role in monitoring borders and determining who is allowed to enter the territory. The relationship between migration and the principle of sovereignty is intertwined and complex, based on the premise that sovereignty is a fundamental pillar in international law, ensuring the state's ability to impose its control and its right to regulate its borders. However, the increase in international migration flows, whether regular or irregular, it reflects the challenge of reconciling the protection of national sovereignty and border control on the one hand, and the guarantee of human rights within the scope of migration on the other hand, which requires careful and balanced consideration between the requirements of sovereignty and international obligations.

Keywords: Sovereignty; international migration; contemporary sovereignty; flexibility of sovereignty; border control.

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INTRODUCTION

Sovereignty, a central principle in international law, traditionally refers to the supreme and exclusive authority of a state over its territory and population, exercised alongside international obligations from treaties and agreements. In recent decades, sovereignty has evolved due to globalization, trade liberalization, transnational corporations, political power shifts, regional blocs, and emerging issues such as security and international terrorism.¹ Migrant flows from the South to the North, along with other global transformations, have led to a fundamental shift in sovereignty, changing it from an absolute to a more flexible concept. A doctrinal conflict exists between national sovereignty and international migration, as each can limit the other. Understanding sovereignty is key in migration. International migration challenges sovereignty, creating tension between border control and the demands of human rights and freedom of movement. The importance of studying migration and the principle of sovereignty lies in understanding the content of modern sovereignty, the impact of migration on it, and the effort to reconcile the authority of the state over its borders with its international obligations, as well as to propose balanced solutions. The study aims to identify the intersection between sovereignty and migration, explore the limits of state sovereignty in migration matters, and propose a balance between state authority and the protection of rights. It relies on descriptive and analytical methods to examine the relationship, flexibility, and adaptation of sovereignty to current international circumstances and increasing migration flows. From this, the following problem can be raised: To what extent has international migration affected the reshaping of the content of sovereignty, and how can a reconciliation be achieved between the requirements of protecting national sovereignty and the demands of international obligations?

1. The Relationship between Migration and Sovereignty

International migration challenges national sovereignty, as both involve classifying individuals by identity; the study first defines the concepts, then explores their intersection.

1.1. The Concept of Both Migration and Sovereignty

Sovereignty and migration both shape international thought and practice: states control the movement of foreigners while committing to international obligations that protect migrants' rights and dignity. This tension creates the need to balance state sovereignty with migrant flows. To explore this, the study first examines the concept of migration, then the concept of sovereignty

1.1.1. The Concept of Migration

Human mobility is an ancient phenomenon that has evolved into its modern forms, accompanied by distinctions such as legal vs. illegal and voluntary vs. forced migration, alongside related concepts like "foreigner" and "citizenship." Given the complexity of the topic, this study focuses on defining migration generally, linguistically and terminologically.

1.1.1.1. *Definition of Migration Linguistically:*

It is derived from the trilateral verb *hajara*. Ibn Manzur defined it in *Lisan al-Arab*: *hajara*, *hajran*, and *hujranan* meaning to sever. It is said *hajara* a thing or a person *hajran*, i.e., to abandon it or turn away from it. Migration is defined as the movement of individuals from one place to another with the aim of settling in the new place.² Migration is also defined in *Lisan al-Arab* by Ibn Manzur as "departure from one land to another."³ However, migration has only one meaning in the Arabic language, as *hajara* means leaving one place for another homeland. In the French language, however, a distinction is made between: the first, *Immigré*, which refers to a person who enters the territory of the receiving state as a migrant or newcomer, and the same meaning applies to the terms *Migrant* / *Immigrant*; and the second, *Émigré*, which refers to a person who leaves the territory of his country to migrate to another country.⁴

1.1.1.2. *Terminologically:*

Migration has accompanied humans since ancient times, as movement is a natural human attribute that has evolved with improved means of travel. Given its social, economic, and psychological implications, migration holds significant importance in international affairs. From an international perspective, migration has multiple definitions. International law recognizes each person's right to leave any country—including their own—and to return to their state of origin, but it does not guarantee a right to enter another state. Admission and expulsion of non-nationals remain matters of state sovereignty, especially in cases of irregular migration⁵

1.1.2. **The Concept of Sovereignty**

Sovereignty is a debated concept whose meaning has evolved with global changes, though international jurisprudence still upholds it as a core principle protecting states from external interference. It expresses a state's independence and its exclusive authority within its territory. At its core, sovereignty grants the state the sole power to perform essential sovereign functions—especially maintaining order and security—which cannot be delegated or shared.⁶ Therefore, sovereignty must first be defined linguistically and then terminologically.

