

A Legal Analysis of the Consequences of Illegal Entry of Foreign Nationals into Iran and the Provision of an Optimal Monitoring Strategy

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Abstract

This study aims to conduct a legal analysis of the consequences of illegal entry of foreign nationals into Iran and propose an optimal monitoring strategy that aligns with national priorities and international standards. The research was conducted using a scientific narrative review approach with a descriptive analysis method. Legal documents including the Iranian Constitution, immigration laws, administrative regulations, and enforcement protocols were analyzed alongside international legal instruments. Comparative case studies from jurisdictions such as Turkey, the European Union, the United States, and Pakistan were reviewed to extract global best practices. The study also incorporated insights from recent academic literature and policy reports published between 2019 and 2024. Data were interpreted through thematic content analysis focusing on legal definitions, enforcement mechanisms, human rights considerations, and administrative structures. The findings indicate that Iran's current legal and institutional framework lacks cohesion, suffers from limited inter-agency coordination, and is not supported by comprehensive data systems or technological infrastructure. Legal definitions of illegal entry are vague, enforcement mechanisms are inconsistent, and due process protections are often bypassed. The socioeconomic impacts of illegal entry are significant, affecting employment, housing, and healthcare systems, while national security risks include smuggling, trafficking, and potential exploitation by hostile actors. Comparative analysis highlights the benefits of unified immigration laws, biometric registration systems, and rights-based enforcement models. A multidimensional, rights-based monitoring strategy is essential for addressing illegal entry in Iran. Legal reform, institutional restructuring, technological innovation, and community engagement must be integrated into a comprehensive system that ensures legal clarity, operational efficiency, and human rights compliance. Such a strategy would enhance border control, support national security, and promote social cohesion while fulfilling Iran's legal and humanitarian obligations.

Keywords: Illegal entry, foreign nationals, Iranian immigration law, border monitoring, national security, biometric systems, legal reform, migration management.

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1. Introduction

In recent years, the phenomenon of irregular migration has emerged as a central issue in global policy debates, particularly in countries situated along key migratory routes. Iran, due to its geostrategic location at the crossroads of South Asia, Central Asia, and the Middle East, has become both a destination and a transit country for foreign nationals, particularly from Afghanistan, Pakistan, and parts of the Arab world. The persistence of regional instability, economic disparities, and environmental degradation has propelled large numbers of people across Iran's eastern and southeastern borders, many of them entering the country illegally in search of safety, employment, or access to onward routes to Europe and the Gulf States. These unauthorized entries have intensified concerns over border security, social integration, and legal control mechanisms, pressing Iranian policymakers to revisit their legislative frameworks and enforcement strategies. In parallel, this influx has exposed significant gaps in the coordination and effectiveness of Iran's legal and institutional responses to unauthorized migration.

The scope of illegal entry into Iran is further complicated by the regional crises that have produced protracted displacement. Ongoing conflict in Afghanistan has contributed significantly to the sustained movement of people across Iran's eastern border, a trend that accelerated after the withdrawal of international forces and the reestablishment of Taliban rule in 2021. Many Afghan nationals have sought refuge in Iran, often lacking the documentation required by domestic immigration law or international protection standards (Potapov, 2022). Despite Iran's long history of hosting displaced populations, the increasing irregularity of these migratory flows has placed significant strain on public services and law enforcement capacities. As a result, Iranian authorities have often had to choose between humanitarian considerations and the need to maintain legal and administrative order—a balance that remains elusive in practice.

The consequences of illegal entry are not limited to demographic pressures; they also include significant socio-economic and security implications. Informal settlements and labor market saturation have created vulnerabilities both for migrants and host communities, often giving rise to exploitative working conditions, competition over low-skilled jobs, and strained public health and education systems (Adriani et al., 2023). In certain regions, illegal entry has also been linked to the proliferation of human trafficking networks and illicit cross-border activities, further complicating the enforcement of national sovereignty and legal norms (Choudhury, 2023). Moreover, the opaque status of many migrants impedes their access to legal recourse, healthcare, and basic protections, effectively creating parallel populations that operate outside of the rule of law and established social systems (Hiemstra, 2023).

Given these complex dynamics, a comprehensive legal analysis of the frameworks regulating foreign nationals' entry into Iran becomes essential. Legal analysis offers a structured approach to identifying the strengths and weaknesses of existing statutes, their enforcement mechanisms, and their alignment with both constitutional principles and international obligations. As irregular migration becomes more entrenched, the role of the law as a tool of governance and rights protection becomes even more significant. In particular, such analysis is indispensable for identifying inconsistencies between various legal texts, evaluating the proportionality of sanctions imposed on illegal entrants, and examining how the legal system treats vulnerable groups such as women, minors, and asylum seekers. For instance, comparative evidence from other jurisdictions has shown that punitive approaches, while politically expedient, often fail to deter illegal entry in the long term and may even exacerbate marginalization and insecurity (Neikova, 2024).

In the Iranian context, a legal review is also necessary to clarify the scope of state obligations under international law, especially in light of conventions such as the 1951 Refugee Convention and the International Covenant on Civil and Political Rights. While Iran is not a signatory to all relevant instruments, it has historically adhered to many of their principles, particularly through domestic policy choices and humanitarian gestures. However, the absence of a unified immigration law that clearly defines the rights and responsibilities of irregular migrants, law enforcement agencies, and administrative authorities creates ambiguity in the application of justice. Additionally, divergent interpretations of the law at the provincial and national levels contribute to legal fragmentation and inconsistent policy implementation (Sardari et al., 2022). A legal analysis can thus provide the groundwork for harmonizing these interpretations and developing a coherent strategy that balances state sovereignty with human dignity.

This article aims to explore the legal consequences of illegal entry into Iran by foreign nationals and to propose an optimal monitoring strategy that is both effective and legally grounded. The primary objective is to examine the existing legal

framework that governs the entry, residence, and deportation of irregular migrants in Iran, including both criminal and administrative responses. Another key objective is to evaluate the socio-legal impacts of these legal measures, with a particular focus on how they affect vulnerable populations and overall governance capacity. Furthermore, the study seeks to conduct a comparative analysis of similar legal approaches in other countries facing analogous migratory pressures, thereby identifying best practices that may be adapted to the Iranian context. Lastly, the article aims to propose a monitoring and enforcement strategy that aligns with Iran's legal system while addressing practical enforcement challenges. Through this analysis, the article endeavors to contribute to the development of a balanced legal framework that ensures national security without compromising the rights and dignity of individuals.

