

BEYOND BORDERS AND BARRIERS: INTERSECTIONALITY OF RIGHTS IN MIGRANT PROTESTS

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Abstract: The past few years has seen an increase in migration from the countries in the Global South to countries in the Global North. Migrants are constantly faced with systemic challenges and layered vulnerabilities such as unjust detention, deportation, labor exploitation, and lack of access to healthcare and education based on their legal status, race or socio-economic class. These barriers limit their access to basic fundamental benefits and further compound their marginalization issues. Through protests and advocacy, migrants raise awareness about their struggles, demand for justice, and for policy changes that address their needs. This research delves into the ways in which the instrument of protest empowers migrant communities to challenge injustices, confront discrimination, and assert their rights in host countries. It explores the intersection of the use of protest as a powerful tool for advocacy and social change and the right to protest as rights of migrants. Employing a multidisciplinary approach that combines theoretical analysis (using the push and pull theory of migration), case studies, comparative analysis and empirical research, this study examines how migrant advocacy movements, solidarity movements, civil society organizations, and allies' synergy to support migrant protesters and amplify their demands for social justice and the transformative potential of protest as a tool for migrant advocacy. The findings of this study aim to inform policy discussions, advocacy strategies, and grassroots movements aimed at promoting the rights and dignity of migrants and fostering a more inclusive and equitable society for all.

Keywords: Advocacy, Intersectionality, Inclusive society, Migrants, Protest, Rights.

SUMMARY: 1. INTRODUCTION. 1.1. Methods. 1.2. Results. 2. MIGRATION AND MIGRANT PROTESTS. 3. INTERSECTIONALITY OF RIGHTS IN MIGRANT PROTESTS. 4. LEGAL BARRIERS AND CHALLENGES FACED BY MIGRANT PROTESTERS. 4.1. Status-Linked Penalties and Legal Precarity. 4.2. Permit Regimes, Bureaucratic Discretion, and Vague Legal Standards. 4.3. Criminalization and Surveillance of Migrant Protest. 4.4. Barriers to Legal Remedy and Access to Justice. 5. LEGAL FRAMEWORKS ON THE INTERSECTIONALITY OF RIGHTS IN MIGRANTS PROTEST. 6. CASE STUDIES ON THE INTERSECTIONALITY OF MIGRANT PROTEST MOVEMENTS: USA, UK AND CANADA. 7. ANALYSIS OF THE DATA COLLECTED. *Research Questions. Hypotheses. Quantitative Analysis. Analysis of Research Questions.* 8. RESEARCH FINDINGS. 9. RECOMMENDATIONS. 10. CONCLUSION. REFERENCES.

1. INTRODUCTION

Human rights which are rights that are inherent to every person and transcend boundaries and distinctions of race, gender, ethnicity, religion, or any other defining characteristic, are fundamental to the fabric of our global society. However, the actual world frequently deviates significantly from this idea as human rights are constantly violated (Khan et al., 2021, p. 498). These violations are often common during and after protest especially protests conducted or mobilized by migrants or organizations affiliated and

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connected to migrants. To Asif Khan, ‘these violations are far from a singular experience and frequently emerges as a complex interweaving of various marginalized facets of identity, culminating in a heightened form of oppression’ (Khan et al., 2021, p. 498). This complex network of linked social identities is illuminated by Kimberlé Crenshaw’s crucial idea of intersectionality, which shows how these overlapping social identities combine to produce complex and unique kinds of oppression and violations (Crenshaw, 1991, p. 1241).

In recent times, immigration issue has become a polarized one in the Global North due to the high rate of migration from the Global South. This has led to constantly changing immigration policies that are considered severe for migrants. Lived reality and experiences of migrants have taken a sharp turn as immigration policies and systemic struggles have placed them at the intersections of multiple forms of marginalization because of their status. In response to these marginalizations, migrants have taken up the tool of protests to demand justice and seek for inclusivity in their host countries (Steinhilper, 2021, p.11).

Migrants’ reactions to issues bothering them bring about a consciousness that with their collective actions, their demands are recognized, injustice can be challenged and human rights asserted. For migrants who are often structurally excluded from political, legal, and economic power, protest becomes a vital form of public expression and collective resistance (Weber and Pickering, 2011, pp. 132–137). Yet, protest by migrants is uniquely precarious. Migrant protesters must navigate not only laws governing freedom of assembly but also complex and often hostile immigration regimes, racialized policing, labour insecurity, and legal invisibility.