1.1.2.1. *Definition of Sovereignty Linguistically:*

Linguistically, sovereignty derives from the root *sāda*, as in *sāda 'alā* or *sāda fī*, meaning predominance, control, dominance, or authority. For example, we say “**Siyadat al-ra'is**” (His Excellency the President) as a title for a ruling or predominant man, and “**Siyadat al-balad**” (the sovereignty of the country) to denote its elevation, authority, and glory.⁷ It also signifies precedence over others in rank, status, or influence, as well as strength, command, and authority.⁸

In French, the term corresponds literally to **Souveraineté**, which is derived from the Latin word *Surventé* and later transformed into *Suvraineter*. In both cases, the meaning refers to supremacy and elevation, while the term **Souverain** originally referred solely to the ruler, thus denoting the one who holds authority over another person—that is, the master.⁹

1.1.2.2. *Definition of Sovereignty Terminologically:*

Sovereignty has a historical origin, meaning that it was formed according to historical circumstances and cannot be confined to a single definition.¹⁰ Initially, it signified supreme power, which was predominant during the Renaissance, as it was adopted by the French monarchy in its resistance to the Empire, the Papacy, and the feudal lords.¹¹ The concept is summarized as the unique and supreme authority possessed by the state in all spheres, an irresistible and unconditional power, which is also free from any form of dependency. It is not subordinate to any external body. On this basis, classical international law was established, founded on the idea of state sovereignty. It also means that the state enjoys governing authority over its citizens, which is expressed through legal norms and the capacity to enact laws that citizens are obliged to comply with and respect under the threat of penalties in case of non-compliance. This authority is absolute and perpetual from an internal perspective.¹² Western jurists have defined sovereignty in several ways. Jean Bodin, in his work *The Six Books of the Republic*, addressed the idea of sovereignty, clarified its meaning, and detached it from being merely associated with the monarch, considering it instead an essential element in the formation of the state. He defined it as supreme authority over citizens and subjects, unrestricted by law.¹³ Bodin did not create the concept in a vacuum; rather, he combined older concepts (from Roman and canon law) to formulate a new notion that served the construction of the modern state. In times of chaos and war, France required a principle to unify it, and Jean Bodin's concept of **sovereignty** granted the ruler the authority to end division and establish a unified political system. From this emerged the idea of the modern state. Aristotle (*Aristote*) had previously defined it as the public good achieved through a rational organization of authority within the city (state), based on the premise that the state is an entity prior to its parts (individuals and families).¹⁴ Hegel defined it as the essential unity of the state as an organic rational whole, in which powers and individuals are integrated into a cohesive entity with legal

and moral character. Jean-Jacques Rousseau defined it as the exercise of the general will, exclusively directed toward achieving the public good sovereignty. For Hegel, sovereignty is not, as in Rousseau, the product of the general will emerging from the social contract; rather, it is an essential attribute of the legal and constitutional state.¹⁵ Carey defined it as a specific authority that occupies the highest position within the political system.¹⁶

Some Western jurists have considered sovereignty to be a form of imagination, idealistic and illusory, never fully realized either in theory or in practice, because it presupposes the existence of absolute and independent authority. However, from the perspective of international law, sovereignty is constrained or regulated by international treaties and organizations. Moreover, it must keep pace with developments such as globalization and international agreements, and it is influenced by them; it is therefore not isolated from other entities existing within the international community. Consequently, it cannot disregard such developments, and in its scholarly dimension, it may appear disorderly and unscientific.¹⁷ The state does not arise from a contract but evolves rationally from the family and civil society. Sovereignty is no longer absolute, as in the traditional concept, but has become a contradictory notion, making its precise definition difficult. It is no longer a fixed idea; rather, it has transformed into a variable concept that sometimes yields before the complexities of contemporary legal and political reality. Absolute authority is no longer feasible in the era of globalization; it is now relative and flexible, subject to both internal and international balances.¹⁸ The emergence of the principle dates back to the political transformations that took place in Europe at the dawn of the modern era, a period that witnessed the birth of a multiplicity of states. These states sought to liberate themselves from the emperor and religious authority, marking a significant development in European society. Sovereignty was consolidated within the domestic system rather than asserted through independence from foreign power, as established by the Peace of Westphalia in 1648, which

