

# Navigating the Tightrope: Immigrant Perspectives on State Policies Balancing National Interest and Humanitarian Imperatives

Md. Imran Wahab<sup>1</sup>, Farzana Olakkodu Ismail<sup>2</sup>

<sup>1</sup>Indian Police Service, Inspector General of Police, West Bengal, India

<sup>2</sup>Senior Lecturer, British University College, Ajman, UAE

## Abstract:

Immigration policies are a complex balancing act between national interests (security, economy, culture) and ethical considerations (protecting vulnerable populations, upholding human rights). This research explores this dynamic from the perspective of immigrants in their new homelands. By examining their experiences and challenges, the study provides insights into these competing priorities and proposes solutions for more equitable immigration systems. Through case studies of Canada and the United Kingdom, the research investigates how immigrants, regardless of legal status, perceive the balance between a host country's rights, security concerns, economic interests, and its duty to protect vulnerable groups like refugees and economic migrants. The study reveals the direct impact of current policies on immigrants' lives, sense of belonging, and trust in government. It underscores the critical need for inclusive policymaking that incorporates immigrants' voices, fostering ethically sound systems that effectively balance national interests with humanitarian responsibilities.

**Keywords:** Immigrant Perspectives, State Policies, National Interests, Humanitarian Imperatives, Inclusive Policymaking, Refugees and Asylum Seekers, Immigration policies.

## 1. Introduction:

Human migration has long shaped nations, economies, and cultures, and today, immigration policies remain central to global debates. Governments are faced with the challenge of balancing national security and economic priorities with humanitarian obligations to protect and integrate vulnerable populations. Although states have sovereign control over their borders, their decisions are increasingly evaluated against international human rights standards. This tension results in complex policy choices that deeply impact migrants and the socio-political environment of host countries.

This research explores how state policies affect the lived experiences of immigrants, emphasizing the often-overlooked perspectives of migrants themselves. Using a multidisciplinary and mixed-method approach, it critically examines how immigration policies influence identity, rights, and integration, while also evaluating their fairness and effectiveness. By combining personal narratives with legal and policy analysis, the study calls for inclusive, rights-based frameworks that align national interests with humanitarian principles, ultimately promoting a more just and cohesive global society.

## 2. Why do immigrants gravitate toward Canada?

Canada's popularity as a destination for immigrants stems from a rich combination of economic prospects, a high standard of living, and inclusive, supportive policies. Let's explore the key factors in more detail:

- **Abundant Economic Opportunities:** Canada boasts a thriving economy with strong job markets across diverse sectors like technology, healthcare, and skilled trades, drawing individuals seeking career advancement and financial stability.
- **Exceptional Quality of Life:** Canada consistently ranks highly on global quality of life indices, thanks to its universal healthcare, robust education system, and comprehensive social support programs, which contribute to a comfortable and secure lifestyle.
- **Safe and Stable Environment:** Low crime rates and political stability make Canada attractive to individuals and families prioritizing safety and security, especially for raising children.
- **Multiculturalism and Inclusion:** Canada's official multiculturalism policy celebrates diversity and welcomes people from all backgrounds, fostering a sense of belonging and simplifying the integration process for newcomers.
- **World-Class Education System:** Significant investment in education provides access to high-quality public education, from primary schools to universities, appealing to families who value educational opportunities.
- **Universal Healthcare Access:** Free or heavily subsidized healthcare is a major draw. The Canadian healthcare system ensures residents receive necessary medical treatment without facing insurmountable costs.
- **Clear Path to Permanent Residency and Citizenship:** Various immigration programs offer clear pathways to permanent residency and, eventually, citizenship, providing long-term security and the chance to build a future in Canada.
- **Prioritization of Family Reunification:** Canadian immigration policies emphasize family reunification, enabling citizens and permanent residents to sponsor close relatives, helping immigrants establish support networks and maintain family ties.
- **Comprehensive Settlement Services:** The government and various organizations offer extensive services to assist newcomers in adjusting to their new lives, including language training, job assistance, and housing support.
- **Commitment to Equality and Social Justice:** Canada's dedication to equality, human rights, and social justice resonates with many immigrants. Its inclusive policies and emphasis on fairness foster a sense of security and opportunity for all residents.

