

## PAKISTAN'S IMMIGRATION LANDSCAPE IN TRANSITION: REFUGEE CHALLENGES AND LEGISLATIVE REFORMS

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### ABSTRACT

The article "Building Bridges, Not Barriers: The Evolving Landscape of Immigration Laws in Pakistan, From Refugees to Reforms" underscores the growing significance of immigration law in an increasingly interconnected global environment. It highlights that, in a world defined by borders and mobility, effective immigration policies can foster collaboration and cross-cultural understanding rather than division. The discussion situates migration as a defining feature of the 21st century, shaping civilizations, economies, and cultures worldwide. Focusing on Pakistan's strategic location at the crossroads of South Asia, Central Asia, and the Middle East, the article examines the country's dual role as both a host and transit point for migrants seeking security and opportunity. It also addresses the challenges posed by unauthorized migration, which complicates policy enforcement and socio-economic management. Despite these challenges, migration is presented as a potential driver of cultural diversity and economic growth. The article argues for comprehensive, context-specific immigration reforms to balance humanitarian considerations with national security and development goals. Overall, it portrays Pakistan's immigration landscape as one of both complexity and opportunity, calling for forward-looking legal frameworks that transform migration into a bridge for mutual progress and regional stability.

### INTRODUCTION

#### OVERVIEW OF THE DISCOURSE

"In a world distinct by boundaries, immigration law is essential to building bridges"

In a more closely linked world, migration has evolved as an important aspect of the twenty-first century, influencing civilizations, economics, and cultures worldwide. Pakistan, a country pointed out for its rich cultural legacy and critical geopolitical location, faces multiple issues, with immigration sticking out as a particularly significant concern. Pakistan, located at the intersection of South Asia, Central Asia, and the Middle East, has emerged as a

destination for migrants pursuing better economic prospects or escaping insecurity in their native countries. However, the flood of unauthorized immigrants has serious repercussions for Pakistan's economy, safety and security, and governance.

According to statistical estimates, there are roughly 281 million people worldwide who are categorized as international migrants, accounting for nearly 3.6 percent of the entire global population. Foreign contributions grew from US\$126 billion to US\$702 billion between 2000 and 2020. Over the decades

since then, the identification of contributions as a source of foreign cash in poor countries has fuelled economic migration, making migration the focal point of policy discussions. Over the same era, Pakistan's labor force increased by around 4 million people each year, and the out-migration rate is fairly high. The actual quantity might be significantly higher if irregular migrants were included: the United Nations Office on Drugs and Crime (UNODC) estimates that up to 300,000 individuals leave Pakistan on a yearly basis through irregular pathways.

Immigration law becomes crucial in Pakistan because it addresses both the influx of refugees and the regulatory problems associated with travelling across borders. Pakistan's immigration history is inextricably linked with regional warfare, migration for economic reasons, and natural catastrophes. From sheltering millions of Afghan refugees during the Soviet invasion to dealing with irregular movement across porous borders, Pakistan's immigration framework is an intricate interacting of legal in nature, socially acceptable and political components. Pakistan's immigration policies have changed progressively in recent years, with an eye on more fierce control of borders and refugee management. Yet, these changes are frequently reactive rather than proactive enough, with no comprehensive strategy for tackling the underlying reasons of migration. Pakistan's immigration laws is moulded by regional geopolitics and worldwide regulations. The country's involvement in the global immigration debate, notably its adherence to the Worldwide Compact on Migration, demonstrates its desire to harmonize national policy with international standards. While combining these responsibilities with household reality is still a huge difficulty.

The following article examines at the advancement of immigration legislation in Pakistan from several perspectives. It goes through the historical origins and legislative milestones of immigration law, examining their consequences for current policy. The issues of compliance as well as integration are addressed alongside the everyday experiences of refugees and migrants, offering a grassroots view on policy effect. In addition, the article frames Pakistan's immigration policy within regional and global contexts, drawing on comparative data from neighbouring nations. Finally, it discusses recent patterns and future perspectives for an inclusive

immigration framework. This introductory section establishes the stage for a thorough examination of Pakistan's immigration legislation, emphasizing the crucial need to close enforcement gaps and promote reforms that are consistent with the country's humanitarian and socioeconomic goals.