ended the Thirty Years' War. The sovereignty of these states was recognized as a fundamental principle governing their relations within the new international system established in Europe, emphasizing that international treaties constitute the legal solution for addressing international issues.¹⁹ Consequently, the concept of sovereignty is considered a cornerstone of international law and the modern state, with the most important foundation being the principle of equality in sovereignty.²⁰ Historically, the concept of sovereignty was associated with elements of power and dominance, eventually becoming synonymous with them or expressing their essence. The greater a state's material, political, economic, or technological strength, the greater its actual sovereignty, reflecting the interconnection between the development of sovereignty and the evolution of the balance of power in the international system throughout history.²¹

1.2. The Intersection of Migration and Sovereignty under Contemporary International Law

The intersection of sovereignty and migration shows the state's evolving role, requiring a balance between border control and international human rights obligations, shifting sovereignty from absolute to constrained.

1.2.1. The Sovereign Right to Control the Entry and Exit of Foreigners

Some researchers maintain that sovereignty remains fundamentally unchanged, but large flows of refugees and displaced persons challenge states and raise sovereignty concerns. States may impose conditions on countries of origin, which can be seen as interference and a violation of sovereignty.²² By the late 19th century and after the Second World War, international law established state sovereignty over foreigners, giving states full discretion to control entry. Consequently, states exercise authority over their territory and borders in multiple ways

- Every state possesses sovereignty over its territory and the individuals residing within it. It has full authority to prohibit the entry of foreigners and also holds the power to distinguish

between them. Therefore, it is necessary to regulate the entry and exit of persons and to establish strict laws and procedures are established for those who attempt to cross borders illegally, as this results from the change in a person's status from a citizen in their own country to a foreigner in the state they enter. Border centers are considered the recognized international official gateways.²³ States mobilize all necessary mechanisms, including human resources and technological means, to manage their borders and deter anything that threatens their internal security, including entry permits, visa systems, and travel documents²⁴ The state is thus responsible for monitoring its borders, as affirmed by the New York Declaration, which also highlighted the possibility of international cooperation in this field to achieve legitimate mutual interests.²⁵

- Exercising control over foreigners regarding residence and movement, whether permanent or temporary, for reasons such as study, work, or asylum.

- The state possesses the authority to expel foreigners who violate its national laws and pose a threat to public order. It has broad powers to make decisions regarding the acceptance or refusal of foreigners, as well as authority over their detention and deportation.²⁶ It also holds the power to select individuals wishing to acquire citizenship.

1.2.2. Respect for Human Rights in Border Governance

Sovereignty is thus embodied in the right of the state to control the entry and exit of foreigners from its territory. However, this right faces an evident paradox: on the one hand, the state seeks to impose its sovereign control over its borders, and on the other hand, migrants find in national constitutions and international conventions a legal framework that guarantees them the protection of their rights. Therefore, many migrants resort to courts to challenge certain sovereign measures they deem arbitrary. It is observed that some liberal states have exploited their restrictive legal systems to facilitate the recruitment of foreign labor, in a manner that serves their economic interests, even under a strict legal cover.²⁷ Nevertheless, they remain obliged to protect the rights of

migrants whenever they are present on their territory. Some argue that the protection of migrants' rights constitutes a sensitive issue that may affect state sovereignty, given that international law does not dictate to states the policies and procedures by which migration flows may be managed.²⁸ And in border governance, human rights must be respected, as sovereignty requires that there be a balance between the rights of migrants and the strict policy exercised against international terrorism, organized crime, and human trafficking. Thus, the state must conduct screening and apply its prudent policy to distinguish between the human right of the migrant and the refugee, and its own security and economic needs. There must be no conflict between security and human rights, nor should there be confusion between border management and control policy, and the threats to these borders resulting from crossings by certain persons who commit acts criminalized internationally and not only nationally. In return, this leads to hate speech against migrants and refugees.²⁹

2. International Migration as a Pressuring Factor on State Sovereignty

The principle of non-intervention naturally stems from state sovereignty, forming the legal foundation of the international community. It grants states the right to determine their political, economic, social, and cultural systems without external interference.³⁰ Global crises and large refugee movements challenge state sovereignty, as borders are crossed through legal and illegal channels. Migration governance involves balancing border control, security, economic interests, and fundamental rights. This section examines the impact of migration on sovereignty and strategies for managing migration.