## 3. Migration Trends (2020–2025): A Look at Global Movement, Demographic Changes, and Economic Drivers:

The period between 2020 and 2025 saw migration patterns heavily influenced by economic inequalities, job market needs, global events, and changing government policies. This analysis delves into worldwide migration numbers, shifts in populations, and the trends within economic migration during these years.

### Global Migration Figures:

- **Record Highs:** Legal migration to wealthy countries hit unprecedented levels in 2023. Approximately 6.5 million people moved to the 38 OECD nations, which is a 10% increase compared to the previous record of 6 million in 2022. [Source: FT.COM]

- Top Destinations: The United Kingdom became the leading destination for migrants in 2023, with 750,000 arrivals, surpassing the United States. This increase was largely fuelled by the healthcare sector's high demand for foreign workers. [Source: *FT.COM*]

#### Demographic Shifts:

- Aging Populations and Labor Gaps: Developed nations are facing the combined challenge of aging populations and declining birth rates, leading to significant labour shortages. By 2025, both the U.S. and Europe were dealing with substantial shortfalls in the workforce, which were made worse by strict immigration policies and geopolitical issues affecting refugee flows. [Source: *REUTERS.COM*]
- Policy Adjustments: In response to these labour needs, some countries have adapted their immigration policies. For instance, Japan introduced temporary, skills-based migration programs to fill specific industry gaps. [Source: *REUTERS.COM*]

#### Economic Migration:

- Motivating Forces: Economic migration remains a strong trend, driven by wage differences, employment prospects, and the demands for both highly skilled and lower-skilled workers in developed economies.
- Policy Tightening: To manage the influx of economic migrants, several countries have adopted more restrictive immigration policies. Canada, Australia, and the United Kingdom have all implemented measures to limit labor migration and the admission of international students, attempting to strike a balance between economic needs and public opinion. [Source: *FT.COM*]

The 2020-2025 period was marked by record levels of migration to developed countries, significant demographic changes due to aging populations, and evolving patterns of economic migration. These trends highlight the complex interactions between labour market demands, policy decisions, and wider socio-economic factors that shape global migration patterns.

#### 4. Literature Review:

This literature review explores the complex interplay between national interests and humanitarian obligations in shaping immigration policies. Focusing on immigrant perspectives, it critically examines how migrants experience and navigate these policies. Drawing on interdisciplinary research and empirical studies, it highlights the tensions between security, economic goals, and human rights, aiming to shed light on the real-life challenges immigrants face amid these conflicting priorities.

The ethical treatment of displaced individuals is central to immigration debates. Chen et al. (2025) emphasize the gap between countries' legal obligations to protect migrants and the inconsistent implementation of these duties, particularly in regions with high migrant influxes and strained resources. Their study calls for ethically sound and practical immigration policies that balance humanitarian needs with the capacities of host communities, promoting both responsibility and compassion in managing migration.

Patel and Singh (2024) delve into the intricate interplay between a nation's security prerogatives and its humanitarian responsibilities within the realm of immigration policy. The core argument presented is that a state's inherent right to govern its borders frequently clashes with its commitments under international law, particularly those enshrined in the 1951 Refugee Convention. This tension creates a significant challenge for policymakers seeking to manage immigration flows effectively.

The study underscores the critical need for forward-thinking and adaptive policy frameworks to reconcile this inherent conflict. Patel and Singh advocate for a balanced strategic approach that carefully weighs national security considerations alongside the fundamental principles of human rights. This necessitates innovative solutions that do not compromise the safety and security of the state while simultaneously adhering to international legal obligations concerning the protection of vulnerable populations seeking refuge.

In examining immigration trends for 2025, researchers highlight the persistent tension between national interests and humanitarian duties. Hernandez and Patel (2025) reveal contrasting strategies in Europe and Asia, where some countries prioritize strict border control while others aim for a more balanced approach. Singh and Ahmed (2025) show that India adopts a security-centric immigration policy, limiting humanitarian aid based on concerns over domestic stability. These findings underscore the absence of a universal framework for managing migration effectively.