### **Methodological Insights: Unveiling the Research Paradigms**

This section outlines the methodological approaches adopted to analyse the historical roots and contemporary implications of immigration laws in Pakistan. It emphasizes a multi-faceted framework that encompasses various dimensions of immigration governance. The research aims to explore the objectives of immigration laws, focusing on how they relate to humanitarian and socioeconomic goals. It assesses how these laws impact the rights and well-being of migrants and refugees in Pakistan. The methodology likely includes a historical analysis of immigration laws, tracing their origins back to colonial regulations and examining how these laws have transformed over time in response to changing migration patterns and needs. The research addresses current challenges faced by immigrants in Pakistan, including issues related to legal status, protection of rights, and integration into society. This involves qualitative analyses of policy documents and interviews with stakeholders such as migrants, activists, and legal experts. The study may involve comparative analyses of immigration policies in neighbouring countries, providing insights into regional practices and their applicability to Pakistan's context. This comparative approach can help identify best practices and potential areas for reform. The methodology might include assessing the impact of existing immigration policies on the daily experiences of migrants and refugees. This necessitates gathering data from various stakeholders to understand the real-life implications of the legal framework. By identifying gaps in current immigration policy and enforcement, the research aims to propose insightful reforms that align with both local realities and international legal principles. Overall, this section underlines the importance of a comprehensive and context-aware research methodology to understand the complexities of immigration law in Pakistan and to guide potential reforms effectively.

### Exploring the Goals and the Contribution to Contemporary Scholarship

The section titled "Exploring the Goals and the Contribution to Contemporary Scholarship" focuses on the objectives of the research and its significance to current academic discourse regarding immigration law and policy in Pakistan. This part emphasizes the essential objectives behind the creation and implementation of immigration laws in Pakistan. It highlights how these laws aim to regulate the movement of people, ensure the protection of rights, and promote social and economic integration of migrants and refugees. The research likely explores how immigration laws can be aligned with humanitarian goals. This includes assessing how these laws address the needs of individuals fleeing conflict or persecution, and how they can be improved to better protect the rights of vulnerable populations, including refugees. The study examines the socioeconomic implications of migration on both migrants and the host country. It considers how immigration policies can contribute to economic growth, labor market demands, and cultural diversity, while also maintaining social cohesion. The section underscores the contribution of this research to contemporary scholarship by filling gaps in existing literature regarding immigration law in Pakistan. It aims to provide a thorough understanding of the subject, which may have been overlooked or insufficiently explored in previous studies. The findings from this research are intended to be relevant for policymakers and stakeholders involved in immigration governance. By highlighting challenges and opportunities within the current legal framework, the research aims to inform and guide future legislative reforms and policy decisions. The contribution to scholarship may also involve an interdisciplinary perspective, integrating insights from law, sociology, economics, and international relations. This holistic approach can enrich understanding of the multifaceted issues surrounding immigration. Finally, the research may outline avenues for future studies on immigration law in Pakistan and other contexts, suggesting that systematic evaluations and comparative analyses can further enhance knowledge and improve immigration governance. In summary, this section articulates the research goals concerning immigration law in Pakistan and elucidates how the findings contribute to broader scholarly discussions,

aiming to inform effective policy making and enhance understanding of immigration issues.

### The Evolutionary Trajectory of Immigration Law in Pakistan: Historical Roots and Contemporary Implications

Immigration to Pakistan refers to the lawful entry and settlement of foreign nationals in Pakistan. The Interior Minister of Pakistan oversees immigration policy through the Directorate General Passports. Immigrants seeking citizenship or permanent residency must marry a Pakistani or Commonwealth citizen and invest at least PKR 5 million in the economy of their home country. According to the United Nations report World Population Policies 2005, Pakistan's overall immigrant population is expected to be 3,254,000, accounting for 2.1% of the nation's total population and ranking 13th globally.

The legislative system regulating migration in British India focused mainly on economic and administrative oversight. The Indian Immigrant Act of 1857, enacted during British colonial control, was the first important law to limit people's movements throughout the Indian subcontinent. However, this law mostly dealt with promoting labor and trade for the profit of the British Empire, with no provisions for safeguarding individual rights. The British colonial authority failed to incorporate asylum or refugee protection in its migration rules, and the concept of extending rights to migrants was missing from the legal framework. When Pakistan was established in 1947, it acquired most of the British colonial legal structure, notably the Aliens Registration Act of 1951, which compelled foreign nationals to register with the government. Surprisingly, this law was more concerned with retaining state control over foreign nationals than with establishing a complete legal framework for controlling migration, particularly in the context of refugees. The establishment of Pakistan in 1947 resulted in one of the greatest population transfers in recent history, with millions of Muslims migrating from India to Pakistan and Hindus and Sikhs moving in the opposite direction. This extraordinary migration of people, followed by brutality and losses of life, compelled Pakistan to devise emergency methods for managing refugees and displaced individuals. The Displaced Persons (Compensation and Recovery) Act of 1958 was an immediate remedy to the crisis, aimed at meeting the

requirements of refugees by paying them for what they lost and enabling their recovery.