2. Methodology

This study employed a narrative review design guided by a descriptive analytical method. The narrative review approach was chosen to allow a comprehensive, flexible, and contextually rich exploration of the legal consequences of the illegal entry of foreign nationals into Iran, as well as the development of an optimal monitoring strategy grounded in current law and practice. Unlike systematic reviews that follow rigid inclusion criteria, the narrative method enabled a more interpretive synthesis of legal texts, scholarly literature, and relevant policy documents. The descriptive analysis approach facilitated the identification, interpretation, and categorization of relevant legal norms, enforcement mechanisms, and their implications, with particular attention to the sociopolitical and institutional context of Iran. This method proved particularly effective for capturing the nuances of domestic legislation, enforcement challenges, and comparative models in similar legal systems, ensuring that the findings are not only legally sound but also practically applicable.

The data for this study were derived from various primary and secondary legal sources. Primary sources included the Iranian Constitution, the Law on the Entry and Residence of Foreign Nationals in Iran, criminal codes, administrative regulations, and relevant executive directives issued by the Ministry of Interior and the Law Enforcement Command of the Islamic Republic of Iran. These legal documents were obtained from official government portals and verified legal databases. Secondary sources consisted of scholarly journal articles, legal commentaries, reports from international organizations such as the UNHCR and IOM, and comparative studies from other jurisdictions including Turkey, the European Union, and the United States. Articles and legal analyses published between 2019 and 2024 were prioritized to ensure the currency and relevance of the findings. These documents were retrieved from reputable databases such as Scopus, HeinOnline, and SID, using keywords including "illegal migration," "Iran immigration law," "foreign nationals," "border control," and "legal monitoring strategy." Materials were selected based on their relevance to the Iranian context, their alignment with the research objectives, and their contribution to the conceptualization of monitoring frameworks for irregular migration.

The analytical process involved thematic content analysis of the selected legal texts and scholarly literature. Thematic categories were developed inductively during the reading process and refined through iterative coding and re-evaluation. Key themes included legal definitions of illegal entry, consequences under Iranian law, treatment of vulnerable populations, gaps in enforcement mechanisms, and international legal obligations. Comparative legal analysis was also conducted to evaluate the strengths and weaknesses of Iran's legal response relative to international best practices. Case studies from countries with similar migration challenges, such as Turkey and Pakistan, were examined to draw applicable lessons. The data analysis emphasized the identification of legal contradictions, institutional weaknesses, and the absence of coordinated policy frameworks. This interpretive process laid the groundwork for formulating a context-sensitive and legally grounded monitoring strategy for managing the illegal entry of foreign nationals into Iran. Through this methodology, the study ensures that its conclusions are rooted in legal analysis while also remaining responsive to practical governance challenges.

3. Legal Framework Governing Entry and Residence of Foreign Nationals in Iran

Iran's legal structure governing the entry and residence of foreign nationals is shaped by a combination of constitutional mandates, statutory legislation, executive regulations, and administrative practices. While Iran does not possess a single comprehensive immigration law akin to those found in Western legal systems, it enforces a set of dispersed legal provisions addressing border control, residence permits, refugee status, and the deportation of undocumented individuals. These legal norms operate within a broader political and security framework that prioritizes national sovereignty, cultural integrity, and

economic stability. In recent years, the increasing pressure from irregular migration, particularly from neighboring Afghanistan, has highlighted the limitations and inconsistencies within this legal architecture, thereby necessitating critical examination and reform.

The Constitution of the Islamic Republic of Iran offers foundational guidelines relevant to the treatment of foreign nationals. While it primarily addresses the rights and obligations of Iranian citizens, certain provisions imply universal rights and extend to all individuals under Iran's jurisdiction. For instance, Article 22 of the Constitution guarantees the dignity, life, property, and reputation of all individuals, and Article 32 provides protections against arbitrary arrest, stipulating that any form of detention must follow due legal process. These provisions are particularly significant when evaluating the treatment of foreign nationals who enter the country illegally and may face arrest, detention, or deportation. However, the lack of explicit constitutional recognition of the legal status of irregular migrants leaves substantial room for interpretive discretion by state authorities, often leading to inconsistent enforcement and legal ambiguity (Sardari et al., 2022).

Statutory law provides more specific regulations on the entry and residence of foreign nationals. The most notable legal instrument is the "Law on the Entry and Residence of Foreign Nationals in Iran," which outlines the procedures for visa issuance, conditions for legal residence, and penalties for violations. This law requires all foreign nationals to obtain proper entry documentation and register with relevant authorities upon arrival. Failure to comply with these provisions renders an individual subject to fines, detention, or deportation. The law also classifies foreign nationals into different categories such as students, workers, and refugees, although it lacks detailed procedural safeguards for the adjudication of these statuses. In practical terms, this means that the fate of irregular migrants often hinges on administrative discretion rather than transparent legal processes (Afzali, 2020).

In parallel, Iran's Citizenship Law primarily addresses the acquisition and loss of Iranian nationality but also indirectly affects foreign nationals, particularly in cases of mixed marriages and statelessness. While the 2020 amendments to the law allowed children of Iranian mothers and foreign fathers to apply for citizenship, the implementation of these provisions remains uneven. This legal framework has significant implications for long-term residents who may be born in Iran but remain undocumented due to legal and bureaucratic hurdles. Consequently, many individuals who have lived in Iran for decades continue to exist in a legal limbo, unable to access basic rights due to the rigid and narrowly defined eligibility criteria for legal residency or citizenship (Dobrianska et al., 2021).