International influence and technology are also shaping immigration policies. Kim and Lopez (2025) note the crucial role of global organizations like the UN in encouraging nations to adopt more humane practices. Meanwhile, Wang et al. (2025) explore the growing use of AI and big data in immigration processes, raising concerns about privacy and fairness. They stress the importance of ethical regulations to ensure these tools enhance efficiency without compromising migrant rights.

Research from 2024 emphasizes how national interest - particularly security and economic stability - significantly shapes immigration policy. Smith and Johnson (2024) find that governments increasingly prioritize border control and economic concerns, often sidelining humanitarian considerations. Garcia and Lee (2024) further explore this conflict, showing varied approaches across Europe and North America, shaped by history, politics, and economic contexts. Some nations adopt strict policies, while others aim to balance security with humanitarian obligations.

In contrast, Chowdhury (2024) highlights Canada's inclusive model, which successfully merges national interests with humanitarian values, making it a potential template for global best practices. Additionally, Kim and Martinez (2024) underscore the role of international organizations like UNHCR in influencing national policies by promoting higher humanitarian standards. Their advocacy helps shape more compassionate immigration responses, stressing the importance of global cooperation in addressing refugee challenges.

In 2024, immigration management is increasingly shaped by technological innovation, economic interests, and global crises. Wang et al. (2024) highlight the use of AI and big data to streamline border security and asylum processing, though they caution against privacy breaches and biased outcomes, calling for strong ethical safeguards.

FitzGerald (2019) outlines how many nations use strict border controls - such as patrols, walls, and surveillance - to tackle security threats and illegal migration. Economic factors also play a major role, as noted by Dustmann and Frattini (2014), with immigration seen as both a driver of growth and a source of concern during economic downturns.

The European Union exemplifies the challenge of balancing national interests with humanitarian duties. Trauner (2016) shows how the refugee crisis exposed tensions between EU solidarity and member state sovereignty. Similarly, Castles (2018) connects global instability to restrictive immigration trends, showing how crises prompt tighter borders and securitized policies. These evolving dynamics underscore the complexity of creating fair and effective immigration systems.

Governing global migration is complex, requiring a balance between national interests and humanitarian duties. While international bodies like the UNHCR and IOM push for cooperative frameworks, the lack of enforcement often allows states to prioritize domestic concerns. Equitable policies such as language support, access to education, and anti-discrimination measures aid in immigrant integration, highlighting the influence of well-designed government strategies.

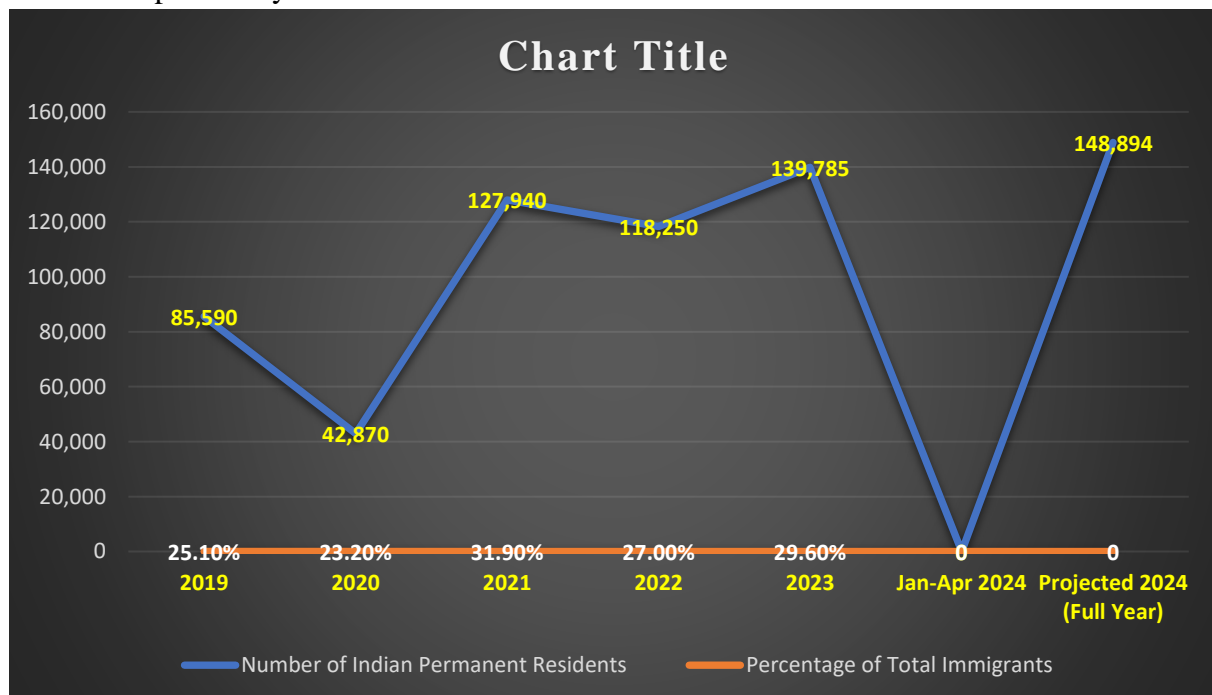
Public opinion, shaped by media and political rhetoric, heavily influences immigration policy. Research shows policymakers often align immigration laws with public sentiment, which can either restrict or support immigration based on prevailing narratives. Scholars advocate for shifting these narratives toward evidence-based, empathetic views that emphasize immigrant contributions.

