

EMIGRATION TO USA, UK AND EUROPEAN COUNTRIES FROM INDIA: UNTOLD STORIES OF ILLEGAL MIGRANTS FROM DOABA REGION OF PUNJAB, INDIA

Dr. Amritpal Kaur, Assistant Professor, School of Law, Lovely Professional University, Punjab, India.

Megha Sood, Assistant Professor, GHG Institute of Law for Women, Sidhwan Khurd, Ludhiana, Punjab.

Chander Parkash Singh, Ph.D. Research Scholar, School of Law, Lovely Professional University, Punjab, India.

ABSTRACT- Illegal immigration into US, UK and the European countries from India has become very rampant due to the pursuit for better life and living standards. Migration is crossing the borders of a political or administrative unit for a short period of time. The movement can be within a state or across states. In the international relocation there is movement from one nation to the other. Migrations can be for varied reasons some of which are legal, like for work, business etc., and others for illegal purpose like illegal migrants. The present empirical study will explore the routes (both legal and illegal) adopted by individuals for reaching their dream land of opportunities. The study would also focus on the necessity of having legislation for preventing such instances of illegal immigration and examine the plight of such illegal emigrants from Doaba region of Punjab, India.

Key words: Immigration, illegal migrants, legislations, government policies, human rights

I. INTRODUCTION

"We must say no to illegal immigration, so we can continue to say yes to legal immigration"

-William J Clinton

In a rapidly growing era of 2020's, boosting up the economy is the main aim of every developing or under developed nation. To match with the pace of such growing economy and to contribute every single bit of the share to upgrade the same is not restricted to economic integration alone including international trade and flow of capital from one nation to another. Rather by going progressively beyond the traditional notion, it has eventually begun to involve the international movement of labour as well. According to US Census Bureau, which had conducted the current population survey in the 2018-19 and thereby Migration Policy Institute had found that approximately 11.3 million unauthorized immigrants or undocumented migrants were found to be the dwellers in the various countries of United Nations.¹ Every individual in today's scenario seeks to reach to the height of seven skies, for that purpose people particularly the rising count of these unauthorized immigrants tends to shift to developing nations for various reasons such as:

- a) In search of better economic stability,
- b) At times due to various political reasons, and last but not the least
- c) Social reasons

Evidences have proved that from Punjab, particularly from Doaba region alone, many young and aspiring minds have begun to board the flights to fly overseas to try their luck. But unfortunately not always the available legal opportunities rules out. This could possibly be because of the limited number of opportunities available for unskilled workers, therefore these people are left with no other options but to resort to illegal routes. Certainly this phenomenon of flow of bunch of undocumented people from Punjab particularly to rest of the developing nations such as U.S.A and U.K is in wider trend so as to dive into the pool of opportunities in a hope of better standard of living and better opportunities for earning their livelihood. But altogether the choice of destination is certainly depends on certain 'push' and 'pull' facilitating factors.² While collecting the data for the purpose of conducting this research study, the author has come across all those things falling under the shade of push as well as pull factors forcing the drive of

¹ Jie Zong, Jeanne Batalova and Micayla burrows(2018) "Statistics of Illegal Immigrants in U.S.A under U.S Census Bureau in 2018-19", *Migration Policy Institute*, available at:

<https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states#Unauthorized> (last visited on Jan.18, 2020).

² K Koser., (2005) "Irregular Migration, State Security and Human Security" *Institute for Public Policy Research*, available at: file:///C:/Users/sam/Desktop/irregular_migration_1493.pdf (last visited on Jan.18, 2020).

large number of people from developing nations to the developed nations. Push factors will certainly include:

- a) Increased poverty,
- b) Increased population
- c) Lack of Job opportunities

Evidently, due to such an increased inflow of wide variety of people, day-by-day is becoming the deep and major cause of worrying for every legal national of the developed countries such as U.S.A and U.K. As described by Moises Pinedo, in his book, "*The Overall impact of Illegal Immigration on US Economy*", states that illegal immigration has both affirmative as well as negative effect with the increase of arrival of domestic supply of low-skilled labour pulling downward on the wages paid by the U.S government to these low-skilled workers. Along with this employment opportunities will also drop for the U.S born labours due to larger number of low-skilled labour³.

Therefore,
Domestic Supply of
Low-skilled labour



II. DATA AND SOURCE OF DATA

Both primary and secondary data are used for the collection of data. Simple convenience sampling has been used for selecting the sample. The in-depth study of respondents has been done using an open-ended Case Study Method. The data is collected personally from each respondent by the author herself. Data is analyzed directly by extracting out from the research questions and by examining the data using inductive qualitative analysis.