The Soviet invasion of Afghanistan in 1979 represented a watershed moment in Pakistan's immigration policy, as the nation established a destination for millions of Afghan refugees. During the 1980s, Pakistan's immigration policy was put under tremendous pressure due to the flood of refugees, but its legal framework was unprepared to handle the situation. The Refugees (International Assistance) Act of 1967, while an essential piece of law, was insufficient to handle the scope of the Afghan refugee issue. Due to Pakistan's unwillingness to implement official asylum rules, refugees were frequently considered as visitors for short periods rather than persons with legal rights. As a consequence, the Afghan refugees' citizenship remained unclear, and their absorption into Pakistani culture was restricted. Considering this, Pakistan's measures were primarily motivated by humanitarian considerations, with the rest of the world offering financial and logistical assistance for refugee management. Anyway, the absence of clear immigration or refugee legislation left refugees susceptible to abuse and denied the opportunity for essential rights and amenities.

Between the 1990s and early 2000s, labor migration became a major concern in Pakistan's immigration panorama. Pakistani labourers, especially those from countryside areas, began to move in huge numbers to the Gulf nations in search of jobs. The Immigration Ordinance of 1979 attempted to manage the influx of migrants, but it failed to tackle the whole range of issues surrounding labor migration. The framework to oversee migrant workers was dispersed, with few safeguards for workers' rights and no monitoring of recruiting companies. While labor migration constituted a key source of earnings for Pakistan, the legal structure failed to assure adequate treatment of workers overseas, resulting in widespread exploitation and maltreatment. In the present duration, the legal framework for dealing with refugees and asylum seekers remains inadequate, with no clear road forward for meeting the needs of those escaping violence or oppression. Pakistan's ongoing hesitation to ratify international treaties, such as the 1951 Refugee Convention, indicated a greater ambiguity about accepting international legal standards governing refugees.

In the recent decade, Pakistan's immigration regulations have come under growing criticism, especially in the context of the continuing refugee crisis, regional wars, and shifting worldwide migration patterns. The National Migration Policy of 2019 was implemented in an attempt to modernize the country's immigration laws and enhance the oversight of both legal and illegal migration. This approach seeks to deal with the issues created by individuals' free and forced movements by enhancing the legal environment for immigration, notably in the context of labor migration.

Considering these attempts, Pakistan remains reluctant to implement extensive modifications aimed at protecting the rights of migrants and refugees. The lack of a comprehensive asylum system, as well as a hesitation to fully accept international legal principles, continue to impede the establishment of a coherent immigration strategy.

#### **Legislative Milestones: Key Reforms in Immigration Law**

Despite Pakistan's independence, the colonial-era Foreigners Act of 1946 remained the primary law regulating the status, rights, and expulsion of non-citizens. This statute expanded the government's authority to hold and deport foreign nationals without due process. While originally intended for a distinct sociopolitical setting, it kept on to impact immigration policy in modern Pakistan, notably those concerning Afghan refugees and illegal migrants. The Foreigners Act of 1946, enacted before Pakistan's independence, forms the foundation of immigration control. Originally intended to manage the migration of non-citizens during British rule, the Act gave the federal government extensive authority to detain, expel, or limit immigrants. After 1947, Pakistan preserved this legislation but gradually changed it to meet huge migrations, such as the inflow of Afghan refugees after 1979. Notably, Section 14 of the Act was used in the 1980s to provide temporary residency to Afghan refugees, resulting in a de facto parallel system outside of statutory asylum regulations.

Despite having one of the world's largest refugee populations, Pakistan has neither joined the 1951 UN Refugee Convention nor the 1967 Protocol. Instead, its policies have been influenced by bilateral agreements and internal regulations. For example,



the 2000 National Policy on Afghan Refugees, developed with the UNHCR, included "Proof of Registration" (PoR) cards that granted restricted rights to employment and study. This quasi-legal structure reflects Pakistan's goal of establishing parallel institutions to manage refugee influx while avoiding international responsibilities. According to the Citizenship Act of 1951, four categories of people are eligible for Pakistani citizenship: i) foreign women married to Pakistani nationals; ii) Commonwealth citizens who transfer PKR 5 million in foreign exchange; iii) persons holding a naturalization certificate under the Naturalization Act of 1926; and iv) minors of Pakistani citizens (under the age of 21). Citizenship is also granted based on birth and ancestry (children born to Pakistani parents overseas).