Regional differences also shape immigration responses. The EU balances deterrence with resettlement programs, while North America presents a mix of inclusion and strict border enforcement. Legal scholars criticize systemic flaws, such as lack of due process and the criminalization of undocumented migrants, calling for transparency and fairness.

Security-focused immigration practices can marginalize immigrants, perpetuate discrimination, and hinder integration, particularly for those from vulnerable groups. Bureaucratic complexities, language barriers, and limited legal support further burden immigrants, exacerbating stress and mental health issues. Ultimately, there is a pressing need for migration policies that uphold human rights, ensure procedural fairness, and foster social cohesion.

## 5. Overview of Indian Immigration to Canada (Past 5 Years):

The following outlines trends in the number of Indian immigrants who obtained permanent residency in Canada over the past five years.



### Key Findings:

- India has consistently been a primary source of immigration to Canada.
- The COVID-19 pandemic significantly reduced the number of Indian immigrants admitted in 2020, mirroring a decline in overall immigration.



- Since 2020, Indian immigration has rebounded strongly, showing a notable increase in the number of individuals obtaining permanent residency.
- 2023 saw the highest number of Indian immigrants granted permanent resident status in the last five years.
- Data from the first four months of 2024 suggests another year of high numbers for Indian permanent residents.
- In 2022, Indian immigrants comprised 27% of all new permanent residents in Canada, solidifying India as the leading source country. This trend continued in 2023, with Indians representing nearly 30% of new permanent residents.
- For the first four months of 2024, India remained the top source country, contributing over 64,730 new permanent residents. Projections indicate that the total for 2024 could reach almost 149,000.

#### **Contributing Factors:**

- Canadian immigration policies prioritize skilled workers, with many Indian immigrants entering through economic streams such as Express Entry and Provincial Nominee Programs.
- International students from India represent a significant pathway to permanent residency, often transitioning after graduation via programs like the Post-Graduation Work Permit.
- Family sponsorship also contributes to Indian immigration to Canada.
- Diplomatic relations between Canada and India can affect immigration processing and numbers. For instance, the reduction of IRCC presence in India in late 2023 resulted in some processing delays.

These figures pertain solely to permanent residents and do not encompass the substantial number of Indian citizens entering Canada as temporary residents (students, workers, and visitors).