III. UNIVERSE OF STUDY

The scope of the study is confined to the Doaba region of Punjab, India of those individuals who have returned after being detained for unlawful entry from either UK or US within a time span of 2010 - 2020. Infact, Doaba has the maximum number of NRI(non-resident Indian) population in the State of Punjab which includes the districts like Jalandhar, Kapurthala, Hoshiarpur and Shaheed Bhagat Singh Nagar (earlier known as Nawashahr) with Jalandhar having the most number of immigrants.⁴

IV. REVIEW OF LITERATURE

Viresh Kumar Bhawra, (2013) in Irregular Migration from India to the EU: Evidence from the Punjab⁵ viewed that the instances of irregular migration from the Punjab in recent years have increased at an alarming rate. Therefore there is a dire need for the national authorities to take the necessary steps to drop the count of such illegal immigrants.

Fabrizio Costantino, (2014) in his study⁶ stated that many immigrants can manage to cross the border undetected, while others can be apprehended more than once in the same year. Finally, the number of individuals apprehended in any given year is also determined by the level of enforcement of the national border authorities for that year

³ Moises Pinedo,(2009) "The Overall impact of Illegal Immigration on US Economy", Apologetics Press: Alabama

⁴ Punjab, India is basically divided into three regions namely Majha, Doaba and Malwa. The division is as follows:

- a. Malwa is the region towards the south of Sutlej river comprising of 14 districts
- b. Majha is the region towards the north of Beas river comprising of 4 districts
- c. Doaba is the region between the two rivers Sutlej and Bas comprising of 4 districts

⁵ CARIM-India Research Report 12-32

⁶ Fabrizio Costantino, (2014) "Which factors drive illegal immigration? An empirical analysis of the U.S. and the E.U." *European Journal on Criminal Policy and Research* , 163-195

Migration Policy Institute, Julia Gellat,(2017)⁷ emphasized that various steps have been taken by National Immigration Law Centre (NILC) to stop this Merit Based Immigration System (MBIS) Rule from taking effect. Trumps Administration unveiled Sweeping Rule, if the aspirants have failed to meet high enough income standards or even if they receive any public assistance such as welfare, food stamps, public housing medicated or drawing public benefits. The MBIS rule, if implemented will be prohibiting low-income people from being immigrated.

Leah Boustan,(2017)⁸ in his study observed that the United States has long been perceived as a land of opportunity for immigrants. Yet, both in the past and today, US natives have expressed concern that immigrants fail to integrate into US society and lower wages for existing workers. This paper reviews the literatures on historical and contemporary migrant flows, yielding new insights on migrant selection, assimilation of immigrants into US economy and society, and the effect of immigration on the labour market.

V. OBJECTIVE OF STUDY

1. To understand the issue and challenges of illegal immigration and to explore the illegal means of entering into U.S.A and U.K through Case Studies.
2. To study the exploitation of the legal routes available for immigration and to analyse the adequacy of immigration laws with the special reference to, “The Punjab Prevention of Human Smuggling Act, 2012 and Punjab Travel Professionals Regulation Rules, 2013.”
3. To appraise the New Immigration Policies in UK and US on illegal immigrants and to propose new legislation for countering illegal immigration from Punjab,India.

VI. SIGNIFICANCE OF THE STUDY

The findings of the study will contribute to society at the national and international level by understanding the real life experiences of the individuals who have suffered by resorting to unethical tactics used by travel agents. This research will also contribute by suggesting on adoption of better, functional, fundamental and people friendly immigration policies.

VII. RESEARCH METHODOLOGY

This qualitative study using non-probability convenience sampling by collecting data from deported immigrants, has been undertaken because there is no exact number of individuals who have been deported after detention in foreign countries like US UK, for illegal immigration. The author has done the collection of data through case study methods of the illegal deported immigrants for understanding the problem. The finding of the present study revealed that rising count of the illegal immigrants is due to an absence of effective legislations and stern actions against travel agents in the state of Punjab. Lastly, the legislations in the home country and the deporting countries are examined to suggest the concrete measures to stop this menace.