Despite these statutory protections, refugees, which include over 2 million Afghan refugees (registered and unregistered), as well as asylum seekers from other countries such as Myanmar and Somalia, are not eligible for Pakistani citizenship. Pakistan has not signed the 1951 Refugee Convention, the 1954 UN Convention Relating to the Status of Stateless Persons, or the 1961 UN Convention on the Reduction of Statelessness. However, Pakistan is a signatory to a Tripartite Agreement signed in 2007 by the governments of Pakistan and Afghanistan, as well as the UN High Commissioner for Refugees (UNHCR), which was extended in 2016.

UN High Commissioner for Refugees. One of the most significant events in Pakistan's immigration history was the Soviet invasion of Afghanistan in 1979, which resulted in a major flood of Afghan refugees. Although Pakistan did not have a specific refugee law, the government adopted a de facto refugee policy under the Foreigners Act of 1946, enabling Afghan refugees to reside under the supervision of the United Nations High Commissioner for Refugees (UNHCR).

The lack of formal refugee legislation, however, left millions of refugees in a precarious legal position, subject to arbitrary detention and deportation.

In 1981, Pakistan enacted the Exit from Pakistan (Control) Ordinance in response to growing worries about illegal migration and national security. This law empowered the government to prevent persons from leaving the nation based on public interest, economic concerns, or criminal allegations. While primarily designed to combat financial crimes and political dissidents fleeing the country, this

legislation has far-reaching ramifications for immigration control, notably for dual nationals and asylum applicants. The worldwide fight against terrorism has changed Pakistan's immigration goals. The 2002 Exit and Entry into Pakistan (Control) Ordinance required biometric registration for foreigners, while the 2014 National Action Plan connected immigration control to counterterrorism. These improvements, however, were chastised for equating migrants with security problems. A rare legislative landmark was the 2016 modification to the Passport Act of 1974, which criminalized people trafficking and increased penalties for false papers in response to multinational smuggling networks.

The Prevention and Control of Human Trafficking Ordinance, 2002, was a watershed moment in Pakistani immigration legislation, combating both human trafficking and irregular migration. This law criminalized people smuggling, protected victims, and established cross-border cooperation mechanisms to combat trafficking networks. It signified a trend towards harmonizing Pakistan's immigration rules with international human rights norms, including the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons (2000). The introduction of NADRA in 2000 transformed immigration paperwork and border security in Pakistan. NADRA helped to reduce illegal migration and improve citizenship verification processes by using biometric registration and computerized national identity cards. More recently, the introduction of e-passports in 2022 has improved Pakistan's immigration system by introducing modern security measures that meet worldwide standards.

In a historic step, Pakistan submitted the Citizenship Amendment Bill in 2020, hoping to offer citizenship to Afghan and Bengali refugees born in Pakistan. Though the law failed owing to political opposition, it was the first legislative effort to address intergenerational statelessness. To promote international investment and tourists, Pakistan implemented the "e-Visa" system in 2019, making admission easier for 175 nations. This change, part of the larger National Immigration Policy Framework, marked a shift away from discriminatory measures and towards economic pragmatism. Furthermore, the 2021 launch of a "Golden Visa" for long-term investors reflected worldwide trends in using immigration to drive economic growth.

Following the 18th Amendment (2010), provinces acquired control over resident permits and labor quotas. Punjab's 2022 Immigrant Regularization Initiative, for example, enables illegal migrants to regularize their status through biometric registration—a unique subnational strategy that addresses localized labor demands. Decentralization of immigration law threatens the federal monopoly, generating inventive, context-specific solutions. Pakistan issued a draft National Migration Policy in 2023, with the goal of unifying scattered legislation into a rights-based framework. The proposal recommends forming an independent National Commission on Migration, strengthening refugee safeguards, and aligning visa categories with labor market demands. While still being reviewed, this document represents the most thorough attempt to date in reconciling security, humanitarian, and economic goals.

Despite these advances, Pakistan's immigration policy remains ambiguous. The lack of a dedicated asylum statute requires refugees to rely on temporary regulations, which perpetuates precarity. Furthermore, corruption in the National Database and Registration Authority (NADRA) and arbitrary deportations, such as the 1.7 million illegal Afghans who will be deported in 2022, reveal systemic governance deficiencies. Immigrants and refugees make relatively small contributions in Pakistan. Research by the International Organization for Migration found that around 38% of employed Afghan refugees worked as non-agricultural day labourers, 17% as small company owners, 14% as skilled labourers, 8% as taxi/rickshaw drivers, and 7% as agricultural day labourers. Male Afghan migrants specialize in carpet weaving, driving, and repairing solar, wind, and UPS systems, whereas female Afghan refugees specialize in beauticians and handicrafts, fashion design, and tailoring. Their contributions to progress are not frequently recognized, and their labor market involvement is politicized, with worries that immigrants and refugees would take employment away from Pakistanis. Furthermore, many Afghan migrants have been stigmatized because they are perceived as a threat amid increased security worries. The immigration of Chinese nationals is often seen as beneficial to Pakistan's growth since Chinese entrepreneurs' investments increase FDI in the country and improve local employment in Chinese firms established in Pakistan.