#### **6. Evaluation of Canadian Immigration Laws:**

- **Economic Priorities and Flexibility:** Canada's immigration laws have traditionally focused on attracting skilled workers, businesspeople, and entrepreneurs to boost the economy. Initiatives like Express Entry, PNPs, and the Start-Up Visa demonstrate this. The system has adapted to changing economic conditions by targeting specific sectors like healthcare and technology.
- **Family Reunification as a Central Tenet:** A key principle of Canadian immigration is family reunification. Laws enable citizens and permanent residents to sponsor family members, recognizing the social and economic benefits of family unity and facilitating newcomer integration.
- **Commitment to Refugee Protection:** Canada demonstrates a strong commitment to international humanitarian law by providing avenues for refugees and asylum seekers. Government-assisted and privately sponsored programs offer protection, although the system faces challenges with processing times and asylum claim surges.
- **Humanitarian and Compassionate Considerations:** Canadian law allows for permanent residence grants based on humanitarian and compassionate grounds. This offers flexibility for compelling cases where individuals don't meet standard criteria but would face hardship if removed.
- **Growing Complexity and Bureaucracy:** Canadian immigration laws have become increasingly complex, with numerous categories and intricate requirements. This complexity poses challenges for applicants and employers, often necessitating professional assistance, and increases the administrative burden on the government.
- **Increased Reliance on Temporary Residents:** The number of temporary residents, including international students and foreign workers, has grown significantly. Debates persist regarding

permanent residency pathways and potential exploitation, prompting policy changes to manage temporary resident volumes.

- **Provincial and Territorial Involvement:** PNPs are vital, enabling provinces and territories to nominate immigrants meeting their specific economic and social needs. This decentralized approach allows for tailored immigrant distribution across diverse regions.
- **Recent Policy Adjustments:** Recent policy shifts include capping international student intake, altering work permit eligibility for spouses, and reducing immigration targets. These changes address pressures on housing, infrastructure, and aim to align immigration with labor market needs for sustainable growth.
- **Emphasis on Integration and Settlement:** Canadian immigration laws are supported by settlement services to integrate newcomers. These include language training, employment assistance, and community support, recognizing that successful immigration requires comprehensive support.
- **Balancing Economic and Social Considerations:** Overall, Canadian immigration laws aim to balance economic needs with social values like family reunification and humanitarian protection. Ongoing legal evolution and policy changes reflect a continuous effort to refine this balance in response to emerging challenges and evolving societal needs.

## 7. Challenges Faced by Indian Immigrants in Canada:

Indian immigrants in Canada face multifaceted challenges that impact their settlement and well-being, ranging from societal prejudices to practical obstacles in a new environment. Specifically:

- **Discrimination and Racism:** Indian immigrants are vulnerable to discrimination and racism in Canada, which can manifest in various forms, including subtle microaggressions, stereotypes, and overt prejudice online and offline. This negatively affects their sense of belonging and overall well-being, exacerbated by historical anti-Asian sentiment and recent increases in anti-immigrant rhetoric.
- **Housing Crisis and Exploitation:** Securing affordable and adequate housing is a significant challenge, particularly for international students, who often face overcrowding, high rents, and exploitation by landlords. The current housing crisis, combined with a large influx of international students, intensifies this problem, with some landlords exploiting their vulnerable visa status.
- **Financial Strain:** The high cost of living and tuition fees places considerable financial pressure on Indian immigrants, especially students, who must often balance limited part-time work with studies to maintain financial stability. Increased cost-of-living requirements for study permits further exacerbate these financial burdens.
- **Cultural and Social Adjustment:** Adapting to Canadian social norms and lifestyles can be challenging, often leading to cultural shock, homesickness, and loneliness during initial settlement. Building social networks and a sense of community requires substantial time and effort.
- **Complex Immigration Policies:** Navigating Canada's complex immigration policies and work permit regulations can be overwhelming. The application processes, evolving rules, and uncertainty regarding post-graduation work opportunities contribute to stress and anxiety, further complicated by recent policy changes such as caps on international student enrolment and restrictions on spousal work permits.
- **Language Barriers:** Adapting to diverse Canadian accents, nuances, and professional jargon can be difficult, even with a good command of English. Language barriers can affect full participation in ac-

ademic, social, and professional environments.