2.1. The Impact of Migration Flows on State Sovereignty

At the beginning of the twenty-first century, the world witnessed rapid changes that directly affected the labor market and labor mobility, particularly due to economic crises, migration, and accelerated technological development. This led to a clear transformation in the types of jobs and the nature of

work. Increasing migration from the South to the North has been the defining feature of recent decades.³¹ the impact of migration on receiving states has been evident, whether in positive or negative terms. In this Requirement, we will address two elements: first, the impact of migration on sovereignty, and second, the challenges facing the principle of sovereignty.

2.1.1. The Multiple Effects of Migration on the Principle of Sovereignty

Migration, in all its forms—regular or irregular, individual or collective—constitutes one of the most direct challenges to state sovereignty. This is manifested primarily in the following dimensions:

2.1.1.1. The Impact of Migration on Sovereignty in the Economic Sphere

Some jurists believe that migration can affect the national economy. On the one hand, migrants contribute to enhancing economic growth, since many jobs are avoided by citizens of developed countries but are accepted by migrants for lower wages. Many jurists agree that migration is not the main cause of the challenges faced by labor markets.³² On the contrary, developing countries train skilled labor, and when it comes time to reap the benefits, developed countries take them³³ Migrants thus contribute to economic development through their productivity, skills, and capital. Labor leads to a better utilization of capital, alleviates labor shortages, and strengthens the workforce. They also contribute to increasing economic growth, in addition to paying taxes in return for the benefits they consume.³⁴ On the other hand, migration raises concerns among the populations of developed countries in several respects, including the increase of foreign labor leading to the reduction of local workers' wages, their exposure to competition for jobs and resources, and the taking of jobs by migrants.³⁵ However, some argue that migrant labor is complementary rather than substitutive, as migrants increase demand through spending and thereby indirectly contribute to job creation and wage growth.³⁶

2.1.1.2. The Impact of Migration on Sovereignty in the Social and Cultural Sphere

Through migration, it is possible to confront the risk of population aging experienced by receiving countries, and to revive and stimulate rural areas that are devoid of inhabitants. When a migrant settles, he may bring along his culture and traditions, thereby enriching the cultural dimension of the host country.³⁷ Despite these numerous benefits accruing to the host country, people often do not value them, given the prevailing idea that migration only brings harm. From a social perspective, migration contributes to changing social dynamics in receiving areas by introducing new cultural and social practices. These changes may enrich local diversity, but they may also lead to social tensions. Migration also has significant social effects, as it alters the demographic structure of societies and influences family composition and intergenerational relations. Migrants may face social exclusion, discrimination, or difficulties in integration within the host society.³⁸ Irregular migration has less beneficial effects in receiving countries³⁹, whether in terms of culture and national identity or insecurity, that is, the fear of crime and the threat to culture and national identity, which are two main factors influencing public opinion.⁴⁰ It may also lead to the emergence of new or mixed identities, while placing pressure on public services such as health, education, and housing.⁴¹ Migration affects society both in the country of origin and in the new country: socially, the behaviors of families whose members have left the homeland change, social relations are affected, and the traditional roles among its members are altered. From a cultural perspective, although migration helps in the exchange of cultures and the circulation of values and customs among peoples, it also causes certain cultural tensions. Some migrants, by acquiring the new culture, feel a loss of identity or confusion with their original culture. The negative effects are reflected in the difficulty of integration and its problems, manifested in the emergence of other cultures, which raises issues of identity and belonging, in addition to informal housing and pressure on social, health, and educational services.⁴²

Security: Migration raises issues related to national security, as some states seek to impose border restrictions in order to control the flow of migrants.