VIII. ILLEGAL IMMIGRATION TO USA

In year 2019, during the month of August, the U.S President Donald Trump has in order to curb the rising inflow of the illegal immigrants, as vowed by him during his election campaign, came up with the concept of “Sweeping Rule”. With the influx of the said rule, the immigration policies, which are regulating the legal immigration, will likely to become sterner as compared to the erstwhile prevalent rules and regulations. Consequently this rule has limited the scope of legal immigration, by virtue denying the visas and permanent residency to many people who have fulfilled all the required requisites demanded by the U.S administration. But this rule hinders these legal aspirants to fetch the benefits by landing over the land of opportunities, which will probably going to add more fuel to the fire, unfortunately these legal aspirants are left with no other option than to get their dreams fulfilled by falling into the hands of unscrupulous agents, who are best known for facilitating the drive to foreign

⁷ Kimberly Amadeo(2020) “Donald Trump on Immigration:Pros and Cons of Donald Trump's Immigration Policies” *Balance*

⁸ R Abramitzky (2017)“Immigration in American Economic History” *International Journal of Law, Crime and Justice* 1311-1345

nations through illegal routes by charging hefty monetary amount from the gullible but wannabe youth of Punjab.⁹ By bringing this rule into motion, the basic motive of the U.S administration is to bring the list of immigrants on the table. Such immigrants, if granted visas will likely to avail the benefits of the public assistance, which are actually meant for the U.S born people, who don't have enough resources of fulfill the basic amenities of the life.¹⁰ The U.S administration is focused on to make sure that, the people who dreams to land in U.S will has to make themselves capable enough to earn better standard of living alongside the fulfillment of the basic comforts of life, rather than arriving in foreign nation placing their reliance on the welfare system, providing medic aid, housing facilities, food etc. thereby promoting the age old concept of prima-facie making the individuals self-sufficient and self-reliant.¹¹

IX. ILLEGAL IMMIGRATION TO UK

According to the census conducted by the U.K government, describes that people often prefer to send their children or their near ones to the countries where their rest of their family members moved to and among all the 28 member nations of European Union, U.K is the most preferred nation in terms of getting better educational facilities for the young and aspiring minds. Additionally, the networking web so woven by the people now-a-days enables these young ambitious minds to establish their niche in all together new nation. Infact, when it comes to count the number of heads of the illegal immigrants in any nation, the bureaucrats of the nation develops one or another way bring the authenticated record on the round table.¹²

As per the latest attempt in making the count of number of illegal immigrants sharing the land in U.K with that of the legal immigrants by Pew Research Centre, a Washington based impartial American think tank, has shocked everyone with the figures representing the number of illegal immigrants currently living in U.K, that lies between 800,000 and 1.2 million unauthorised migrants sharing the assets, resources that are actually meant for the benefit of those who are in the territory through the legal means, methods and routes.¹³ Furthermore PM Boris Johnson has twisted the knife, by making every endeavour to leave European Union by January 31, 2020, in furtherance to reduce the rising count of illegal immigrants in U.K. Because Brexit will likely to be accompanied by imposition of severe restriction on the freedom of movement, and thereby clearly closing all the legal routes of entering U.K., which leaves no other option with the individuals who are dying to board the flight to acreage either by hook or by crook over the land of opportunities. It is believed that Brexit, rather than giving the solution to the problem of illegal immigration will likely to force the people to opt for certain illegal means to reach to their destined nations.¹⁴

1 LEGISLATION RELATED TO ILLEGAL IMMIGRATION IN INDIA AND PUNJAB

In comparison to any other nation, U.S.A and U.K, receives can full of immigrants from distinct part of the world every year. This journey of them is often facilitated by the travel agents. These agents pays a significant role by charging the hefty amount of money from the aspirants and thereby facilitating their passage through illegal routes towards U.S.A and U.K. therefore in order to regulate the vicious circle so operated by these agents, so called as the drivers of the illegal immigrants, the Punjab legislation has come with the following stated to regulations¹⁵:-

1. The Punjab Prevention of Human Smuggling Act, 2012.
2. Punjab Travel Professionals Regulation Rules, 2013.

⁹ "New trump administration rule to target the legal immigrants who resort public assistance," Business Today, August 12, 2019, <https://www.businesstoday.in/current/world/new-trump-administration-rule-to-target-legal-immigrants-who-get-public-assistance/story/372171.html> (last visited on Jan.23, 2020).

¹⁰ *Id.*

¹¹ Joseph Zeballos Roig (2019) "The Trump's new administration's immigration policies", *Business Insider*, available at: <https://www.businessinsider.in/politics/the-trump-administrations-new-green-card-rule-could-be-a-backdoor-to-immigration-reform-experts-say/articleshow/70651327.cms> (last visited on Jan.23, 2020).

¹² Kristiina Kangaspunta and Angela Me (2018) "United Nation Office on Drugs and Crime, Smuggling of migrants from India to U.K.," *UNITED NATIONS PUBLICATION* https://www.unodc.org/documents/data-and-analysis/glosom/GLOSOM_2018_web_small.pdf (last visited on Mar. 28, 2020).

¹³ Dominic Casciani (2018) "Are there 800,000 illegal immigrants in the U.K?", BBC News, available at: <https://www.bbc.com/news/uk-50420307> (last visited on Jan.27, 2020).