- **Mental Health Challenges:** Migration, acculturation, financial pressures, and discrimination can negatively impact the mental health of Indian immigrants. Access to mental health services can be difficult due to stigma, limited awareness of resources, or complexities within the healthcare system. Research indicates that South Asian immigrants may experience higher rates of anxiety disorders.
- **Exploitation and Scams:** International students and new immigrants are vulnerable to exploitation by unscrupulous landlords, employers, or fraudulent consultants. Unfair treatment in housing and employment, as well as scams targeting newcomers, are serious concerns.
- **Differences in Educational Systems:** Students may encounter difficulties adjusting to the Canadian education system, characterized by different teaching styles, classroom interactions, and assessment methods, requiring significant adaptation to meet academic expectations.
- **Impact of Anti-Immigrant Sentiment and Policy Changes:** Rising anti-immigrant sentiment, often fuelled by concerns about housing and economic strain, affects Indian immigrants, potentially leading to increased discrimination and a less welcoming social environment. Policy changes aimed at limiting international student intake and tightening work permit rules could also affect their opportunities and future prospects.

#### 8. Canadian Attitudes Towards Immigrants: A Complex and Evolving Landscape:

Canadians' attitudes toward immigrants are complex and have changed throughout the country's history. "Native-born Canadians" are a diverse group with varied experiences and beliefs, leading to a range of responses rather than a single unified viewpoint.

- **Historical Perspectives: Welcome and Exclusion:** Historically, Canadian immigration policies were often selective, favouring certain European groups while excluding others based on ethnicity, race, and perceived ability to integrate. However, alongside these exclusionary periods, there were times when native-born Canadians welcomed immigrants, particularly when their labor was needed for economic growth or during humanitarian crises.
- **Early Settlement: Indigenous Assistance:** Notably, Indigenous communities often played a crucial role in assisting early immigrants. They shared knowledge of the land, provided food, and offered guidance for survival. This history of mutual aid, though often overshadowed by later colonial events, is a significant part of the relationship between Indigenous peoples and immigrant populations.
- **Economic Concerns and Social Tensions:** As immigration increased and diversified, concerns about economic competition, strain on social services, and integration arose among some native-born Canadians. These concerns, often amplified during economic downturns, could lead to negative attitudes and discrimination towards specific immigrant groups.
- **Multiculturalism and Shifting Demographics:** Canada's adoption of multiculturalism in the late 20th century aimed to promote a society where diverse cultures are valued. This policy has shaped public discourse and fostered greater acceptance of immigrants and their cultural contributions among many Canadians.
- **General Acceptance: Survey Results:** Surveys generally indicate that most Canadians have positive views on immigration, recognizing its economic, social, and cultural benefits. Canada is often cited as having a relatively high level of acceptance compared to other Western nations.



- **Persistent Anti-Immigrant Sentiment:** Despite overall positive attitudes, pockets of anti-immigrant sentiment and racism persist. These views are often fuelled by misinformation, economic anxieties, and cultural misunderstandings, manifesting in online hate speech, discrimination, and support for restrictive policies.
- **Regional and Socio-Economic Variations:** Attitudes toward immigrants vary across regions and socio-economic groups. Local economic conditions, the visibility of immigrant communities, and education levels can influence how native-born Canadians perceive and interact with newcomers.
- **Impact of Recent Policy and Public Discourse:** Recent policy changes related to immigration levels and temporary resident programs, often justified by housing shortages and economic pressures, have sparked public debate. Media coverage and political rhetoric surrounding these issues significantly impact public opinion and shape Canadians' responses to immigrants.
- **Ongoing Evolution and the Importance of Dialogue:** Canadians' responses to immigrants are constantly evolving. While Canada has a history of immigration and a commitment to multiculturalism, ongoing dialogue, education, and efforts to address social and economic inequalities are essential to create a truly inclusive society where all residents feel welcome and valued.

## 9. Case Study - I: Trapped in Limbo: Devi Acharya's Story Exposes the Harsh Realities Faced by Temporary Foreign Workers:

Devi Acharya's story underscores the hardships faced by temporary foreign workers in Canada due to bureaucratic delays and systemic issues. In 2022, she and her family moved from India to Prince Rupert, BC, seeking a better life, but their pursuit of stability was disrupted by delays in her work permit renewal, which impacted their access to vital services like healthcare.

Upon arrival, Devi secured a housekeeping job that sustained her family. However, her work permit renewal required a Labour Market Impact Assessment (LMIA), which was significantly delayed. This delay resulted in the expiration of her work permit, causing her to lose her legal working status and, crucially, access to the healthcare system.