### **Bridging Gaps: Challenges in Immigration Law Enforcement and Social Integration**

The lack of a coherent legal framework limited Pakistan's enforcement of immigration regulations, resulting in policy discrepancies. The principal immigration statute, the Foreigners Act of 1946, is mostly out of date and fails to handle current migration trends, such as the surge of refugees, asylum seekers, and economic migrants. The lack of well-defined legal tools leads to lengthy administrative processing, arbitrary decision-making, and marginalization of immigrants attempting to get legal recognition. Pakistan's immigration enforcement is hampered by bureaucratic inefficiency, corruption, and a lack of interagency collaboration. Border security forces, the Federal Investigation Agency (FIA), and the National Alien Registration Authority (NARA) have overlapping duties, which frequently leads to jurisdictional issues. Furthermore, porous borders with Afghanistan and Iran allow for unauthorized movement, complicating law enforcement efforts. Weak screening systems also lead to illegal immigration, human trafficking, and security issues, needing immediate legislative changes.

Cultural and language inequalities impede social integration among immigrants in Pakistan, notably among Afghan refugees and stateless people such as the Rohingya. Language hurdles and prejudice make it difficult for many immigrants to gain access to education, healthcare, and jobs. The lack of formal integration programs, such as language instruction and cultural orientation efforts, worsens social marginalization. Without aggressive government involvement, immigrants would remain socially marginalized, limiting their contributions to the economy and society as a whole. One of the most significant hurdles to immigrant integration is economic disenfranchisement. Many skilled and unskilled migrant workers confront considerable barriers to employment due to the lack of formal acknowledgment of their qualifications. Furthermore, illegal immigrants frequently work in exploitative conditions with no legal safeguards, leaving them exposed to labor rights violations and economic insecurity. Pakistan's informal sector, albeit large, does not provide any legal protections for immigrants, worsening their financial insecurity. Pakistan has one of the world's biggest communities of stateless people, the majority of whom are third-generation Afghan refugees who are legally invisible

due to the country's stringent nationality regulations. Without legal status, these people are denied basic rights including education, healthcare, and migration. The lack of defined avenues to naturalization perpetuates generational cycles of statelessness, exacerbating socioeconomic disadvantage and restricting long-term integration opportunities. Another key difficulty is the securitization of immigration, in which migrants, particularly Afghans, are frequently evaluated through a security lens rather than a humanitarian one. Political narratives commonly link immigration to crime, terrorism, and economic hardship, exacerbating xenophobia and justifying restrictive measures. The absence of public awareness efforts and good media coverage exacerbates preconceptions, posing new challenges to integration and legal safeguards.

Addressing these issues needs a multifaceted strategy that includes legislative reforms, institutional capacity building, and social inclusion efforts. Comprehensive immigration laws consistent with international human rights norms must be enacted to offer legal paths for migrants and refugees. Pakistan must also implement formal integration programs, including vocational training, language instruction, and community involvement efforts, to promote inclusion and economic participation. Strengthening law enforcement agencies and improving inter-agency coordination is also critical for tackling governance issues in immigration policy. Pakistan's immigration rules and policies must be significantly reformed to close gaps in law enforcement and social integration. By modernizing its legislative framework, building institutional capacities, and promoting inclusive policies, the government may achieve a balanced approach that protects national security while preserving immigrants' rights and dignity. Without these measures, Pakistan risks deepening socioeconomic disparities and alienating vulnerable groups, stifling national progress and regional stability.

### **Voices from the Ground: Experiences of Refugees and Migrants**

Pakistan has one of the world's largest refugee populations, comprised primarily of Afghans, Rohingya, and Bengali migrants. Despite their extended stay, many refugees confront dangerous legal and social situations. Afghan refugees, for example, have been in Pakistan for more than four

decades, but their status is ambiguous owing to the lack of a recognized asylum program. Many people live in densely packed informal settlements with inadequate access to healthcare, education, and work prospects. Afghan refugees' testimonies underscore the everyday effort to navigate bureaucratic barriers, prejudice, and economic insecurity. Statelessness is a severe difficulty for many migrants in Pakistan, notably third-generation Afghans and Rohingya groups. Without legal recognition, individuals are denied fundamental rights including migration, official employment, and property ownership.