¹⁴ Benjamin Kentish (2019) "Illegal Immigration in U.K will rise after Brexit," *Independent*, <https://www.independent.co.uk/news/uk/politics/brexit-illegal-immigration-free-movement-eu-leave-a8915816.html> (last visited on Jan.27, 2020).

¹⁵ *Id.*

These two regulations are enacted with an intent to curb the rising number of fraudulent cases against the travel agents, who are meant to facilitate the illegal voyage of the desiring youth of Punjab. These regulations are enumerated by the Punjab government, which is a state government. Unfortunately at the national level India does not have any single legislation or the policies which will be meant for the reducing the menace spanned by these travel agents all across the country. According to 2019 report presented by the Ministry of External Affairs, there are approximately seventeen states which are operating as illegal agents. Out of all these states majority of them are the metropolitan states. According to the above stated report there are eighty five such travel agents which are coddled in the work of facilitating the illegal passage of the migrants. However in Punjab the number of such illegal travel agents on record is seventy six in number. These figures are nevertheless come into lime light only after the cases which are registered against the fraudulent acts committed by these travel agents. There are still so many operators working under the table. In order to bring all these case over the table it is necessary to come up with the policy which will act as a watchdog over their conduct in their respective fields.¹⁶

a THE PUNJAB PREVENTION OF HUMAN SMUGGLING ACT,2012

Due to the piling up of the so many criminal cases against the travel agents, the Governor of Punjab has passed, “the Punjab Prevention of Human Smuggling Act, 2012” to curb this rising menace. The Legal and Legislative Affairs Department has been given the charge to curb the rising level of illegal and fraudulent activities by the travel agents. These travel agents while following up their profession often indulge themselves into the malpractices. By deceitful activities the legislature has meant the praxes including the smuggling of human beings, transfer of human beings across the international borders for the exploitation including, physical, mental, and sexual abuse.¹⁷

No doubt, the Punjab Prevention of Human Smuggling Act, 2012 has come up with an intention of healing the sufferings, hardships, miseries faced by the families or any other person who has approached any travel agent for facilitating his/her safe transit to the land of opportunities but has manipulated the funds conferred by that person to the said travel agents. Not only this, but also the “Legal and Legislative Affairs Department” has made an every possible endeavour to mitigate the sufferings of those who got mistakenly trapped into the vicious circle knitted by certain travel agencies or other immigration consultancies. This legislation of “the Punjab Prevention of Human smuggling Act of 2012” plays the significant role to drop the rising count of the illegal immigrants into the developed nations.

b PUNJAB TRAVEL PROFESSIONALS REGULATION RULES,2013

To curtail the growing levels of the perils The Government of the state of Punjab has come up with an amendment to the parent Act known as “The Punjab Prevention of Human Smuggling Act of 2012.” (Here to be termed as the parent Act). This was the first ever amendment to the parent Act, was made with an intention to drop down the rising counts of the fraudulent acts practiced by most of the travel agents of the state of Punjab. The cuckold part of the travel agents begin with the advice of giving the false hopes to the youth of the state of Punjab to settle into the lush green grasslands of the foreign meadows. Such travel agents are always in search of those people who are not able to crack the language proficiency tests but are still given false and fraudulent rays of hope by these travel agents in order to make their pocket heavy. To control these illegal acts of the travel agents the Department of the Home Affairs of the state of Punjab has come up with the amended Act of the year 2014 under the name of “The Punjab Travel Professionals regulation Act, 2014.” (Hereafter to be called as the said Act). The said Act of 2014 is the product of the first amendment made to the parent Act of 2012, by the government of the state of Punjab keeping in mind the upsurge of the frivolous practices adopted by most of the travel agents operating their offices within the jurisdiction of the state of Punjab. Most common fraudulent practice adopted by most of the travel agents in the state of Punjab is assuring the facilitation of the legal transit of the citizens but unfortunately these travel agents maliciously directing their path towards the prisons of the foreign lands as illegal immigrants.¹⁸

c EMIGRATION ACT,1983 AND EMIGRATION BILL OF 2019

¹⁶ Robert F. Barsky (2015) “The Plight of Undocumented Migrants,” Routledge, <https://www.heritage.org/immigration/commentary/undocumented-immigrant-made-term-ignores-the-law> (last visited on Feb.29, 2020).

¹⁷ The Punjab Prevention of Human Smuggling Act, 2012 (Punjab Act 2 of 2013).

¹⁸ Advisory on the Effective Implementation of the Laws and Rules for the Travel Agents of the state of Punjab, <https://cdn.s3waas.gov.in/s3274ad4786c3abca69fa097b85867d9a4/uploads/2018/06/2018061433.pdf> (last visited on Mar. 04, 2020).