Migrant protest movements around the world exemplify how intersectional identities like race, gender, class, and immigration status, impact the visibility, organization, reception, and repression of activism (Bilge, 2013, pp. 405). This intersectionality presents a dynamic challenge because it necessitates attending to the various and interrelated concerns of various migrants and migrants’ groups. Exclusion, marginalization, and the maintenance of structural injustices within migrant protest can result from a failure to acknowledge and comprehend the ways in which interlocking forms of oppression affect immigrant communities. Furthermore, if an intersectional approach is not taken when addressing migrant rights issues, there may be less success in promoting inclusive, all-encompassing solutions that deal with the underlying reasons of the injustice and discrimination that migrants experience. Therefore, it is imperative to address the intersectionality of rights in migrant protests in order to guarantee that migrants can fully advocate for their rights and bring about significant social change within protest movements, irrespective of their intersecting challenges.

This article aims to make a significant contribution in two key areas: firstly, by examining how the intersectionality of rights influences migrant protests led by African migrants in the USA, Canada, and the UK, and secondly, by assessing how these protests serve as instruments of social change for migrant communities. The study utilizes mixed methodology which are desktop and empirical methodologies. Also, qualitative analyses and descriptive statistics have provided insights into the broader patterns and relationships among intersecting identities and migrant activism.

While immigrants are legally entitled to equality before the law, African migrants in the USA, Canada, and the UK continue to face entrenched barriers such as economic

exploitation, xenophobia, and precarious legal status that significantly hinder their ability to thrive. Although existing migration research often examines racial or gender discrimination separately, recent scholarship emphasizes the need for an intersectional lens to fully understand how these identities intersect to create unique, overlapping challenges. Against this backdrop, this paper aims to offer an intersectional analysis of how protest can serve as a meaningful tool for African migrants to resist systemic constraints and foster empowerment within restrictive legal and structural frameworks.

1.1. Methods

The study utilized a mixed methodology comprising of doctrinal legal analysis and empirical qualitative research. The research analyses both primary and secondary sources of law including statutes, case laws, peer reviewed articles, newspapers and internet materials.

The empirical qualitative research comprised mainly of questionnaires administered on African migrants in three selected jurisdictions (Canada, UK and USA). Content analysis was carried out on both the primary and secondary data, and themes were derived in line with the study objectives. The themes include intersectionality of rights in migrant protest, systemic challenges experienced by migrants and how protests empower migrant communities

1.2. Results

The analysis of data from the empirical qualitative research carried out by the authors are as presented in part 7 of this paper while the research findings are as articulated in section 8.

2. MIGRATION AND MIGRANT PROTESTS

The movement of people across borders whether driven by choice or necessity has become significant in enhancing globalization. International migration which is the scope of this paper involves movement across national borders, transversing political and cultural boundaries. International migration can feature movement from developing Global South to developed Global North countries or vice versa.

The 2024 World Migration Report recently released by the International Organization for Migration (IOM) indicates that there are over 281 million international migrants globally. This figure represents 3.6% of the world population (World Migration Report IOM, 2024). Analysis of this report underscores the fact that more people have moved out of their countries of residence. This surge in international migration comes with critical challenges that might affect integration of the migrant where not well managed. When people move to a destination outside the borders of their country of residence, such migration can be voluntary or forced. Where it is voluntary, the migrant moves of his freewill to the new location but in the case of forced migrants like asylum seekers or refugees, the migrant's relocation can be caused by conflict, persecution, climate change or disasters. Through social interactions, migrants (whether forced or voluntary) contribute to the cultural diversity of their host country. These interactions could be a catalyst for development or conflict (Oucho, and Williams, 2019, p. 3). Where these interactions are repelled, social cohesion and integration may be slow, this creates conflicts and reinforces some of the barriers migrants face in their host countries.

The reasons for migration or where to migrate to is not one to be casually handled. Due to the complexity of migration, the form, patterns and consequences of people's movement across borders can be explained from different perspectives. One of them is the push and pull theory (ABUAD, 2022). This theory underscores the fact that the decision to migrate from one place to another is as a result of the interaction of multiple factors. The push and pull theory of migration reveals that while some 'push' factors drive people out of their area of origin or location, other 'pull' factors attract them elsewhere to the area of destination. The push factors comprises of circumstances that forces people to leave their places of ordinary abode. The push factors are mostly negative in character like poverty, unemployment, lack of economic opportunities, political instability, insurgency etc. The pull factor on the other hand are good opportunities or attributes available in the destination country that attracted migrants to move there. These factors include job opportunities, better standard of living, safety and stability, social networks amongst several others.