2.1.2. **The Principle of National Sovereignty Facing Challenges from International Migration Issues**

Since the crises of the Arab revolutions, or what is called the Arab Spring, the number of refugees has increased, especially in 2015. In addition to the Ukrainian crisis, the European Union faced the largest wave of refugees, even though the refugees found refuge in the nearest countries. The crises intensified due to the differing responses of European countries: Germany, for example, was the main host for more than one million people in 2015, while some others refused to receive them. Another crisis also emerged concerning the European Dublin System, under which the southern countries (Italy, Greece, Spain, Malta) bear the greatest burden of the new arrivals, who are returned to them by the rest of the European countries if they entered through their borders. This created in these countries a sense of abandonment by their European partners.⁴³The number of refugees has increased; they are a type of migrant, differing from voluntary migrants, as refugees leave their homeland for compulsory reasons such as war and persecution. Asylum is considered part of migration.⁴⁴Wars, conflicts, and disasters increase refugee flows, pressuring host countries and challenging their sovereignty. Asylum has long existed, intensified during the World Wars, and led to efforts to assist refugees. The UN later strengthened attention to their rights and protection.⁴⁵ The issue affects state sovereignty in terms of its international obligations toward refugees: for humanitarian reasons, it cannot prevent an individual from exercising his right to asylum, and it is also obliged not to return or extradite him when there are convincing reasons for his asylum, such as exposure to torture or persecution. All these circumstances render state sovereignty flexible in order to take international humanitarian situations into account, adapt to international obligations, and exercise its authority in accordance with international law.⁴⁶The increasing number of

refugees and displaced persons due to wars, conflicts, and disasters places pressure on host countries and raises issues related to their national sovereignty. Some states seek to impose conditions on migration-sending countries as part of their foreign policies, which constitutes interference in their internal affairs and a violation of the principle of sovereignty. The human rights system in the international order contradicts this prevailing principle of sovereignty, as national courts will be the first to grant migrants the means of asylum, which goes against the sovereign act of the state.⁴⁷ With regard to state sovereignty, the foreigner often appears, through his outward appearance, in a negative way. Given the absence of ties linking him to the population of the host state, this negative definition of the category of the foreigner explains the difficulty of determining his place in society. The Law of Foreigners, as a set of provisions regulating their entry and residence in states⁴⁸.

2.2. The State's Balance between Protecting Sovereignty and Respecting International Obligations

States must align domestic laws with international law, balancing their own rights with those of other states. Sovereignty coexists with international obligations, requiring equality to serve the global community.⁴⁹

2.2.1. Sovereignty According to Modern Variables

Sovereignty has evolved from absolute authority to flexible, shared, and relative forms, adapting to international obligations and emphasizing cooperation and coordination rather than complete control.

2.2.1.1. Flexibility of Sovereignty

Modern developments have led to reconsidering sovereignty, and with the development of the state, it has become more powerful and influential. The majority of jurists see it as multifaceted, flexible, and far from rigidity, moving in a path affected by state transformations and its legal and political environment. Sovereignty is no longer understood as absolute authority, but as functional, evolving, and adaptable power.⁵⁰ Sovereignty in this form is considered one of the possible

responses to contemporary challenges, as it allows reconciling international cooperation with the state's preservation of its capacity to act. Sovereignty, even if not emptied of its content, can be more flexible and elastic in its practice and scope, transforming from rigidity to flexibility in line with international reality.⁵¹

2.2.1.2. Shared Sovereignty

Sovereignty has changed in the contemporary context and is no longer absolute in meaning. New concepts have emerged under international relations, and this does not mean its disappearance but rather its formulation with new logic according to international commitments, considered far from rigidity. As mentioned before, its concept has evolved through the ages from the idea of absolute authority of the ruler, to the idea of supreme state authority, then to a more suitable conception that adapts to the international legal system and multilateral institutions. It has a multi-meaning concept. This multiplicity of meaning does not weaken sovereignty but gives it the ability to withstand transformations and adapt to major changes in the international environment.⁵² It has become necessary to distinguish between the concept of sovereignty as supreme authority and its practical exercise, which may be distributed among several actors. Thus, the state can retain legal sovereignty while sharing the exercise of some of its powers with other bodies, whether internal or international. "Transfer of powers" or "transfer of competencies" does not cancel sovereignty but expresses a new form of its exercise based on cooperation and mutual recognition. Sovereignty is no longer monopoly of governance but distributed responsibility. States share sovereignty in certain areas⁵³, such as the European Union.