Emigration in a general parlance means that when any individual leaves his/her country in search of better employment opportunities.¹⁹ The emigration Act of 1983 (here to be called as the said Act) has come into force Sept.10, 1983. This aim of the said Act is to protect the rights and interests of the people who has moved to abroad in search of better employment opportunities. The objective of the said Act revolves around the protection of the all those individuals who has shifted their habitual residence overseas. However this Act does not secures the protection of all those people who had boarded the odd bus taking the odd way. Unlike other state Acts, the said Act is the Act enacted by the central government. Which means India does not has any Act or legislations formulated so far for the purpose of reducing the rising counts of the illegal immigrants in the developing nations such as U.S.A and U.K. which is why there is a dire need of an hour for the central government to take the command into its hands to curb the rising menace of the illegal immigration through the illegal routes from India as a whole to either of the developed nations.²⁰

The central government has proposed the changes in the present Emigration Act of the year 1983, (here to be called as parent Act). Consequently the Ministry of External Affairs under the supervision of the government of India has drafted the Emigration Bill of 2019. Since the year 1983, the parent Act has never been subjected to any amendment. For over more than thirty years down the line the procedures, patterns followed during the migration from the underdeveloped or the developing nations to the developed nations and last but not the least the routes facilitating the migration has undergone major changes. It is important to highlight the fact that the parent Act of the year 1983 generally protects the rights and the interests of the people or the Indian workers rendering their services mainly in the Gulf region.²¹

d IMPACTS OF NEW IMMIGRATION LAWS OF USA

The facts that the currently amended immigration laws have not received any affirm congressional response. This has enabled the Trump's administration to make the arbitrary use of their executive actions. In order to limit down the extent of immigration both legal as well as illegal it has come up with the newly vetted schemes which stances certain hurdles in the path of those as well who aspires to be the legal immigrants of the United States of America. One of these obstacles is the substantial increase in the number of interviews that the individual is supposed to undergo prior to get his or her travel visas sanctioned from the concerned immigration authorities of the respective nation. Under the new immigration laws the Trump's administration has waived off the concept of personal interviews for all others except those who have applied for employment based permanent residencies.²² This is not just the end even the applicants after the advent of the new immigration laws are supposed to reveals the travel history of about past fifteen years. This is not enough even the applicants are required to substantiate the questionnaires with their personal information including the usernames so used by the applicants over the social media platform. All these measure has been adopted by the Trumps Administration to protect the sovereignty and integrity of the nation on a whole thereby coming up with the stern screening measures.²³

The immigration Act of 1965 had a soft corner for all the foreigners who arrive in the United States of America.²⁴ It enables all those aliens to apply for asylum after reaching to the land of opportunities.²⁵ But

¹⁹ The Emigration Act, 1983 (Act 31 of 1983), s. 2(f).

²⁰ Dipanjan Roy Chaudhury (2019) "Salient Aspects of the Emigration Act", *The Economic Times*, https://mea.gov.in/Images/amb1/Salient_aspects_of_Emigration_Bill_2019.pdf (last visited on Mar.05, 2020).

²¹ www.iom.int (2018) https://www.iom.int/sites/default/files/country/docs/china/r5_world_migration_report_2018_en.pdf (last visited on Mar. 28, 2020).

²² Muzaffar Chishti, Sarah Pierce, and Jessica Bolte(2018) "Even as Congress remains Side-lines, the Trump Administration Slows Legal Immigration," *Migration Policy Institute*, <https://www.migrationpolicy.org/article/even-congress-remains-sidelines-trump-administration-slows-legal-immigration> (last visited on Mar. 28, 2020).

²³ Federal Register (2018) 60-Day Notice of the Proposed Information Collection: Application For Immigration Visa and Alien Registration, *U.S Department of State*, www.gpo.gov/fdsys/pkg/FR-2018-03-30/pdf/2018-06490.pdf. (last visited on Mar. 10, 2020).

²⁴ United States Code, 1158. Asylum, <http://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title8-section1158&num=0&edition=prelim> (last visited on Mar. 10, 2020).