The simplicity, interdisciplinary adaptability and applicability of the theory across different forms of migration are its significant strengths (Findlay, 2011, S50). It is important to state that the push factors usually stimulate the pull factors creating a reinforcing relationship (Abiodun, 2022, p. 32).

International migrants who move into the destination country are bound to face intervening challenges which can open them up to layered vulnerabilities like deportation, economic exploitation, non access to basic education and healthcare among others. These challenges most times negatively impact their rights and where they are not properly managed, they can lead to demonstrations and protests. Migrants adopt several techniques in expressing their dissatisfaction and voicing their claims for the recognition and enforcement of their rights. These include sit-ins, hunger strikes, lip sewing, occupations, squats, and street camps as well as long-distance marches (Steinhilper, 2021, p. 13). Online activism and legal actions are also adopted (Chekirova, 2022, p. 370). These protests are usually used by migrants to object to the ways the laws, policies and practices in their host country have hindered their full integration. Protests can also be used to lay out alternative narratives or options to deeply rooted state interests which do not advance the interest or wellbeing of the migrants. Often times, such demonstrations may be successful and for occasions where they go out of hand, migrants may face significant administrative sanctions like, segregation, indefinite detention, deportation and civil or criminal litigation.

In the case of *Thacker and Ors v. R (Stansted 15)* (2021) ECWA Crim 97), a group of fifteen activist stopped a charter flight at the London Stansted airport intended to deport sixty migrants (including Nigerians, Ghanians and Sierra Leoneans) back to their home countries. They were initially convicted under anti-terrorism law in December 2018 but the Court of Appeal quashed the conviction on January 29, 2021 (Buus, 2021). The reasoning of the court was that eventhough the activists actions were disruptive, they failed to meet the threshold of endangering airport safety. The court therefore found that their prosecution under the Aviation and Maritime Security Act, 1990 was inappropriate. While taking a stance against 'draconian' immigration system, the fifteen activists were reported to have said: 'we will not stop fighting until the hostile environment is ended, until the brutal practices of raids, detention and deportations are halted and until justice is done for all.

3. INTERSECTIONALITY OF RIGHTS IN MIGRANT PROTESTS

Legal frameworks often treat rights as discrete domains: expression, assembly, and equality are handled separately in statutes and litigation. In the lived experience of migrants, these rights converge and are violated simultaneously. The concept of intersectionality introduced by Crenshaw, addresses precisely how the interlocking nature of identity such as being female, black, poor, and undocumented shapes the nature and intensity of state repression (Crenshaw, 1991, p. 1241). In the case of migrant domestic workers in Lebanon who have repeatedly protested the exploitative *kafala* system. These women are not only migrants but also racialized, gendered, and located in informal employment. Their protests are less likely to be protected and more likely to be criminalized due to this compounded status. Legal systems that fail to acknowledge these overlapping axes of discrimination risk enforcing formal equality while perpetuating substantive inequality (ILO, 2018).

Right to peaceful protest is a human right and most international instruments guarantee the right to peaceful assembly which has been interpreted to include the right to peaceful protest and demonstration (Olutola and Osakinle, 2023 p. 147). The ability to protest safely is an issue that intersects with several other rights. In the same wise, states have the duty to respect, facilitate and protect this right within the boundaries of the law (Amnesty International, 2025). In the case of *National Council for Civil Liberties, R (on the application of) v. The Secretary of State for the Home Department* ((2025) ECWA Civ 571), the Court of Appeal in UK held that the Home Secretary acted unlawfully by introducing Regulations that lowered the threshold for usage of police powers in imposing conditions on public processions and protests. The court ordered that the new Regulations which made changes to sections 12 & 14 of the Public Order Act 1986, and gave police broad powers to restrict protests should be quashed. The judgment of the court has reinforced the protection for peaceful protesters.

It is important to note that protest may encompass specific rights associated with protesters or peculiar to the interests involved in their demonstrations. For example, issues of gender equality or sexual exploitation may be peculiar to group of women protesters while labour exploitation, discrimination or sexual identity may be for others. The intersectionality of some of these rights stated above and exercised through public demonstrations grounds hitch free protest actions. The right to protest is interconnected and strongly related to human rights activities (Protest and Human Rights, 2019, p. 5).