2.2.1.3. Sovereignty in the Relative Concept

Some jurists considered that the concept of sovereignty is unrealistic and theoretical and can be achieved in an anarchic society. As Collier said, it is imprecise and difficult to achieve. Sovereignty is no longer considered an absolute principle that accepts no debate,⁵⁴ but is adaptable to changing political and

legal reality, thus becoming a relative concept. The features of sovereignty relativity began with the dismantling of empires. It is no longer possible to defend the absolute sovereignty of the state in light of globalization, multiplicity of actors, and increasing interconnection between domestic and international issues. Many states have agreed to restrict some aspects of their sovereignty in order to join international organizations or respect obligations arising from multilateral treaties. This voluntary relinquishment of part of sovereignty does not mean abandoning it, but redefining it. The state remains the primary actor, but is no longer the only actor. However, accepting this "relative sovereignty" remains a matter of dispute, especially among those who adhere to the traditional view of indivisible or inalienable sovereignty. The state cannot invoke the constitution or domestic laws to evade international laws. The result was the emergence of the concept of relativity, with other states intervening under the pretext of protecting individuals and humanitarian intervention.⁵⁵ Thus, sovereignty has become exercised through shared mechanisms, within an international legal framework, making it a less rigid concept, but one that does not lose its value or function. Re-understanding sovereignty does not mean abandoning it, but rather developing it to suit a world that has become more interconnected. Therefore, flexibility, participation, and relativity become necessary components of any effective sovereignty in contemporary times⁵⁶

2.2.2. Migration Management Strategies

Migration challenges state sovereignty, requiring states to balance border control with migrant rights. An effective strategy is needed to address these challenges while respecting sovereignty

2.2.2.1. In the field of migration organization

As a result of states' need for migration policies linked to economic needs to promote economic growth, they recruit temporary and permanent foreign labor in sectors suffering from shortages of skilled workers. A prime example is the European Union countries, which suffer from demographic aging and

labor shortages. The EU sought in this field to unify migration policy since the Schengen agreements and the Dublin. Convention for refugees, then the European Migration and Asylum Pact in 2020 proposed by the European Commission after the 2015 refugee crisis⁵⁷, aimed at solidarity between member states and avoiding the concentration of migrants in one country, and delegating the burden of receiving refugees to other countries such as Turkey, which has already hosted millions of refugees.⁵⁸

2.2.2.2. Reception programs for migrants

Some states resort to adopting reception mechanisms for migrants, initially granting them temporary residence permits, then providing them with the opportunity to obtain permanent residence later, provided they comply with local laws and regulations during their stay. These programs contribute to supporting economic growth and attempting to integrate migrants by using education policies for migrant children from multiple countries and policies applied to the refugee category, and protecting victims of human trafficking. This strategy has objectives including: Facilitating regular migration by establishing migration programs for workers, students, and family reunification. Border management and addressing refugee issues and combating human trafficking. Improving the expected benefit from migration, including integration policies and facilitating skills exchange.⁵⁹ States in these cases are forced to adapt to developments in international reality and try to adapt their national rules to international agreements, especially those related to humanitarian aspects. They introduce amendments to their laws and domestic policies. Regarding migration, states' responses differ - some have opened and welcomed migrants and provided them with job opportunities, while others have imposed strict restrictions. These policies reflect various strategies that states respond to when their internal and external sovereignty related to migration is affected. For example, they used remote policies to prevent unwanted foreigners from reaching territories, enhance cooperation with third countries, impose strict visa conditions, and penalize transport companies.