Administrative bodies play a pivotal role in enforcing immigration laws and managing the presence of foreign nationals. The Ministry of Interior serves as the central authority responsible for border management, residence permits, and coordination with other governmental agencies. Within the Ministry, the Bureau for Aliens and Foreign Immigrants' Affairs (BAFIA) is tasked with implementing policies related to foreign nationals, including the issuance of identification cards and the oversight of refugee settlements. However, overlapping jurisdiction with security agencies such as the Law Enforcement Command and the Intelligence Ministry often leads to fragmented and inconsistent implementation. For instance, while BAFIA may issue temporary stay permits to asylum seekers, enforcement agencies may still conduct raids and arrests based on internal security concerns, revealing a structural tension between humanitarian management and security enforcement (Amirsoleymani et al., 2021).

Local authorities and provincial governors also play a role in administering policies affecting foreign nationals, especially in border regions where irregular entry is most prevalent. However, the absence of a unified operational protocol often results in divergent practices between provinces. In some areas, local officials adopt a more accommodating stance, particularly in regions with long histories of cross-border kinship and trade, while in others, foreign nationals face strict surveillance and regular deportations. This inconsistency is further exacerbated by limited training and capacity among local officials, who may lack a detailed understanding of national legal obligations or international humanitarian standards (Bah, 2023).

Beyond domestic law, Iran's legal framework must be interpreted in light of its international obligations. Although Iran is not a party to the 1951 Refugee Convention or its 1967 Protocol, it has historically provided refuge to millions of displaced persons, especially Afghans, based on Islamic and humanitarian principles. Moreover, Iran is a signatory to several international human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR), which mandates that all individuals under a state's jurisdiction are entitled to protection of their basic rights, regardless of legal status. Article 13 of the ICCPR, for instance, provides that aliens lawfully present in a country may only be expelled pursuant to law and with the

opportunity for review. Although this provision does not apply to individuals who enter illegally, its spirit underscores the need for fair and proportionate responses to migration challenges (Choudhury, 2023).

Iran also engages in bilateral and multilateral agreements with neighboring countries to regulate migration flows and facilitate deportations. These agreements, however, often lack transparency and are not subject to parliamentary oversight, raising questions about their alignment with domestic law and international norms. For example, informal readmission arrangements with Afghanistan have resulted in mass deportations with minimal procedural guarantees, drawing criticism from human rights observers (Bistrina, 2019). While such arrangements may alleviate short-term pressures, they do little to address the structural drivers of irregular migration or to ensure legal consistency and accountability.

Recent years have also witnessed increased attention to the role of technology and data systems in managing the entry and residence of foreign nationals. Biometric registration and digital identification cards have been introduced in certain regions to improve tracking and service delivery. However, the legal basis for data collection, retention, and sharing remains underdeveloped, raising concerns about privacy and potential misuse. A growing body of literature stresses the importance of developing legal frameworks that not only facilitate effective monitoring but also protect the rights of migrants and prevent discrimination or arbitrary enforcement (Cicala et al., 2023).

Overall, the legal framework governing foreign nationals in Iran is characterized by a patchwork of constitutional references, statutory laws, and administrative practices, all implemented within a securitized policy environment. While this framework has enabled Iran to maintain a basic level of control over its borders and foreign population, it lacks the comprehensiveness, clarity, and rights protections necessary to address the complexities of contemporary migration. The absence of a unified immigration law, combined with fragmented institutional roles and limited oversight mechanisms, has created a system that is reactive rather than strategic. As migration pressures intensify and regional dynamics evolve, there is a pressing need to reform Iran's legal and institutional approach to irregular migration, ensuring that it is both legally coherent and aligned with international standards.

4. Legal Consequences of Illegal Entry

The legal consequences of illegal entry into Iran are defined through a complex interplay of administrative statutes, security-focused provisions, and executive regulations. Despite the lack of a unified immigration code, Iran has outlined in several legal texts what constitutes unlawful entry and residence. Generally, a foreign national is considered to have entered the country illegally if they cross Iran's borders without a valid passport, visa, or entry permit issued by the relevant authorities. This definition, while straightforward in theory, becomes murky in practice, especially given Iran's porous borders with Afghanistan and Pakistan, where tribal ties and historical patterns of movement often complicate strict legal categorization (Afzali, 2020). In many cases, individuals cross into Iranian territory out of necessity—fleeing violence or seeking work—without the intent to break the law. However, under Iranian regulations, intent is not a factor in determining the legality of entry, and unauthorized presence is treated as a clear violation subject to legal penalties.

Iranian law distinguishes between criminal and administrative penalties when addressing the issue of illegal entry. The Law on the Entry and Residence of Foreign Nationals stipulates that foreign nationals who enter the country without proper documentation are subject to fines, imprisonment, or deportation. The law allows for administrative detention until the individual is deported or regularizes their status. While administrative penalties often take the form of deportation orders and mandatory registration at refugee processing centers, criminal penalties may include prison sentences, especially for repeat offenders or those suspected of involvement in smuggling or espionage (Bah, 2023). In recent years, enforcement measures have expanded to include more stringent monitoring of employers who hire undocumented workers and landlords who rent to them, although enforcement remains inconsistent across provinces (Choudhury, 2023).

The legal framework also grants broad discretionary power to enforcement agencies, which often results in a lack of procedural safeguards for foreign nationals accused of illegal entry. Due process, as protected under Iran's Constitution and international human rights obligations, is frequently compromised in these cases. Detainees may be held for prolonged periods without access to legal counsel or formal charges. In many instances, the decision to deport or detain is made by administrative bodies without judicial oversight, limiting the opportunity for individuals to challenge the legality of their detention or

expulsion ([Dobrianska et al., 2021](#)). Although Article 32 of the Iranian Constitution mandates that all arrests must follow legal procedures and be accompanied by clear charges, this protection is not consistently extended to undocumented migrants, who often face summary deportations or are pressured into leaving the country voluntarily without due process.

In practice, the application of these laws has resulted in a highly securitized approach to migration management, particularly in border provinces. Reports have emerged of foreign nationals being detained in poor conditions or deported en masse without hearings, a practice that contradicts the principle of non-refoulement enshrined in international refugee law. While Iran is not a party to the 1951 Refugee Convention, it is bound by customary international law not to return individuals to countries where they may face torture or persecution. Nonetheless, irregular migrants from Afghanistan and other conflict zones are often subject to collective deportations, sometimes without individualized assessment of their protection needs ([Potapov, 2022](#)). This gap between legal obligation and enforcement reality illustrates the challenges faced in ensuring that punitive measures remain proportionate and rights-based.