Migrant protests are gradually defining human rights discourse and global migration governance. By protesting, they express their views or perspectives regarding government policies which impact their lived reality as migrants. Such protest challenges the preconceived notion that rights are only guaranteed through citizenship (Dez, 2022, p. 5).

Intersectionality is disruptive of known structures, creating opportunities to address inequalities and marginalization (Dhamoon, 2011, p. 240; Al-Faham, Davis, and Ernst, 2019. p. 254). Intersectionality of rights for migrants recognizes the fact that migrants experience various forms of marginalization and oppression. It is important to state that while in their host country, most migrants face intersectional exclusions that are legally

structured and socially enforced. These exclusions range from racism to social invisibility and exploitative labour conditions. For example, an undocumented female African migrant worker may face discrimination based on her immigration status, gender, race and financial precarity. In this scenario several rights intersect and as such, the migrant is not adopting the tool of protest to demand for specific rights (to legalize her stay) alone but she is using the opportunity to address several other systemic injustices hovering on her because of her status as a migrant. By engaging in migrant protest, such migrant is clamouring for a holistic recognition of her human rights and a systemic change.

The Sans-Papiers movement in France saw undocumented migrants occupying churches, and public spaces to demand regularization of their stay and protection against deportation (Behrman, 2017, p. 28). The protesters even though are undocumented migrants were united in purpose with several other demands like labour rights, social rights, housing intersecting with their demands for legal status. By their actions, solidarity networks consisting of other people or group with shared interests (like non migrant activists, trade unionists, community allies, transnational networks, NGOs) are brought together forming interconnected alliance(s) that dims the boundaries between legal or illegal resident, citizen and non-citizen. It can therefore be said that the intersectionality of these interests helps to build capacity beyond legal stratification and barriers.

There are several dimensions to migrant protest, their intersection with other factors underscores the dynamics within migrant protests. The legal status of migrants as one of these dimensions serve as a gatekeeper to the rights available to and enjoyed by migrants. Asylum seekers, refugees, undocumented migrants and legal residents are accorded differing levels of protection (Ozuru, and Nwajah, 2019, p. 91). While legal residents and citizens have arrays of rights at their disposal, this cannot be said for refugees, asylum seekers and undocumented migrants. This stratification within migrant communities complicates collective mobilization before or during protests. The sexual identity or gender of the protesters is also another perspective that determines motivation for protest or the dynamics within such migrant protests. It is important to state that some sex/gender are prone to specific vulnerabilities. These vulnerabilities intersect with other identities and dimensions of the protest. For example, a migrant who identified as non-binary may be discriminated for such sexual identity within or outside the protest movement. A female migrant is vulnerable to forced migration or human trafficking, rape, sexual violence, or domestic labour exploitation. The intersection with other forms of identity like class, disability, or race will determine how the protest is grounded.

The intersection of sexual orientation with culture belief and legal status for two asylum seekers was determined in the case of *HJ v. Secretary of State for Home Department; and HT v. Secretary of State for Home Department* (2010) UKSC 31. In the case, two gay men (from Iran and Cameroon respectively) sought asylum in the UK on the basis that they would be persecuted if returned home. The trial court while refusing their application opined that if they are discreet, it would be relatively safe to practice their sexual orientation without coming to the attention of the authorities in their home country. On further appeal, the Supreme Court allowed the appeal and remitted the matter to the Immigration Tribunal for further consideration. The intersectionality in this case cuts across sexual orientation, race,

gender norms and migrant status. The fact that the applicants were sexual minorities and asylum seekers opened them up to systemic discrimination. While the legal systems of their home countries criminalize homosexuality, the reasoning of the trial court that they should be ‘discreet’ further underscores a denial of their identity right and further vulnerabilities.