In Canada, healthcare access is often contingent on immigration status, and Devi's expired work permit left her without coverage. This had devastating consequences when she experienced a miscarriage and, fearing high medical costs, did not seek medical attention. The emotional distress of the loss was compounded by financial anxiety.

The challenges extended beyond Devi's health. Her five-year-old son was unable to attend school because access to public education in British Columbia typically requires legal residency. The family was left in limbo, unable to fully integrate or return to India with security. Devi faced constant fear and anxiety due to her inability to work, access healthcare, or enrol her son in school.

The emotional and psychological impact was immense. Devi grieved the loss of her child without medical support while simultaneously worrying about her son's compromised future. The powerlessness and isolation exacerbated the strain on her mental health as she navigated a complex immigration system while trying to meet her family's health and educational needs.

Devi's experience reflects a broader problem within the Canadian immigration system. Delays in LMIA processing and the link between immigration status and healthcare access leave many temporary foreign workers vulnerable. Reform is necessary to expedite work permit processing and decouple healthcare

access from temporary work status. Providing a safety net of essential health services for all residents, regardless of immigration status, is crucial.

Devi Acharya's story serves as a stark reminder of the challenges faced by immigrants caught in bureaucratic processes. The consequences included loss of healthcare, unemployment, and educational barriers for her son, culminating in a preventable tragedy. Her experience calls for action from the Canadian government to address systemic issues, ensuring that all families have the resources and support needed to thrive in their new home, irrespective of their immigration status.

#### **10. Case Study - II: Balancing Immigration Control and Human Rights - A Case Analysis of M:**

Globally, immigration systems face a uniquely intricate and delicate challenge in addressing the legal and humanitarian needs of unaccompanied minors seeking asylum. The vulnerability of these children necessitates a careful balancing act between national immigration policies and international human rights obligations. The process of determining their asylum claims, providing adequate care and support, and safeguarding their well-being presents a complex web of considerations.

The case of M in the UK vividly illustrates this intersection between immigration policy, judicial interpretation, and core human rights principles. Specifically, it brings into sharp focus the application of Article 8 of the European Convention on Human Rights (ECHR), which guarantees the right to respect for family life. Cases like M's require a thorough examination of the impact of immigration decisions on the child's family relationships and overall welfare, demanding a nuanced approach that prioritizes the child's best interests within legal frameworks.

In 2012, a vulnerable 16-year-old, identified as M, arrived in the United Kingdom seeking asylum, navigating the complexities of the immigration system as an unaccompanied minor. His initial application for asylum was unsuccessful, presenting an immediate challenge to his desire for safety and stability. However, demonstrating resilience and determination, M challenged the initial decision through an appeal process.

M's persistence proved successful, as his appeal was ultimately granted, resulting in a limited leave to remain in the UK for a period of five years, set to expire in April 2018. With his own status temporarily secured, M's thoughts turned to his family, specifically his mother and brother, who remained separated from him. Driven by a deep desire for reunification, he initiated the process of requesting their entry into the UK to rebuild their family life.

M's application for his family's entry rested on the foundation of Article 8 of the European Convention on Human Rights (ECHR), a provision that guarantees the right to respect for private and family life. He argued that denying his mother and brother the opportunity to join him in the UK would constitute an infringement upon this fundamental right, disrupting the ties that bind their family together.

The Entry Clearance Officer (ECO), acting on behalf of the Secretary of State in Abu Dhabi, carefully considered M's application in light of established UK immigration rules. These rules, while providing pathways for the entry of dependent partners and children of sponsors already residing in the UK, did not extend the same provisions to parents and siblings. Consequently, the ECO determined that M did not have a substantive right under the existing immigration framework to facilitate the entry of his mother and brother.

Undeterred by the initial rejection, M pursued an appeal of the ECO's decision, leading to a thorough review by an immigration tribunal. The tribunal acknowledged the constraints imposed by the existing immigration rules, recognizing that they did not directly support M's desire for family reunification.

However, the tribunal emphasized the crucial importance of evaluating the case within the framework of Article 8 of the ECHR and the overarching principle of proportionality.