Although Iranian courts have dealt with numerous cases involving illegal residency or document forgery, publicly accessible case law remains limited. However, legal commentaries suggest that courts have generally upheld deportation orders in cases involving illegal entry, citing national security and public order as justifications. Judicial interpretations have also reinforced the state's authority to regulate the movement and residence of foreign nationals, with limited consideration for humanitarian exceptions. In exceptional circumstances, courts have deferred deportation for individuals with strong family ties in Iran or those with severe medical conditions, but these cases remain the exception rather than the rule ([Hiemstra, 2023](#)). The absence of a standardized legal test or procedural framework for evaluating such factors contributes to inconsistencies in judicial outcomes.

The legal treatment of vulnerable groups within the framework of illegal entry laws presents another significant concern. Women, minors, and refugees are often the most affected by the lack of legal protections and procedural clarity. Female migrants, in particular, face heightened risks of exploitation and abuse during detention or deportation processes. Some have reported cases of forced repatriation without adequate review of their personal circumstances or threats they may face in their home countries ([Neikova, 2024](#)). In the absence of gender-sensitive legal procedures, many women are reluctant to report abuse or assert their rights, particularly when detained in facilities that lack female personnel or adequate oversight.

Minors, especially unaccompanied children, are also treated within the same legal framework as adults, with limited provisions for child-specific assessments or care. Although Iran's Child Protection Law provides general safeguards for children, its application to undocumented migrant children remains unclear. In many instances, minors apprehended for illegal entry are placed in temporary shelters or juvenile detention centers without access to legal representation or guardianship services. These conditions can result in prolonged separation from family members and a lack of access to education, healthcare, or psychological support ([Sarma, 2021](#)). The absence of protocols for determining the best interests of the child further complicates efforts to ensure a humane and legally sound response.

Refugees and asylum seekers represent a particularly vulnerable category, given that many of them enter Iran without proper documentation but may nonetheless have valid claims for protection. While Iran has historically hosted large refugee populations, its legal framework does not include a standardized asylum procedure or institutional body dedicated to refugee status determination. As a result, many individuals with legitimate protection needs are subsumed under the category of illegal entrants and subjected to the same penalties. In some cases, the United Nations High Commissioner for Refugees (UNHCR) has intervened to prevent deportations, but such interventions are not institutionalized, and access to the UNHCR's offices is not always feasible for individuals in remote or heavily policed areas ([Adriani et al., 2023](#)).

Furthermore, enforcement actions often take place in contexts where migrants are concentrated in informal labor sectors, such as construction, agriculture, and domestic work. These sectors are prone to exploitative labor practices, and undocumented workers are often reluctant to report abuses for fear of detention or deportation. The lack of legal status not only places these individuals outside the protection of labor law but also undermines their ability to access legal remedies or public services ([Akyulov & Akyulova, 2022](#)). This situation has led to the entrenchment of a parallel economy in which undocumented migrants are both essential to economic productivity and systematically marginalized.

Taken together, the legal consequences of illegal entry into Iran reflect a punitive and security-oriented approach that prioritizes deterrence over legal clarity or human rights protections. The absence of transparent legal definitions, procedural

safeguards, and judicial oversight creates an environment where foreign nationals are vulnerable to arbitrary enforcement and legal uncertainty. Vulnerable groups, particularly women, minors, and refugees, are disproportionately affected by these shortcomings. While the current legal framework grants significant discretion to enforcement agencies and administrative bodies, it lacks the structural mechanisms necessary to ensure proportionality, accountability, and compliance with international standards. Addressing these legal gaps is essential for creating a system that can respond to migration pressures effectively while upholding the principles of justice and human dignity.

5. Comparative Legal Analysis: Global Best Practices

In the face of increasing irregular migration, many countries have developed legal frameworks to manage illegal entry in ways that attempt to balance national sovereignty with human rights obligations. While strategies differ significantly between jurisdictions, some core principles and practices have emerged that offer instructive lessons for countries like Iran. Examining the approaches adopted by countries such as Turkey, the United States, the European Union member states, and Pakistan provides a valuable comparative perspective. These jurisdictions present diverse regulatory responses to illegal entry, each shaped by distinct legal traditions, geopolitical contexts, and socio-economic realities.

Turkey, sharing a long and porous border with Iran, has emerged as a critical transit and destination country for migrants, particularly from conflict zones such as Syria, Iraq, and Afghanistan. Its response to illegal entry has been defined by the Law on Foreigners and International Protection enacted in 2013, which introduced new procedures for registration, asylum, and deportation. Turkey's legal framework is notable for incorporating the principle of non-refoulement and for creating a formal asylum application process. It has also developed institutional capacity through the Directorate General of Migration Management, which is responsible for the processing of irregular migrants and the coordination of voluntary return programs (Dobrianska et al., 2021). Despite these legal advances, challenges remain in implementation, especially concerning overcrowding in detention centers and limitations in access to legal aid, which sometimes result in prolonged detention without adequate legal oversight (Hocaoğlu et al., 2021).

The European Union offers another instructive model, particularly through its Common European Asylum System (CEAS), which aims to harmonize asylum procedures and ensure consistent protection standards across member states. EU directives such as the Return Directive (2008/115/EC) regulate the conditions under which illegal migrants can be detained and removed, emphasizing proportionality, judicial review, and the right to appeal. These legal instruments stress that detention must be a last resort and must respect the dignity and basic rights of individuals (Neikova, 2024). EU countries also employ a variety of alternatives to detention, including case management and community-based supervision. However, the implementation of these policies varies across states, and concerns persist over pushbacks at borders and informal expulsions, especially in frontline countries like Greece and Hungary (Bistrina, 2019). Nonetheless, the EU's emphasis on safeguarding legal rights while maintaining border control provides a model for balancing humanitarian obligations with regulatory authority.