The lack of integrated legal protection for protest rights reflects a broader problem of doctrinal fragmentation (Fredman, 2008, pp. 150–160). Courts and lawmakers often treat violations of expression, assembly, and equality as isolated infractions, without recognizing their mutual reinforcement (Costello, 2017, pp. 430–435). This siloed approach weakens the legal shield available to migrants, who experience oppression not as individual rights violations but as systemic exclusion (Fredman, 2008, p. 157). For example, a deportation order following a protest may be viewed strictly as an immigration issue, without regard to the individual’s expression and assembly rights. Similarly, permit denials may be evaluated without consideration of discriminatory motives. This calls for a more holistic legal doctrine, where intersecting rights are addressed collectively rather than piecemeal. Scholars like Sandra Fredman (2008, pp. 150–160) and Cathryn Costello (2017, pp. 430–435) have argued for a shift toward substantive equality in rights enforcement, an approach that examines outcomes, not just formal entitlements. Applying this principle to protest law would require courts and lawmakers to consider how migrants’ social position affects their ability to exercise legal rights.

4. LEGAL BARRIERS AND CHALLENGES FACED BY MIGRANT PROTESTERS

Although the international legal regime guarantees protest rights to all individuals regardless of nationality or legal status, migrants face a layered and often hostile legal environment that undermines their ability to exercise those rights. These barriers are both formal (laws, statutes, immigration regulations) and informal (policing practices, administrative discretion, cultural narratives), and they intersect with broader dynamics of racialization, class inequality, and social exclusion (Yuval-Davis, 2011, pp. 75–90).

4.1. Status-Linked Penalties and Legal Precarity

Migrants, especially those with irregular or undocumented status face the constant threat that participation in protest may result in detention, deportation, or denial of immigration benefits. This legal precarity creates a profound chilling effect on protest participation. In France, undocumented migrants involved in protests have been detained under provisions of the *Code de l’entrée et du séjour des étrangers* (CESEDA), despite exercising peaceful assembly rights under Article 11 of the ECHR (Amnesty International, 2020). Law enforcement authorities often use protests as an opportunity to check immigration status, blurring the lines between public order policing and immigration control. Deportation in this context serves not just as a punitive measure but as a tool of political suppression (ILO, 2020).

This convergence of immigration enforcement with protest policing not only violates international laws but also entrenches a two-tier system of protest rights: one for citizens, and another, far more precarious for migrants (ICCPR General Comment No. 37; UNHRC, General Comment No. 37 on Art. 21).

4.2. Permit Regimes, Bureaucratic Discretion, and Vague Legal Standards

Legal frameworks in many jurisdictions require protesters to obtain permits or provide prior notice to police authorities before assembling in public spaces (Olutola and Osakinle, 2023. p. 161). These permit regimes while facially neutral are often weaponized to exclude marginalized migrant protesters (Olawuyi, 2019, pp. 15-20). International regimes favour notification of authorities rather than permission (Olutola and Osakinle, 2023. p. 161).

The problem with permit regimes is not only their discriminatory application but also the legal ambiguity they produce. When the right to protest is contingent on administrative goodwill, it ceases to function as a right and becomes a regulated privilege, easily denied to those without legal or political power (OSCE, 2010; Clapham, 2006, p. 447).

4.3. Criminalization and Surveillance of Migrant Protest

Migrant protests are often criminalized under public order laws, with protesters charged for offences such as unlawful assembly, incitement, obstruction of traffic, or public nuisance. These charges are usually deployed selectively, often after protests have concluded, in order to send a deterrent message (Baylor, 2023, p. 716). In Malaysia and Singapore, surveillance of migrant organizing has intensified with digital tracking, infiltration of WhatsApp groups, and collaboration between employers and law enforcement. Migrant protesters are regularly filmed, photographed, or surveyed during protests, data that is then used to deny visa renewals or facilitate deportation (Amnesty International, 2025).

4.4. Barriers to Legal Remedy and Access to Justice

Even when clear violations of protest rights are documented, migrants rarely succeed in obtaining legal redress. A complex web of structural and procedural barriers limits their ability to access justice, rendering many rights effectively unenforceable. One of the foremost obstacles is the issue of legal standing and documentation. In numerous jurisdictions, courts require formal identification to initiate legal proceedings. This requirement disproportionately affects undocumented migrants, who are excluded from pursuing remedies due to their inability to prove legal presence or status, regardless of the merits of their claims (IOM, 2021. pp. 4-7). Compounding this exclusion is the limited availability of legal aid for non-citizens. In many countries, publicly funded legal aid schemes prioritize citizens.

The legal and institutional barriers faced by migrant protesters form a system of structural exclusion that renders the right to protest a theoretical entitlement rather than a practical guarantee. Through a combination of immigration enforcement, bureaucratic discretion, criminalization, and judicial indifference, states create a climate in which migrants especially those with overlapping vulnerabilities cannot safely assert their rights (Arnold-Fernández, 2024, pp. 10-15).