The tribunal recognized that even though the immigration rules did not explicitly provide a pathway for M's family reunification, it was still incumbent upon the court to undertake a delicate balancing act. This involved weighing M's fundamental right to family life against the broader public interest considerations that underpin immigration policy. The core question was whether denying M the opportunity to reunite with his mother and brother was a proportionate response, considering all the circumstances of the case.

Two primary public interest concerns were identified:

1. Maintaining an effective immigration control system, ensuring that UK borders are managed according to established legal frameworks.
2. Protecting children, especially in cases involving unaccompanied minors, where their welfare and security are of utmost importance under UK and international obligations.

Despite an increase in unaccompanied minors arriving in the UK, the tribunal found that the ECO provided no substantial evidence to demonstrate that allowing M's family to join him would undermine immigration control or jeopardize child protection. The judge emphasized the absence of any concrete threat to authority or child welfare, thereby weakening the justification for refusing family reunification. The tribunal ultimately ruled in M's favour, concluding that the ECO's decision disproportionately interfered with M's Article 8 rights. The tribunal allowed M's appeal, upholding his right to respect for family life and facilitating his reunification with his mother and brother.

This case reinforces the importance of a critical legal principle: immigration control should not override fundamental human rights without robust, evidence-based justifications. In cases involving vulnerable individuals like unaccompanied minors, the legal system must prioritize their emotional and psychological well-being alongside national policy objectives.

The judgment also reaffirms several key points:

- While immigration rules offer a framework, judicial discretion and human rights law serve as essential checks.
- Article 8 ECHR remains a powerful tool for challenging immigration decisions that may disproportionately impact family unity.
- Authorities must substantiate claims of public interest harm when refusing applications based on immigration control or child safeguarding.

Amidst prevailing immigration discourses frequently dominated by restrictive and controlling measures, instances such as the case of M serve as a vital reminder to both policymakers and the broader public of the paramount importance of prioritizing humane considerations. The well-being of individuals, particularly vulnerable populations like unaccompanied minors, must remain at the forefront of immigration policies and practices. For these children, already facing isolation and heightened vulnerability due to their circumstances, the possibility of reuniting with their families represents a beacon of hope and can be instrumental in their healing process and successful integration into a new society.

Furthermore, this case underscores the fundamental obligation of states to act in the best interest of the child, a principle deeply embedded in international law. This commitment is not solely confined to the European Convention on Human Rights (ECHR) but is also a cornerstone of the United Nations Convention on the Rights of the Child. When making decisions affecting unaccompanied minors,

governments must prioritize their welfare, ensuring that their rights are protected and that they are afforded the opportunity to thrive in a safe and nurturing environment.

### 11. Conclusion and Recommendations:

The comparative analysis of immigration policies in the United States, the European Union, and South Asia reveals a multifaceted landscape influenced by differing historical, political, and socio-economic contexts. National interests -primarily focused on security and economic concerns - often dominate policy formation, while humanitarian principles receive inconsistent attention. Immigrant perspectives reflect the real-world consequences of these imbalances, with many reporting discriminations, exclusion, and a lack of trust in institutional systems. A recurring issue across regions is the inadequate dissemination of information about legal rights and immigration procedures, which heightens uncertainty and obstructs integration efforts.

In response, immigrant communities and advocates propose a range of solutions to foster more ethical and effective immigration systems. A key recommendation is to broaden the concept of national interest to explicitly include humanitarian responsibilities. Improving transparency, combating discrimination, and expanding legal pathways for migrants - both economic and humanitarian - are seen as critical steps toward building fairer systems. Comprehensive integration programs that promote inclusion, along with region-specific measures like enhancing refugee protection in South Asia, are also emphasized. Importantly, these efforts must be informed by the lived experiences of immigrants to ensure policies reflect their actual needs and challenges.

To establish truly humane and balanced immigration systems, governments must institutionalize the participation of immigrant communities in policy development and review. Border management must adhere to international human rights standards, and immigration frameworks should undergo regular evaluations to assess their real-life impacts. This process of continuous feedback and adaptation ensures that policies do not just fulfil abstract goals but meaningfully uphold dignity, justice, and inclusion for all. The central message from immigrant voices is clear: inclusive and compassionate policymaking is not only ethically sound but essential for navigating the delicate balance between national sovereignty and global humanitarian obligations.

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