The United States adopts a more security-focused approach to illegal entry, shaped by its expansive border with Mexico and a long-standing political discourse surrounding immigration enforcement. U.S. immigration law classifies illegal entry as both a civil and criminal offense, with first-time offenders typically facing deportation and repeat offenders subject to criminal prosecution. The Immigration and Nationality Act provides the statutory basis for these processes, and enforcement is carried out by agencies such as Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP). While the legal framework permits detention and expedited removal, it also mandates due process protections, including the right to a hearing and legal representation (Choudhury, 2023). Despite these provisions, widespread criticism has been directed at practices such as family separation, prolonged detention of asylum seekers, and conditions in holding facilities. Legal challenges have frequently been brought against the government for violations of constitutional and international standards, prompting ongoing judicial and legislative reforms (Hiemstra, 2023).

Pakistan, which shares cultural and geographical proximity to Iran, provides a more ad hoc approach to illegal entry, especially in its treatment of Afghan refugees and undocumented migrants from Central Asia. Pakistan has hosted millions of Afghan refugees for decades without enacting a comprehensive legal framework to regulate their status. Instead, it relies on temporary protection cards and bilateral agreements to manage inflows. Legal provisions addressing illegal entry are embedded

within broader security and criminal laws, with little differentiation between refugees, economic migrants, and other categories of foreign nationals (Potapov, 2022). In practice, enforcement is highly localized, and migrants often experience arbitrary detention, bribery, and deportation without recourse to legal protections or due process (Afzali, 2020). The Pakistani case demonstrates the consequences of lacking an integrated legal strategy, especially in countries heavily impacted by protracted displacement and economic migration.

Across these diverse jurisdictions, human rights considerations remain central to the legitimacy and effectiveness of legal responses to illegal entry. International law mandates that all individuals, regardless of status, be treated with dignity and afforded basic protections, including access to legal counsel, the right to challenge detention, and protection from inhumane treatment. These principles are enshrined in instruments such as the International Covenant on Civil and Political Rights and the Convention Against Torture. Jurisdictions that embed these standards within their domestic frameworks tend to achieve better outcomes in terms of both enforcement efficiency and public trust. For instance, countries like Germany and Sweden have implemented individualized case assessments and have invested in legal aid and social integration programs, thereby reducing the adversarial nature of immigration enforcement (Dobrianska et al., 2021). In contrast, policies that rely heavily on criminalization and deterrence often lead to systemic rights violations and undermine broader governance goals.

Preventive and punitive measures each carry distinct strengths and weaknesses. Preventive strategies such as biometric registration, community-based monitoring, and legal migration pathways aim to reduce the incentives for illegal entry while enhancing state oversight. These tools can be effective when coupled with public education campaigns and regional cooperation agreements. For example, Italy's use of mobile monitoring technologies and satellite imaging to track illegal maritime entry has improved border management while reducing unnecessary detentions (Cicala et al., 2023). However, over-reliance on technology without adequate legal safeguards can lead to violations of privacy and profiling, particularly of ethnic minorities and border communities. On the punitive side, detention and deportation serve as visible deterrents but can also strain legal institutions, incur high costs, and erode public support if applied excessively or indiscriminately. The U.S. experience with large-scale detention facilities has shown that punitive approaches often fail to deter entry while generating legal challenges and humanitarian concerns (Hiemstra, 2023).

For Iran, these comparative lessons underscore the importance of developing a legal framework that goes beyond reactive enforcement. Iran would benefit from codifying a unified immigration law that clearly defines categories of foreign nationals, establishes procedures for legal entry and regularization, and sets limits on detention. Emulating Turkey's investment in institutional capacity or the EU's emphasis on procedural safeguards could improve consistency and accountability in enforcement. Incorporating human rights considerations, such as alternatives to detention and mechanisms for judicial review, would not only enhance legal legitimacy but also align Iran's policies with international standards. Furthermore, regional cooperation with neighboring countries on data sharing, repatriation protocols, and migrant protection could mitigate cross-border challenges while strengthening legal responses.

Ultimately, a comparative analysis reveals that effective migration management requires a balanced mix of legal clarity, institutional coordination, and rights-based enforcement. While no single model offers a perfect solution, Iran can draw on global best practices to create a legal system that is both effective in controlling illegal entry and just in its treatment of those affected by migration pressures.

6. Socioeconomic and National Security Impacts

Illegal migration into Iran has triggered a wide range of socioeconomic and national security consequences, many of which have compounded over time due to a lack of coordinated legal frameworks and institutional preparedness. As the country continues to serve as both a destination and a transit point for foreign nationals—especially from conflict-ridden or economically unstable countries such as Afghanistan and Pakistan—the impact on its labor market, public infrastructure, and social cohesion has become increasingly evident. These effects are felt not only at the national level but also within border provinces and urban centers where the concentration of undocumented migrants is highest.

One of the most immediate and visible impacts of illegal migration is its strain on Iran's labor market. A significant proportion of irregular migrants enter Iran in search of employment, particularly in labor-intensive sectors such as construction, agriculture, brickmaking, and informal manufacturing. While these workers often fill positions that Iranian citizens may find

unattractive due to low wages or physically demanding conditions, their undocumented status allows employers to bypass labor protections, wage regulations, and safety standards. This has contributed to a segmented labor market in which foreign nationals, especially those who have entered illegally, are concentrated in precarious, unregulated work environments. Over time, such dynamics can suppress wages, exacerbate unemployment among lower-skilled Iranian workers, and reduce overall labor productivity (Akyulov & Akyulova, 2022). Additionally, since undocumented migrants typically operate outside the tax and social security systems, they do not contribute to formal revenue streams while still utilizing basic public services, creating a fiscal imbalance.