²⁵ Katie Rogers and Sheryl Gay Stolberg (2018) Trump Calls for Depriving Immigrants Who Illegally Cross Borders of Due Process Rights, *The New York Times*, June 24, <https://www.nytimes.com/2018/06/24/us/politics/trump-immigration-judges-due-process.html> (last visited on Mar. 10, 2020).

the “Sweeping Rule” which has come into force on the 24th day of February of the year 2020, has been coined to give the effective colours to the new immigration policies. According to this principle all those people who are receiving any public benefits such as food, clothing, shelter, medic-aid etc. which are actually meant for the poor nationals who have the American origin, cannot receive their desired immigration status. This principle hinders the immigrants including both legal as well as illegal immigrants to apply for green cards and for temporary as well as permanent residential status.²⁶

e UNITED KINGDOM DECISION OF STEPPING OUT FROM EU

Studies have revealed that the count of number of people without any authenticated documents will likely to rise after the advent of Brexit. The reason behind this rising number will probably due to framing of the personalized immigration policies by United Kingdom once it gets separated. This major exit will likely to obstruct the free flow of the people which was earlier allowed by U.K being the member nation of EU. This will likely to raise the number of people living in U.K illegally and thereby falling under the shade of illegal immigrants. Prior to the advent of Brexit, U.K used to permits the people to travel through Schengen visas. Thereby people from all across the under developed as well as developing nations aspire to play their bluff moves by getting their access to all the 27 member nations got sanctioned thorough the Schengen visas. Therefore migrants travel to Germany, Belgium, France, and Italy and thereby get their entrance easily inside the U.K as well. But unfortunately now the tables have turned for all those people who used to have the tranquil access over the opportunities provided by U.K.²⁷

f. POST BREXIT CHALLENGES FOR ILLEGAL IMMIGRANTS

Like U.S.A, U.K also has taken an initiative to show its colours of non-acceptance of any immigrants who tries to cross the international borders through the illegal routes. The Britain’s major decision of stepping out from the European Union has not adversely restrained the free flow of goods and services only but along with this it has also hindered the free movement of the people all across the 27 other international borders. Since 1st Jan., 2020, U.K has opted to undergo into the transition period which will going to last for about 11 months. Officially Britain will exit EU completely by the advent of the following year of 2021. However, all those people including the youth mainly of the under developed as well as developing nation is literally blown away with the advent of Brexit this New Year. All those who aspire to establish their carrier in the developed nations such as U.S.A and U.K have now like possibility of facing major hardships in order to taste the fruits of their hard work. This new phase will likely to give rise to the building up of the new relations with EU as well.²⁸

U.K will also likely to come up with the stern immigration policies, so as to curtail the rising menace of the illegal immigration. Like U. U.K has also been experiencing the flooding of the immigrants from all across the international borders particularly from least developed as well as developing nations of the world. Due the transition period of the U.K, it will likely to sustain till Dec. 30, 2020. Therefore all the movement of including goods as well as services will likely to sustain the free flow of the people which was earlier accessed by the migrants by getting the Schengen visas sanctioned from the immigration offices. It cannot be said that the beginning of Brexit has solely affected the illegal immigration, alongside it has also come up to tighten the ingress for those migrants as well who are aspiring to get their entrance through the legal openings inside the U.K. consequently, the arrival of the Brexit has evinced to be fatal for all those migrants as well who has complied with all the pre-requisites stated by the esteemed immigration enforcement authorities of U.K. hereinafter it can be stated that both the developed nations has come up with the major changes in their existing immigration laws to drop down the count of the ever increasing number of the illegal immigrants in both U.S.A as well as U.K. without paying any heed to the protection and preservation of the human rights of the immigrants as well.²⁹

Though U.K government has also come up with the amended immigration laws but the same are not as stern as that of U.S. However both of the developed nations has attacked simultaneously over the legal immigrants as well. The tables have turned for all those people also who has legally qualified every single eligibility test to be designated as the citizens of either of the developed nation. But one thing which is observed as common in the new immigration policies of both the developed nations is that there has been

²⁶ Raymond G. Lahoud (2020) “Final Rule on Public Charge Ground of Inadmissibility, *U.S Citizenship and Immigration Service*, <https://www.uscis.gov/legal-resources/final-rule-public-charge-ground-inadmissibility> (last visited on Mar. 10, 2020).

²⁷ Hayden Smith PA,(2019)Kirsty Bosley Social Market Foundation, Illegal immigration set to rise after Brexit, *Wales Online*, <https://www.walesonline.co.uk/news/uk-news/illegal-immigration-could-actually-rise-16280490> (last visited on Mar. 28, 2020).

²⁸Claire D Nilson (2020) “The Immediate Post-Brexit Landscape,” *The national Law Review*, <https://www.natlawreview.com/article/immediate-post-brexit-landscape> (last visited on Mar. 12, 2020).