2.2.2.3. Regional and international cooperation

States can cooperate with each other to deal with refugee crises through burden-sharing. For example, states can agree to share the reception of refugees and provide financial support to states that receive large numbers of migrants. Regional agreements such as the European Union provide a model for how states can cooperate in dealing with migration-related challenges⁶⁰

2.2.2.4. Protection of migrants' rights

We saw previously that some states adopted different migration policies, some attracted the migrant category while others imposed strict restrictions to protect their sovereignty. Migration is a complex issue that requires a delicate balance between individual rights and state sovereignty. Addressing this issue requires a comprehensive vision that considers all economic, social, and political fields. The contradiction emerges that the modern state exercises its sovereignty by regulating the entry and exit of foreigners, but at the same time is obligated to protect them. International agreements in the field of human rights emphasize respect for human dignity, considering that any disruption in this field can lead to destabilizing global stability.⁶¹ However, states retain the freedom to make decisions they deem necessary to protect their national interests. Sovereignty is no longer an end in itself, but has become a means employed to achieve the supreme goal, which is protecting humans. States are also required to seek reconciliation between their national legislation and the principles of international law, and implement their obligations in a way that ensures respect for their rights and the rights of other states, by achieving a balance between rights and duties on the basis of equality and serving the general interest of the international community.⁶² Sovereignty has become a means and not an end, considering that humans are the supreme goal.⁶³ Several studies have confirmed that receiving migrants may stimulate growth, and that some strict policies, such as tightening border controls, contributed to exacerbating irregular migration, increasing drowning cases, feeding nationalist tendencies, and

strengthening smuggling networks. Some countries have made reforms to their national systems to ensure greater protection of individual rights, where the 1951 Geneva Convention does not oblige states to grant asylum to every refugee, but it imposes on states an obligation of non-refoulement towards a country where a person's life or freedom is threatened for one of the reasons stipulated in the convention (Article 33-1), and it also prohibits criminal punishment of refugees for their irregular entry.⁶⁴In this regard, for example, in the European Union, the state responsible for an asylum application is determined, but responsibility usually falls on the state through which the migrant first entered. To secure European space, focus was placed on preventing migrants from reaching Europe through border control and extending it to neighboring countries. Surveillance operations were assigned to Frontex agency, and the European Union and its member states transferred the burden of border control to neighboring countries, by pressuring them to accept migration-related clauses within bilateral agreements, or signing readmission agreements, often linked to obtaining development aid to intensify the EU's external work such as economic development for countries of origin, developing joint management of migration flows. Following the example of the European Union agreement with Turkey, the Council calls for enhancing cooperation with third countries, such as the Balkan region, where discussion revolves around supporting these countries in exchanging information about population movements, preventing irregular migration, enhancing border guard capabilities, and improving return and readmission mechanisms.⁶⁵

2.2.2.5. Addressing migration at its roots

Advanced countries' policies differed on how to deal with migration issues. For example, the European Union suffers from major divisions among its member states regarding ways to manage the migration crisis. This division was exacerbated by the rise of right-wing currents, which directly affected government decisions and made them lean more towards tightening policies instead of adopting humanitarian approaches.

As a result, there became a clear contradiction between the humanitarian duty to receive and protect migrants, and some countries' desire to preserve their narrow national interests. In an attempt to face these challenges, the European Union is moving towards enhancing its external role, by focusing on supporting migrants' countries of origin and developing their economies, and also working on managing migration flows in cooperation with countries outside the Union. An example of this is cooperation with Balkan countries, where the Union seeks to help them in border monitoring, preventing irregular migration, and facilitating procedures for returning unaccepted migrants to their countries.⁶⁶

CONCLUSION

It appears that migration is a complex and thorny topic that has raised many discussions, especially when it intersects with state sovereignty. The latter is keen to impose its control by regulating the entry and exit of individuals in what serves its national interests. It also adopts a strict system and protective policies against potential security threats such as terrorism or organized crime. The relationship between migration and sovereignty appears intertwined, so it needs a delicate balance between the state's exercise of sovereignty in monitoring and controlling its borders and maintaining international humanitarian obligations. This requires realistic and effective solutions for this balance. Hence, there is a constant need for international cooperation to manage migration, which enhances the protection of states and their interests without forgetting respect for individual rights. All these results reflect the necessity of balancing national security requirements and humanitarian obligations in the context of international migration. Therefore, a set of basic recommendations can be drawn on this topic, represented in:

1. Addressing the migration phenomenon by treating the causes that make individuals leave their countries
2. Establishing mechanisms to enhance cooperation between neighboring countries to face common challenges in this field

3. Adopting flexible border management policies that consider and balance between protecting national security and ensuring human rights
4. Expanding regular migration pathways to ensure safe and organized movement of individuals

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