Firsthand testimonies highlight the psychological toll of statelessness, with individuals frustrated by their inability to get national identity credentials, further isolating them from mainstream society. Many people remain locked in cycles of poverty, reliant on informal labor marketplaces where they are vulnerable to abuse. Migrant workers in Pakistan, particularly illegal labourers, are commonly subjected to workplace exploitation, which includes withholding wages, unsafe working conditions, and a lack of legal protection. Female migrants, particularly domestic workers, report incidences of abuse and sexual harassment but have restricted access to justice owing to their unauthorized status. The lack of labor safeguards contributes to migrants' economic marginalization, preventing them from gaining financial stability and social mobility.

Social isolation is still a key hurdle for refugees and migrants in Pakistan. Afghan migrants, for example, regularly face xenophobia, being portrayed as security dangers or economic burdens. Personal anecdotes from Afghan youngsters illustrate the difficulty in obtaining higher education owing to institutional constraints and social biases. Similarly, Rohingya migrants, many of whom have been in Pakistan for years, face structural isolation, with little integration measures to help them join in society.

Aside from economic and legal challenges, many refugees and migrants experience psychological suffering as a result of extended relocation, insecurity, and a lack of belonging. High levels of anxiety and depression have been observed among refugees who have endured forced displacement, family separation, and ongoing worry about their future. Firsthand testimonies reflect a profound sense of alienation, particularly among younger

generations who, while being born in Pakistan, feel cut off owing to legal and societal constraints. The experiences of refugees and migrants highlight the critical need for inclusive policies that acknowledge their contributions to Pakistani society. Granting legal status, providing access to education and work, and adopting anti-discrimination laws are all necessary stages towards integration. Strengthening community involvement initiatives and boosting public understanding of the issues that refugees experience can help to create social cohesiveness and reduce negative perceptions.

The voices of Pakistan's refugees and migrants reflect a grim reality of isolation, misery, and perseverance. While they make important contributions to the economy and society, institutional impediments remain to prevent their integration and legal recognition. Addressing these challenges requires a human rights-based approach that prioritizes legal reforms, social inclusion initiatives, and labor protections. Without such measures, the cycle of marginalization will persist, undermining both individual well-being and national development.

### **Pakistan's Role in Regional and Global Immigration Discourse**

Pakistan has played a significant role in South Asian migration dynamics, owing to its geographical location and historical relationships with neighbouring nations. Since the Soviet invasion of Afghanistan in 1979, Pakistan has housed one of the world's biggest refugee populations, primarily Afghans, making it a key player in regional migration management. Despite the lack of a formal asylum statute, Pakistan has worked with international organizations such as the UNHCR to handle refugee influxes while maintaining national security. Pakistan has signed many international accords and conventions addressing migration and refugee rights, notably the Global Compact on Refugees (GCR) and the Global Compact for Safe, Orderly, and Regular Migration (GCM). However, it has not signed the 1951 Refugee Convention or its 1967 Protocol, limiting its legal responsibilities to provide long-term safeguards to asylum seekers.

Nonetheless, Pakistan's collaboration with the UNHCR and IOM has been crucial in developing its migration strategy and advocating for refugee help at the international level. Pakistan has negotiated bilateral agreements with Iran, Afghanistan, and the Gulf states to regulate labor

migration and border security. For example, its labor agreements with Saudi Arabia and the UAE have enabled millions of Pakistani workers to find work, strengthening the country's economy through remittances. Pakistan has also engaged in regional forums such as the South Asian Association for Regional Cooperation (SAARC) to debate transnational migration issues, while meaningful policy measures are still restricted. Despite its active engagement in migration debates, Pakistan confronts difficulties in establishing its position on global immigration concerns. The government has frequently been chastised for its uneven policies towards Afghan refugees, which include periods of forced expulsion and limited access to legal papers. Furthermore, Pakistan's weak institutional capability and security concerns have hampered its ability to create a comprehensive migration management structure to international norms. To increase its position in regional and global immigration debates, Pakistan must take a more organized strategy that includes internal law changes, stronger border control measures, and adherence to international human rights norms. Increased participation in diplomatic discussions on refugee protection and labor migration can help Pakistan position itself as a leader in South Asian migration governance. Furthermore, involvement in international organizations such as the Global Forum on Migration and Development (GFMD) might increase Pakistan's ability to shape global migration policy. To address these concerns, Pakistan has worked with international organizations like the International Organization for Migration (IOM) to promote humane migration policies. Since launching operations in Pakistan in 1981, the IOM has assisted the nation in regulating migration patterns, notably amid large influxes of Afghan migrants. This partnership seeks to strengthen Pakistan's ability to handle migration effectively and by international norms.