Housing is another area in which the effects of illegal migration are acutely felt. The arrival of undocumented migrants has increased demand for low-cost housing, especially in urban peripheries and informal settlements. In many cases, migrants cluster in neighborhoods that already suffer from infrastructure deficits, leading to overcrowding and the deterioration of public services. These areas often lack adequate waste disposal, sanitation, and electricity, which not only contributes to poor living conditions for residents but also poses broader public health risks. Municipal authorities frequently face difficulties in responding to these pressures due to budget constraints and the unregistered nature of many migrant populations (Amirsoleymani et al., 2021). Moreover, landlords who rent to undocumented migrants often bypass zoning and safety regulations, creating unsafe housing conditions and fostering resentment among local populations who perceive migrants as contributing to urban decay and resource depletion.

Healthcare services, particularly in public hospitals and clinics, are also burdened by the presence of undocumented migrants. Although emergency care in Iran is generally provided regardless of legal status, non-emergency and long-term treatment often require identification documents or legal residency. As a result, many migrants delay seeking care, leading to worsened health conditions that eventually require more intensive and costly treatment. This dynamic not only affects individual well-being but also has systemic consequences, including the spread of communicable diseases, increased pressure on emergency services, and moral dilemmas for healthcare providers. The lack of clear policies on health access for undocumented migrants further exacerbates inequalities and contributes to the marginalization of an already vulnerable population (Bah, 2023).

Beyond economic pressures, illegal migration also poses significant challenges to social and cultural integration. The sudden influx of foreign nationals, particularly in regions with little prior exposure to ethnic or linguistic diversity, can lead to tension and misunderstandings. In communities where employment opportunities and public resources are limited, migrants are often scapegoated for economic hardship and rising crime rates, even when empirical evidence does not support such claims. These perceptions are frequently amplified by media narratives and local political rhetoric, creating a climate of suspicion and social division (Neikova, 2024). The absence of formal integration programs—such as language instruction, cultural orientation, or community dialogue initiatives—further alienates migrant populations, many of whom remain isolated from host communities and lack opportunities to participate in social life. This segregation contributes to a cycle of mutual distrust and undermines efforts at inclusive development.

In terms of national security, the irregular movement of people across Iran's borders presents serious risks, particularly in regions already affected by smuggling, organized crime, and insurgent activity. Iran's eastern borders with Afghanistan and Pakistan are notoriously difficult to police due to rugged terrain and long-established tribal networks that facilitate unauthorized crossings. These routes are frequently used not only by migrants but also by drug traffickers and arms smugglers, blurring the line between humanitarian migration and criminal enterprise (Bistrina, 2019). The convergence of illegal migration and transnational crime has prompted Iranian authorities to adopt increasingly securitized responses, including border fortification, increased patrols, and the deployment of advanced surveillance technologies. However, these measures are often reactive and fail to address the structural drivers of insecurity.

Human trafficking represents one of the most alarming intersections between migration and organized crime. Migrants, particularly women and unaccompanied minors, are at high risk of falling prey to trafficking networks that exploit their undocumented status and lack of legal protection. In many cases, individuals are deceived with false promises of employment or safe passage, only to be subjected to forced labor or sexual exploitation. The clandestine nature of these operations makes them difficult to detect and prosecute, especially in the absence of victim-centered legal procedures or specialized enforcement

units ([Sardari et al., 2022](#)). Furthermore, the fear of deportation discourages many victims from seeking help, perpetuating cycles of exploitation and impunity.

The possibility of terrorist infiltration through illegal migration channels, while often exaggerated in public discourse, remains a legitimate concern for security agencies. Given Iran's geopolitical position and its role in regional power dynamics, the country faces complex threats from extremist groups operating across its borders. While the vast majority of irregular migrants have no connection to such activities, the unregulated nature of border crossings creates vulnerabilities that can be exploited by hostile actors ([Choudhury, 2023](#)). Intelligence agencies have occasionally reported instances where individuals linked to terrorist organizations have attempted to enter the country under the guise of refugee or migrant status. These threats, although relatively rare, underscore the need for robust yet rights-compliant screening and vetting procedures.

Taken together, the socioeconomic and national security impacts of illegal migration present a multifaceted challenge for Iran. Economic costs in employment, housing, and healthcare are compounded by social tensions and security vulnerabilities, creating a complex environment that demands a coordinated, multidimensional response. Addressing these issues requires not only enhanced enforcement and surveillance but also legal reforms, integration policies, and international cooperation. Failure to adopt such a comprehensive approach risks deepening the divide between host communities and migrant populations while leaving systemic vulnerabilities unaddressed.

7. Challenges in the Current Monitoring and Enforcement Mechanisms

Iran's approach to monitoring and controlling the illegal entry of foreign nationals is marked by a series of structural, operational, and legal challenges that have limited the effectiveness of enforcement strategies. Despite ongoing efforts to reinforce border security and regulate the residence of undocumented migrants, various gaps persist in the current mechanisms. These challenges are compounded by a lack of inter-agency coordination, legislative ambiguities, and limited utilization of modern surveillance technologies. As a result, monitoring remains largely reactive, fragmented, and unable to address the evolving dynamics of irregular migration across Iran's vast and porous borders.

One of the most critical gaps lies in border control and enforcement capacity, particularly along the eastern and southeastern frontiers adjoining Afghanistan and Pakistan. These regions are characterized by difficult terrain, low infrastructure density, and longstanding tribal and familial ties that span across national boundaries, making unauthorized movement both feasible and frequent. Although the Iranian government has invested in the deployment of security personnel and physical barriers in some high-risk zones, many sections of the border remain inadequately monitored. The absence of comprehensive and consistent border patrol coverage creates vulnerabilities that are routinely exploited by smugglers and traffickers ([Potapov, 2022](#)). Moreover, the mobility of nomadic populations and cross-border ethnic communities poses unique challenges for authorities seeking to distinguish between legitimate local movement and illicit entry, especially in the absence of biometric border registration or mobile surveillance units ([Bistrina, 2019](#)).

Beyond the physical difficulties of border control, a lack of effective coordination among responsible agencies further undermines enforcement efforts. The Ministry of Interior, which oversees immigration policy and refugee management through the Bureau for Aliens and Foreign Immigrants' Affairs (BAFIA), often operates in parallel with the Law Enforcement Command, the Ministry of Intelligence, and regional security forces. These bodies have overlapping mandates but limited information-sharing and unified operational protocols. In many cases, arrest and detention decisions are made by local police without consultation with immigration authorities or the judiciary, resulting in arbitrary and inconsistent enforcement ([Bah, 2023](#)). The lack of centralized data systems means that individuals apprehended in one province may not have their information transmitted to national databases, reducing the ability of agencies to track repeat offenders or monitor patterns of movement over time ([Afzali, 2020](#)).