5. LEGAL FRAMEWORKS ON THE INTERSECTIONALITY OF RIGHTS IN MIGRANTS PROTEST

The intersectionality of rights in migrants protest which includes right to freedom of expression (Article 19 Universal Declaration of Human Right (UDHR), Article 9 African

Charter on Human and Peoples' Rights (ACHPR), Article 19 International Covenant on Civil and Political Rights (ICCPR)), peaceful assembly and association (Article 20 UDHR, Article 21& 22 ICCPR, Article 10 and 11 ACHPR), right to liberty of movement and freedom to choose residence (Art 12 ICCPR), right to equality before the law and equal protection (Art 26 ICCPR), non-discrimination (Article 2 and 7 UDHR, Article 26 ICCPR, article 2 ICESCR) and several other fundamental human rights are recognized and protected both in national and international human rights instruments. The African Charter on Human and People's Rights (ACHPR) of 1986, Universal Declaration of Human Rights (UDHR) of 1948, International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Convention on the Elimination of Racial Discrimination (ICERD), International Convention on the Protection of the Rights of all Migrants and Members of their Families (ICRMW), International Convention on the Inspection of Emigrants (ICIE), the 1951 Convention Relating to the Status of Refugees, are some of the key regional and international instruments that set the required framework in place for the entrenchment and enjoyment of these rights. The ICIE and ICRMW in particular safeguards the interests of migrants in their country of destination and their human right provisions affects every human being irrespective of nationality or colour.

6. CASE STUDIES ON THE INTERSECTIONALITY OF MIGRANT PROTEST MOVEMENTS: USA, UK AND CANADA

The United States of America continues to exhibit a complex and often contradictory relationship between migrant rights and protest activity. Since 2023, there has been an observable intensification in state responses to migrant-led and migrant-supportive protests, particularly those involving non-citizen students and community organizers. An example is the case of *Mahmoud Khalil*, a lawful permanent resident and Palestinian graduate student, who was detained by U.S. Immigration and Customs Enforcement (ICE) in March 2025 (Reuters, 2025). Khalil's green card was revoked on the basis of national security concerns, allegedly arising from his participation in demonstrations opposing U.S. foreign policy in the Middle East (VOA News, 2025). Although a federal judge later questioned the constitutionality of the statute used to justify Khalil's detention especially its compatibility with First Amendment protection (ABC News, 2025).

This case highlights the precarious position of migrants whose political expression intersects with their immigration status. There are concerns that the invocation of immigration statutes to penalize protected speech disproportionately affects racialized non-citizens whose identities render them more visible and more vulnerable to state surveillance and reprisal (Times of Israel, 2025). Furthermore, the expanding use of military force against civilian protesters evidenced most notably in the 2025 ICE-led enforcement actions in Los Angeles raises significant questions under both domestic constitutional norms and international human rights law (CNN, 2025).

The United Kingdom presents a contrasting model, wherein migrant protest frequently emerges in solidarity actions rather than through large-scale migrant-led demonstrations (Status Now 4 All, 2023). A significant example is the 2023 acquittal of three protesters who physically blocked a deportation charter flight at Brook House Immigration Removal Centre (Revsoc21, 2023). Their actions were part of a broader movement against the UK's

deportation regime, especially as it pertains to Commonwealth nationals (The Canary, 2023). The jury's decision to acquit reflected a growing legal and moral recognition that certain acts of civil disobedience, motivated by human rights considerations, do not merit criminal sanction (One Pump Court, 2023). This case forms part of a lineage that includes the well-known 'Stansted 15' litigation, in which convictions for endangering an airport were eventually quashed by the Court of Appeal. Such rulings demonstrate an emerging judicial willingness to consider the motivations and proportionality of protest actions in the migration context, particularly where the consequences of deportation may involve significant human rights violations (Oucho, and Williams, 2019, p. 2). These developments suggest that intersectional injustice in the UK is contested both through formal legal mechanisms and via ethically framed protest actions, challenging the state's authority to exclude and silence under the guise of public order or administrative necessity (Findlay, 2011, p. 3).