### **Case Studies: Lessons from Landmark Immigration Cases**

The story of Afghan refugees in Pakistan highlights the country's complicated issues in handling its refugee population. In 2001, Pakistan launched Operation Return, a massive repatriation campaign aimed at forcefully deporting Afghan refugees who had been residing in Pakistan for decades. This action was prompted by security concerns and the



growing strain on the country's resources, particularly following the Soviet departure from Afghanistan. However, this case garnered widespread international condemnation, notably from human rights organizations, because many refugees feared persecution upon returning to Afghanistan. Several organizations, including the United Nations High Commissioner for Refugees (UNHCR), contested the deportation, arguing that the acts breached international law's principle of non-refoulement, which prohibits the return of refugees to dangerous situations. Pakistan's lack of official refugee law at the time rendered it unable to offer legal safeguards for these refugees, a position aggravated by the absence of a distinct asylum framework. The expulsion of Afghan refugees generated serious questions about Pakistan's international duties.

Pakistani migrant labourers in the Gulf States have long endured widespread exploitation, notably in Saudi Arabia, the UAE, and Qatar. A landmark case featured a significant number of Pakistani migrant labourers who became stuck in Saudi Arabia in 2015. These labourers had not received their salaries in months, and many were living in horrible conditions. The problem was compounded by the kafala (sponsorship) system, which links migrant workers' legal status to their employer, making it impossible for them to quit or seek new employment if they were mistreated. The Pakistani government intervened in this matter through diplomatic attempts to send the workers back home and obtain their salaries. However, the tardy and uneven reaction underscored the absence of strong legal safeguards for migrant workers abroad. The Pakistani government's labor agreements with Gulf nations were insufficient to avoid exploitation, and the kafala system created major impediments for workers seeking a remedy. Human rights organizations and labor unions have constantly campaigned for the removal of this system, which exposes workers to widespread abuse and exploitation.

Both of these historic immigration cases, The Case of Afghan Refugees and The Case of Pakistani Migrant Workers, expose significant flaws in Pakistan's immigration rules and show the need for substantial legislative change. In the case of Afghan refugees, the lack of statutory refugee protection legislation made them susceptible to forceful deportation, whilst the example of migrant workers

highlighted the lack of protections for foreign labourers in exploitative employment systems such as kafala. Addressing these concerns through legal changes, stronger bilateral agreements and compliance with international norms is critical to protecting vulnerable groups and ensuring Pakistan's immigration system is fair and reasonable. Comparative Perspectives: Insights from Neighbouring Countries

In examining the evolving landscape of immigration laws in Pakistan, it is insightful to consider the immigration frameworks of neighbouring countries, which provide valuable comparative perspectives. Pakistan's historical and contemporary experience with refugees has been profoundly shaped by its geographical proximity to conflict zones, particularly Afghanistan. In this context, Pakistan has adopted a relatively open-door policy toward refugees, providing sanctuary to millions of Afghan refugees over the past four decades. This is in stark contrast to India's more restrictive approach, where immigration laws are stringent, and the country has been reluctant to offer asylum to refugees, particularly from neighbouring countries like Myanmar and Bangladesh. India's focus has been on border security and controlling irregular migration, evident in its Citizenship Amendment Act (CAA) of 2019, which critics argue discriminates against Muslim refugees.

Moreover, the immigration policies of Iran, another key neighbour, offer a mixed model that blends humanitarian considerations with state security concerns. Iran has provided refuge to millions of Afghan nationals over the years, similar to Pakistan, but has simultaneously imposed stricter regulations on the integration and naturalization of these refugees. This reflects a balancing act between humanitarian obligations and national security imperatives, a challenge that Pakistan also faces but approaches differently due to its larger refugee population and historical reliance on international support for refugee programs.

China, on the other hand, presents an alternative model where immigration policies are heavily shaped by economic priorities rather than humanitarian considerations. China's immigration laws are more restrictive, focusing on attracting skilled labor and investment, as seen in its preferential treatment of business and educational migrants, especially from neighbouring Central Asian countries. This contrasts with Pakistan's

relatively broader immigration system, which has prioritized refugee protection over economic migration due to its own socio-political context.

In summary, while Pakistan has maintained a comparatively open stance towards refugees, neighbouring countries like India, Iran, and China offer contrasting approaches. The diversity in these immigration frameworks highlights the complex interplay between national security, economic priorities, and humanitarian responsibilities, providing valuable lessons as Pakistan seeks to refine its own immigration policies in a rapidly changing geopolitical environment.