Legal loopholes and administrative inefficiencies further complicate enforcement efforts. Iran does not possess a unified immigration law that systematically codifies the rights, responsibilities, and procedures concerning foreign nationals. Instead, enforcement is based on a patchwork of statutes, ministerial decrees, and security regulations that often conflict or overlap. For instance, while one regulation may mandate the deportation of undocumented migrants, another may permit temporary residence based on humanitarian grounds or bilateral agreements. This inconsistency creates confusion among enforcement

personnel and opens space for discretionary decision-making, often influenced by political, economic, or security considerations (Dobrianska et al., 2021). Additionally, administrative processes for regularization, deportation, or legal appeals are often slow and opaque, with migrants frequently unaware of their legal status or unable to navigate the bureaucratic channels required to regularize it (Hiemstra, 2023).

Another key administrative challenge is the limited capacity for document verification and identity management. Many undocumented migrants lack passports or any form of legal identification, particularly those fleeing conflict zones or persecutory regimes. The absence of reliable documentation complicates efforts to determine an individual's nationality, background, or legal status, and can delay deportation or asylum decisions indefinitely. Moreover, in the absence of legal counsel or translation services, migrants often fail to present their cases effectively, further reducing the possibility of a fair and just resolution (Choudhury, 2023). In such cases, enforcement authorities are left to rely on verbal statements or informal assessments, increasing the risk of misclassification and wrongful deportation.

Technology and intelligence systems have the potential to play a transformative role in enhancing monitoring mechanisms, yet their deployment in Iran remains limited and inconsistent. While some progress has been made in using biometric registration systems for documented refugees and foreign workers, these tools are not widely applied to irregular entrants. Furthermore, there is no national-level database that consolidates information from different provinces or security agencies, making it difficult to analyze trends or predict migratory flows (Cicala et al., 2023). Satellite surveillance and drone monitoring, which are increasingly used in other countries to monitor remote border areas, are underutilized in Iran, in part due to budget constraints and institutional resistance to change.

The integration of predictive analytics and artificial intelligence into border management systems, as seen in countries like the United States and EU member states, could greatly enhance Iran's ability to allocate resources effectively and prevent illegal crossings before they occur (Pusukuri, 2024). These technologies can help identify patterns of movement, monitor hotspots, and provide real-time alerts to enforcement personnel. However, such systems require both significant investment and a robust legal framework to ensure that they do not infringe on privacy rights or lead to discriminatory practices. In Iran's current context, the absence of digital infrastructure and the legal standards to govern such technologies pose significant hurdles to their effective implementation.

Public mistrust and community-level resistance to enforcement activities also represent indirect challenges to monitoring efforts. In many areas, particularly those with large populations of long-term foreign residents or mixed families, community members may be unwilling to cooperate with authorities due to fear of deportation or persecution. This lack of cooperation undermines intelligence-gathering and increases the operational burden on enforcement agencies. In some cases, enforcement operations have provoked backlash from civil society groups or human rights organizations, leading to political pressure and operational hesitancy (Hiemstra, 2023). Additionally, periodic amnesties or legalizations without consistent follow-through can create mixed signals, encouraging migrants to enter the country in hopes of future regularization, thus weakening the deterrent effect of enforcement policies.

Overall, the challenges in Iran's current monitoring and enforcement mechanisms stem from a confluence of logistical, legal, administrative, and technological weaknesses. Border control is hampered by geography and limited infrastructure, while inter-agency coordination remains inadequate due to bureaucratic silos and legal fragmentation. The absence of a cohesive legal framework and the underutilization of modern surveillance technologies further constrain the state's ability to respond effectively to illegal entry. Addressing these challenges requires not only institutional reform and capacity building but also the adoption of a strategic vision that balances enforcement with legal clarity, inter-agency collaboration, and respect for fundamental rights. Without such a transformation, enforcement will continue to lag behind the realities of migration and leave the system vulnerable to inefficiency, injustice, and insecurity.

8. Proposed Optimal Monitoring Strategy

Given the complex realities of illegal entry into Iran and the multifaceted challenges outlined in the current monitoring and enforcement mechanisms, there is an urgent need to shift toward a more integrated, efficient, and legally grounded monitoring strategy. An optimal system must involve legal, administrative, and technological reforms that not only enhance state capacity

but also ensure compliance with international human rights standards. A rights-based approach that combines security imperatives with institutional transparency and technological innovation will be more sustainable and effective in addressing irregular migration while preserving human dignity and legal integrity.

One of the primary components of a proposed optimal monitoring strategy involves legal reform. The absence of a unified immigration law has created inconsistencies across enforcement practices, judicial interpretations, and administrative decisions. Iran would benefit from codifying a comprehensive legal framework that consolidates all regulations governing the entry, residence, status determination, and deportation of foreign nationals. This unified legal code should clearly define the categories of migrants, the procedures for applying for asylum or temporary protection, and the penalties for unlawful entry, while including clauses for exceptional circumstances such as humanitarian protection. The law must also integrate safeguards to ensure proportionality in enforcement and to prevent arbitrary detention, particularly in the case of vulnerable individuals such as minors, women, and refugees (Dobrianska et al., 2021).

Alongside legal reform, administrative restructuring is crucial to enhance the functionality and coherence of the monitoring system. The current division of responsibilities among the Ministry of Interior, the Law Enforcement Command, and the Ministry of Intelligence creates redundancies and gaps in implementation. Establishing a centralized national authority for migration management would improve operational efficiency and accountability. This body could oversee all aspects of migration governance, from border surveillance and document verification to the adjudication of legal claims and coordination with international partners. Such an agency would need to be equipped with trained personnel, clear mandates, and sufficient resources to ensure professional and humane enforcement practices (Bah, 2023).