²⁹ *Id.*

sheer violation of the one of the basic human rights so guaranteed by the Universal Declaration of Human Rights, 1948, that is freedom of movement and the right to have the peaceful settlement. The subsequent section of this chapter will going to reflect the shadows of the said concept.³⁰

X. CASE STUDIES

Following are some of the case studies describing the bitter experiences, miseries, hardships, desolations, despairs, melancholies, agonies, undergone by those who had unfortunately boarded the donkey flights to fulfill their dreams.

a. CASE STUDY OF LOCAL DRIVER

The truck driver name as Sukhwant Singh resident of district Kapurthala, Punjab was employed as a truck driver for carrying the eatables across the varied states of India. Till 2005 he was engaged in pursuing the same job. It was in the month of June 2005, he made his first flight from Delhi to Austria through the Schengen visa, and he paid the sum of rupees twenty lakhs to the local travel agent of Kapurthala. After reaching Austria he was told by the travel agent to board the train heading to France by locking himself in a cabin. The respondent had shared that the ticket collector had kept on knocking on the door of the said chamber for quite a while, and eventually he went back. After reaching in France the respondent was again made to meet with the English couple and was made to pay them the US \$3,175 in 2005 to facilitate the smooth smuggling of the respondent by keeping him in the boot of their car. After reaching there, the respondent enrolled himself in a construction company for initial three years then he got himself employed in the shoe making factory for the period of two years from 2008-2010. It was then he got caught by the authorities and sent to the detention cells. There he was given proper food and other basic amenities to lead the healthy life by the prison authorities and was finally deported to India in the year 2008.

b. CASE STUDY OF MANPREET SINGH

³⁰ Jonathan Portes (2020) "Immigration Policies of U.K after the Advent of Brexit," *The Guardian*, <https://www.theguardian.com/commentisfree/2019/aug/22/britain-eu-citizens-brexit-business-immigration-policies> (last visited on Mar.12, 2020).

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The youth of Punjab has been witnessing the age of the unemployment in the growing era. This is one of the push factors responsible for the movement of the people from the underdeveloped or the developing nations tilting their movement prominently towards the developed nations. This story is of a 30-year-old Manpreet Singh, resident of Hoshiarpur, Punjab describes the same above stated fact. In 2014 the respondent had decided to board the odd bus to reach U.S. His family has borrowed the sum of rupees twenty-six lakhs, which is to be paid to the respective agent who had assured to facilitate the illegal passage of the respondent. The respondent was made to travel along with 30 more people via boat. Firstly, the group was made to travel to Dubai, then to Russia and then Ecuador. Finally, he along with the group stayed in South America for two months. On 61st day the group had made its way to Guatemala, where they all had to cross the dense forest to reach Mexico. They walked barefoot for two hours in order to hide their detection from the borders security personnel. After reaching Mexico the group got split and this the respondent Manpreet Singh stayed in the home of the local policeman, and this place comparatively safer than the detention cells for the illegal immigrants. He was locked down here for period of 30-45 days. Then the respondent was driven to Texas but he got caught by the police and it was nine months of severe torture, the respondent was deported back to India in 2015.

c. CASE STUDY OF SIMRANJEET SINGH

In another case the respondent of aged 29 is the resident Lohia Khas, District Jalandhar. The respondent is from agricultural background. He had studied up to matriculation level. It was in the year 2004 when the said respondent had an urge to settle abroad. But due to his inability to score well in the language proficiency test the respondent was left with no other option but to reach U.K, through an illegal route. It was in the month of May 2005, the respondent had paid the hefty sum of rupees twenty-five lakhs to the travel agent in Jalandhar. It was then the agent had facilitated the tour of the respondent from Delhi to Greece followed by his passage through France and then finally to U.K. The point to be noted here is that the respondent had exploited the legal routes, that he had got sanctioned his tourist visa from the esteemed immigration authorities. Since then travelling across the countries which are falling under the shade of 28 countries under European Union, prior to the advent of Brexit the respondent had managed to live in the said developed nations by getting himself employed in a restaurant serving the fast food. The respondent with 6 others was living in the garage in such a manner that not even the neighbours were aware of the fact. It was in 2014 that the respondent got caught by the police officers on a complaint received by the neighbours regarding suspicious living of the people and consequently arrested due to an absence of any authenticated immigration documents and was deported back to India.

d. CASE STUDY OF KULWANT SINGH

The respondent is of age 24 and is the resident of village Baupur Jalandhar had paid rupees twenty-five lakhs to the travel agent who was the resident of Kukran, Police Station Garhshankar, District Hoshiarpur for assisting his journey to U.S in the year 2014. The respondent had described that he had boarded the flight from Delhi, which had made him to land in Ecuador. From there the respondent had opted for the donkey route to Colombia and thereby the respondent had managed his voyage to land in Mexico and from there the respondent had clambered to America. Till 2017 the respondent had managed to reside in the said nation without getting caught by the trump's administrative unit. Unfortunately it was in September 2018 the respondent was got caught by immigration authorities and consequently he was deported back to India after undergoing the extreme hardships in the detention cells.