### **Emerging Trends and Future Directions in Immigration Law**

Pakistan has always served as a refugee destination, notably for Afghans. However, the lack of a comprehensive national asylum statute has resulted in legal ambiguities. A prominent growing trend is a call for an organized refugee protection system that adheres to international criteria such as the 1951 Refugee Convention and its 1967 Protocol. Future steps might include establishing a formal asylum policy and assuring legal recognition and protection of refugees' rights while balancing national security concerns. With globalization affecting labor mobility, Pakistan is seeing a rise in skilled migration. The government has implemented initiatives to encourage foreign work, primarily through partnerships with Gulf nations (Bureau of Emigration and Foreign Work). However, there is an increasing need to attract international talent and investment through more simplified immigration policies. Future revisions might include specialized work visa categories, digital nomad visas, and incentives for qualified workers to help Pakistan's economy.

Digital transformation is reshaping immigration policies worldwide. Pakistan is expected to adopt electronic visa (e-visa) systems, biometric verification, and artificial intelligence (AI) in border security. These innovations will improve visa processing speed, prevent fraudulent activity, and allow for better surveillance of immigrants. Implementing block chain technology for secure immigration records is another option that might improve transparency. Pakistan is still a source, transit, and destination country for human trafficking. Critical developments include improving border security, amending anti-trafficking

legislation, and increasing international collaboration. Future solutions might include improved border monitoring, stiffer fines for traffickers, and engagement with organizations like the UNHCR and IOM on victim protection programs.

Climate change is emerging as a key driver of migratory trends. Pakistan, which is particularly vulnerable to natural calamities, is witnessing climate-related displacement. Future immigration policy must address internal displacement caused by floods, droughts, and increasing sea levels while incorporating climate resilience techniques into migratory governance. A national action plan for climate migrants will be required to prevent socioeconomic impacts. Pakistan's geopolitical situation needs better cross-border transportation rules, notably with neighbouring nations like China, Afghanistan, and Iran. Initiatives such as the China-Pakistan Economic Corridor (CPEC) underscore the importance of coordinated immigration policy to encourage commerce and skilled labor exchange. Future innovations might include cross-border work permits, economic residency schemes, and bilateral agreements that ease immigration procedures. Pakistan's immigration environment is at a critical crossroads, necessitating bold policy changes to sync with international trends. Legal changes, technology developments, and regional collaboration will all influence the future of immigration law. Pakistan's developing immigration system will require a balanced approach to protecting national security while also maintaining humanitarian responsibilities and economic progress.

### **Building Bridges: Toward an Inclusive Immigration Framework**

The section titled "Building Bridges: Toward an Inclusive Immigration Framework" likely serves as a conclusion or summarizing segment that reflects on the key insights derived from the research. It focuses on the need for an inclusive approach to immigration policy in Pakistan. The conclusion stresses the importance of developing an immigration framework that is inclusive, recognizing the diverse backgrounds and needs of migrants and refugees. It advocates for policies that not only regulate immigration but also ensure the protection of rights and promote social integration. The section may argue for a comprehensive

immigration policy that addresses both economic and humanitarian needs. It suggests that Pakistan should balance its national security concerns with its obligations to protect and assist vulnerable populations, including asylum seekers and refugees. Building on the findings from the research, the conclusion likely outlines specific recommendations for reforming Pakistan's immigration laws. This might include creating a more coherent legal framework that addresses current trends in migration and incorporates international best practices. The conclusion may advocate for collaboration between government agencies, NGOs, and international organizations to enhance the effectiveness of immigration policies. Stakeholder engagement is essential for understanding the lived experiences of migrants and incorporating their input into policy-making. It highlights the necessity of proactively addressing the challenges posed by migration, such as bureaucratic inefficiencies, corruption, and the stigmatization of immigrants. Recognizing these challenges is crucial for building public trust and ensuring that immigration laws serve their intended purpose. The section likely emphasizes the potential benefits of migration, including cultural diversity and contributions to economic growth. Recognizing immigrants as valuable assets rather than threats can lead to more positive societal outcomes. Finally, the conclusion may present a hopeful outlook on the future of immigration policy in Pakistan. It expresses confidence that by prioritizing inclusivity and reform, Pakistan can not only address its immigration challenges but also benefit from the opportunities that migration brings. In summary, "Building Bridges: Toward an Inclusive Immigration Framework" encapsulates the main findings and recommendations of the research, advocating for a reformed and inclusive approach to immigration in Pakistan that aligns with humanitarian goals and addresses the complexities of modern migration.

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