In Canada, migrant protest has increasingly focused on the structural limitations of the temporary foreign worker programme as well as on calls for regularization and legal status (Migrant Rights Network, 2024). The 2023 'Status for All' demonstrations organized across cities like Toronto, Vancouver, and Montreal brought visibility to the experiences of caregivers, agricultural workers, and undocumented migrants (Media Co-op, 2023). These protests were not only demands for immigration reform, but also assertions of dignity, inclusion, and economic justice, particularly from women of colour working in informal or unprotected sectors (The Link Newspaper, 2017).

Legal developments have both reflected and responded to these claims. In *Logan v. Ontario* (2022 HRTO 1004), the Ontario Human Rights Tribunal ruled that the Ontario Provincial Police's mass DNA collection from seasonal agricultural workers constituted racial discrimination. The tribunal's reasoning explicitly acknowledged the intersection of immigration status, racial profiling, and labour exploitation, marking a significant step in the evolution of Canadian anti-discrimination jurisprudence. This case demonstrates how intersectionality, long theorized in academic discourse is increasingly being operationalized in legal settings (Migrant Rights Network, 2023).

A comparative analysis of Canada, the UK, and the USA reveals differentiated but converging trajectories in the treatment of migrant protest and the legal recognition of intersectional harms. In the USA, the convergence of immigration enforcement and protest suppression poses significant constitutional and human rights concerns, particularly for racialized non-citizens engaging in political expression. In the UK, judicial vindication of ethically motivated protest and recognition of bureaucratic exclusion suggest a growing, though contested, receptivity to intersectional human rights claims. Canada has begun to incorporate intersectionality directly into its legal reasoning, offering a model wherein migrant-led protest and legal adjudication are mutually reinforcing.

7. ANALYSIS OF THE DATA COLLECTED

Scope of the Study: This study focused on the influence of intersectionality of rights and migrants protests by immigrants of African origin. This was examined along the lines of migrant's identity (like race, gender, class, and legal status) and how it interacts to shape their experiences, access to rights and opportunities. Migrant protest

was discussed with regards to types of protests, motivations for protesting, challenges and risks, intersectional perspectives, impact and outcomes. In terms of geographical spread, the study focused on African migrants in the USA, UK and Canada. The population of this study, cannot be determined at the time of the study.

Research Objectives: The main objective of this study is to investigate the influence of intersectionality of rights in the migrant protests by African migrants in USA, Canada and UK. The specific objectives are to:

1. Examine the intersectionality of rights to protest as a tool of social change.
2. Determine migrant's right to protest.
3. Identify the systemic challenges experienced by migrants.
4. Ascertain how protests empower migrant communities.

Research Questions:

1. What is the intersectionality of right to protest as a tool of social change?
2. What are migrant's rights to protest?
3. What are the systemic challenges experienced by migrants?
4. How does the use of protest empower migrant community?

Hypotheses:

The research hypotheses formulated was tested at 0.05 level of significance.

H_{01} : There is no significant influence between intersectionality of rights and migrants protests by Africans in Diaspora.

H_{02} : There is no significant combined influence of intersectionality of rights and migrants protest on improved migrant life.

Quantitative Analysis:

Demographic Data

Table 1 reveals the demographic diversity of African migrants across the USA, Canada, and the UK, which provides vital insights into the intersectionality of rights within migrant protests. The data show a majority of respondents (46.8%) are between 31 and 40 years old, indicating that middle adulthood, often a period of heightened socio-political consciousness, is significantly represented. Gender-wise, women constitute a larger proportion (62.4%) than men (35.8%), suggesting that female perspectives are crucial in understanding rights violations and protest dynamics. Notably, the vast majority (90.8%) of respondents originated from Nigeria, highlighting a regional concentration that may affect the nature of solidarity and shared experiences in protests. Although most now reside in the United Kingdom (47.7%) and Canada (33.0%), their legal statuses vary, with 56% as legal residents and 20.2% as citizens. This diversity shapes their vulnerability and access to rights, directly impacting their participation in protest movements. These demographic distinctions are pivotal in analyzing how intersectional identities influence protest behaviors and social change.