e. CASE STUDY OF JAGJIT SINGH

The respondent herein this case was of age 37, resident of Bharuwal, Jalandhar. It was in 2010 that the respondent had paid the hefty amount of rupees 27 lakhs to the travel agent at Paharganj in Delhi. The respondent was accompanied by 38 other people all across the different nations such as Pakistan, Bangladesh, Sri Lanka. From Delhi they travelled to El Salvador where they stayed for about three months. The travel agent who was responsible for facilitating the further passage had eventually turned hostile and thereby had trafficked some of the people from that group for the sexual exploitation. And unfortunately the respondent was amongst those people who were sold for being exploited sexually. Therefore the respondent was made to undergo extreme suffering including the forced starvation for approximately five long years. It was the time when on a one fine day, that another agent taking the group of 12 people to another place by locking them in a van, that van was stopped by the police personnel of the respective state for checking. Therefore those 12 people along with respondent were taken to the detention cells and were deported back to their respective nations in the year 2015.

f. CASE STUDY OF KULBIR SINGH

The respondent in this case study is still in the detention cells maintained under the border enforcement security of U.S at Mexico borders. The respondent named as Kulbir Singh, aged 27 years is the only son of Sukhwinder Singh resident of village Allampur Jalandhar. The father of the respondent has taken the loan for his son to settle him abroad. But unfortunately the respondent had tried thrice, but failed to crack the

language proficiency test. Thus in 2017 the father of the respondent had paid the hefty amount of rupees 35 lakhs to the travel agent in Jalandhar to manage the passage of his son through the donkey flights to U.S. Consequently, the respondent along with other migrants from all across the India, such as, from Punjab, Mumbai, Gujarat, Hyderabad etc. were taken to Delhi, then to Istanbul. In Istanbul they were segregated in groups, and boarded the "Donkey Flights", to Guatemala. Then after reaching Guatemala these migrants are made to walk through the dense forests of Guatemala, wherein ¼ part of the forests is covered by these migrants along with the donkeys. They were physically and mentally tortured. They were robbed on the way. When they reached Mexico border in Jan. 2018, the respondent got arrested by the border security personnel of the U.S and was sent to the detention cells. Since then the respondent is moving back and forth in various detention cells and the father of the respondent is making the every possible effort to get his son back from the U.S.

It has been observed that the bitter experiences, miseries, hardships, desolations, despairs, melancholies, agonies, undergone by those who had unfortunately boarded the donkey flights to fulfil their dreams, sent shivers down the spine. Recently, the Trump's Administration has come up with the stern immigration policies to deport all those people who have been caught by the Border Enforcement Authorities of the respective nations. The former U.S president Mr. Barrack Obama also pointed that it is wrong on the part of people who are appointing these illegal immigrants as their workers. This is nothing but the pull factors which are responsible for raising the count of the illegal immigrants from the underdeveloped or the developing nations towards the developed nations.

Unquestionably, the major challenge is that the new immigration policies of the developed nations are not people friendly. This means that all the policies which are equally responsible for maintaining the cordial relationship with the other nations at the global platform has to be formulated by respecting the basic human rights of the public at large.

XI. RECOMMENDATIONS

1. Formulation of the independent legislation to curb the rising menace of illegal immigration across the globe.
2. Enforcement of the proposed amendments in the Emigration Bill of 2019 and the specialized counter-smuggling laws at the national level.
3. Transparent mechanism for the collection of data related to illegal immigration at the national level and urgent need of the technologically advanced equipment's at the airport for the detection illegal immigrants
4. Proper screening of the visa applications and establishment of the Risk Assessment Units at the national level:
5. Separate Intelligence Network at the district level to conduct the Periodic Field Studies

XII. THE WAY FORWARD

Undoubtedly, the rising number of cases of the illegal migration across the international borders has adversely affected the legal migration from the India. Though the opportunities to move and settle abroad have tightened due the new stern immigration policies of the developed nations. Nevertheless, the opportunities for legal migration has been limited but this cannot reduce the rising count of the illegal immigrants in U.S and U.K despite the atrocities, destitutions, miseries, desolations, hardships and the risks associated with the transit through an illegal routes. However the same fact has been reflected through the untold stories of the immigrants across the international borders. In order to curtail this rising menace of the illegal immigrants across the international borders there is a dire need for all the nations to join hands together and come forward to promote the co-operation among the accorded countries. In addition to this the new immigration policies in consonance with the United Nations Charter of 1945, should be formulated.

"We have a strange Immigration Policy for a nation of immigrants, and it is a policy which is unfit for today's world"

-Barrack Obama

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