Strengthening inter-agency coordination must also be a top priority. Without integrated communication systems and shared databases, enforcement agencies are unable to develop a unified response to illegal entry. Establishing a national digital platform that allows for real-time data sharing between the Ministry of Interior, border patrol forces, immigration courts, and provincial authorities would significantly enhance operational effectiveness. This platform could include biometric records, legal status updates, case histories, and deportation orders. Such infrastructure would minimize duplication, improve accuracy in identity verification, and provide decision-makers with comprehensive information for each case (Afzali, 2020). Additionally, protocols must be developed to guide information exchange while protecting the privacy and legal rights of migrants in accordance with international standards (Choudhury, 2023).

Technological innovation represents another critical pillar of the proposed monitoring strategy. Advanced tools such as artificial intelligence, predictive analytics, and geographic information systems (GIS) can vastly improve border management and migrant tracking. AI-based systems can process large datasets to identify patterns of illegal entry, forecast potential surges, and allocate resources more efficiently. These tools have already been employed in other countries with success. For example, predictive models have been used in Italy to monitor illegal dumping sites and illegal movement patterns using sensor data and real-time imaging (Cicala et al., 2023). Similar models could be applied to monitor high-risk entry points along Iran's eastern border.

Biometric identification systems also offer significant potential for improving accuracy and security. By recording fingerprints, facial scans, and other biometric indicators upon entry, authorities can create a digital profile for each foreign national. This would aid not only in verifying identity but also in tracking movements and preventing document fraud. Biometric databases must, however, be regulated by a clear legal framework that ensures data protection and prohibits unauthorized access or discriminatory profiling. Lessons can be drawn from countries like Turkey, where biometric registration has been implemented to manage the Syrian refugee population and to deliver targeted social services (Neikova, 2024). Similarly, digital border surveillance tools such as drones, thermal sensors, and smart fencing can be deployed to monitor hard-to-reach areas and reduce reliance on human patrols.

However, any strategy that heavily incorporates surveillance technology must be grounded in a rights-based legal system. Iran's obligations under international law, particularly the International Covenant on Civil and Political Rights, necessitate that enforcement procedures include due process guarantees, non-discrimination principles, and protection from arbitrary detention. A rights-based monitoring strategy would therefore include mechanisms for legal aid, translation services, and independent oversight of detention facilities. Migrants should have access to appeals and be informed of their rights upon apprehension.

Additionally, vulnerable individuals, such as victims of trafficking or asylum seekers, must be identified early in the enforcement process and referred to protection services (Hiemstra, 2023).

In parallel with institutional and technological reforms, community engagement and public awareness initiatives are essential components of an optimal monitoring strategy. Many undocumented migrants reside in informal settlements or work in sectors where public reporting could play a significant role in identifying cases of abuse or exploitation. However, distrust between migrant communities and law enforcement often prevents cooperation. Building trust through culturally sensitive outreach programs, community policing, and partnerships with local NGOs could improve intelligence gathering and facilitate voluntary compliance with migration regulations. For example, public awareness campaigns on legal entry pathways, documentation procedures, and migrant rights have been used effectively in South and Southeast Asia to improve compliance and reduce irregular migration (Adriani et al., 2023). Iran can draw from these models to foster greater public understanding and reduce xenophobic narratives that may hinder social cohesion.

Educational campaigns targeting both migrants and local populations can also address misconceptions about the causes and consequences of illegal migration. By emphasizing shared values, mutual obligations, and legal responsibilities, these programs can mitigate social tensions and promote integration where appropriate. The success of any monitoring strategy depends not only on enforcement but also on social legitimacy. Public cooperation can significantly enhance the reach and fairness of enforcement measures, especially when it is built on a foundation of legal transparency and mutual respect.

Taken together, the proposed optimal monitoring strategy for Iran must involve comprehensive legal, administrative, and technological reforms aligned with international human rights standards. A centralized agency with a clear mandate, supported by robust legal frameworks and advanced technology, would provide the infrastructure necessary for efficient and accountable migration management. Complemented by rights-based enforcement practices and community engagement programs, this strategy would address the root causes of irregular migration while protecting the dignity of all individuals under the jurisdiction of the Iranian state. By investing in such a multidimensional and humane system, Iran can better navigate the challenges of illegal entry and contribute to regional stability and legal coherence in the long term.

9. Conclusion

The issue of illegal entry of foreign nationals into Iran presents a complex and multifaceted challenge that intersects with legal, social, economic, and security dimensions. Over the years, Iran has experienced mounting pressures along its borders due to regional instability, economic disparity, and humanitarian crises, resulting in the irregular movement of people into its territory. However, the existing legal and administrative structures have proven inadequate in addressing the full scope and consequences of this phenomenon. Fragmented laws, inconsistent enforcement, limited technological capacity, and weak inter-agency coordination have hindered the development of an effective and sustainable response.

A comprehensive legal analysis reveals significant gaps in the current framework governing entry and residence, with foreign nationals often subjected to ambiguous regulations, arbitrary enforcement, and limited access to due process. The socioeconomic impacts of illegal migration, including labor market distortions, strain on public services, and housing pressures, further highlight the urgency for reform. Additionally, national security concerns such as trafficking, smuggling, and the potential exploitation of porous borders underscore the need for a more robust and integrated monitoring strategy.

Drawing on global best practices, it is evident that Iran must pursue a rights-based and multidimensional approach that balances enforcement with legal clarity, technological innovation, and respect for human dignity. The proposed optimal monitoring strategy emphasizes legal reform, administrative restructuring, the strategic use of digital tools such as AI and biometric systems, and enhanced public engagement. Such a strategy would not only improve border management and enforcement outcomes but also align Iran's migration governance with international norms and ethical standards.

Ultimately, addressing illegal entry requires more than reactive security measures; it demands proactive policy development, regional cooperation, and a commitment to upholding justice for all individuals within Iran's jurisdiction. By implementing the recommendations outlined in this review, Iran can move toward a more coherent, effective, and humane migration management system that serves both national interests and global responsibilities.

Ethical Considerations

All procedures performed in this study were under the ethical standards.

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Conflict of Interest

The authors report no conflict of interest.

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