Table 1. Demographic characteristics of respondents

Age	N	%
21-30	33	30.3%
31-40	51	46.8%
41-50	20	18.3%
51-60	4	3.7%
60 and above	1	0.9%
Gender	N	%
Male	39	35.8%
Female	68	62.4%
Non-Binary	2	1.8%
Nationality/Country of Origin	N	%
United States of America	2	1.8%
United Kingdom	1	0.9%
Canada	2	1.8%
Nigeria	99	90.8%
Morocco	1	0.9%
Congo	1	0.9%
Ghana	1	0.9%
South Africa	1	0.9%
Missing	1	0.9%
Current Country of Residence	N	%
United States of America	21	19.3%
United Kingdom	52	47.7%
Canada	36	33.0%
Legal Status	N	%
Citizen	22	20.2%
Legal residents	61	56.0%
Temporary worker	13	11.9%
Asylum seeker	2	1.8%
Undocumented	1	0.9%
Refugee	1	0.9%
Others	9	8.3%
Occupation	N	%
Professional	49	45.0%
Skilled	33	30.3%
Student	20	18.3%
Others	7	6.4%
<i>Note: N = 109; except for Nationality/country of origin (N = 108)</i>		

Source: Authors' Field Survey, 2025.

Analysis of Research Questions

Research Question 1: What is the intersectionality of right to protest as a tool of social change?

Table 2 explores motivations and experiences that shape migrants’ decisions to engage in protests. Educational aspirations (31.2%) and the pursuit of better welfare (32.1%) are dominant migration drivers. Economic hardship (18.3%) and armed conflict (2.8%) also represent push factors. Victimization affects 34.9% of respondents, with the experience measured at a moderate level (M = 1.71, SD = 0.57). This suggests a prevalent but variable exposure to harm post-migration. The types of victimization include xenophobia/racism (13.8%), marginalization (11.9%), and gender-based violence (5.5%). These findings emphasize how multiple identities such as race, gender, and status all compound vulnerability.

Table 2. The intersectionality of right to protest as a tool of social change

What was your reason for migrating?	N	%	Mean	St. D
Education	34	31.2%	3.48	1.923
Political Instability	1	0.9%		
Economic hardship	20	18.3%		
Armed conflict	3	2.8%		
Better welfare	35	32.1%		
Others	16	14.7%		
Have you ever been victimized as a Migrant	N	%	Mean	St. D
Yes	38	34.9%	1.71	0.566
No	65	59.6%		
Prefer not to say	6	5.5%		
What is the nature of the victimization	N	%	Mean	St. D
Economic Exploitation	2	1.8%	7.00	2.795
Xenophobia/Racism	15	13.8%		
Gender Based Violence	6	5.5%		
Family Separation	4	3.7%		
Border Brutality	1	0.9%		
Detention/Deportation	2	1.8%		
Marginalization	13	11.9%		
Others	3	2.8%		
Not Applicable	62	56.9%		
Missing	1	0.9%		
<i>Note: N = 109; except for Nature of the victimization (N = 108)</i>				
St. D =Standard Deviation				

Source: Authors’ Field Survey, 2025.

The mean score for economic exploitation ($M = 7.00$, $SD = 2.80$) indicates a high severity of perceived injustice among affected individuals. This supports the first research objective by showing how socio-economic and legal pressures fuel protest motivations. Intersectionality becomes evident where migration reasons (e.g., welfare, education) intersect with systemic exclusions, reinforcing that migrant grievances are not uniform but multi-dimensional. The study thus validates that the right to protest emerges not only from legal violations but also from structurally embedded inequalities.

Research Question 2: What are migrant’s rights to protest?

Table 3 highlights the degree of political engagement among African migrants. Only 22.9% reported protesting their victimization, with a mean of $M = 2.09$ ($SD = 0.74$), reflecting limited but varied engagement. Active involvement in migrant protests is low (17.4%), and this trend is underscored by a moderate mean ($M = 1.85$, $SD = 0.43$), suggesting a general reluctance or impediment to collective action. Motivations for protest include anti-racism (9.2%) and labour rights (4.6%), with anti-deportation and access to services also mentioned. The high non-applicability (67.0%) implies a widespread disconnect or disempowerment among migrants.

Table 3. Migrant’s right to protest

Did you have reasons to complain or protest about that victimization?	N	%	Mean	St. D
Yes	25	22.9%	2.09	0.743
No	48	44.0%		
Not Applicable	35	32.1%		
Missing	1	0.9%		
Are you currently (or have you ever) been involved in a migrant protest?	N	%	Mean	St. D
Yes	19	17.4%	1.85	0.427
No	87	79.8%		
Prefer not to say	3	2.8%		
What motivated your involvement in migrant protests?	N	%	Mean	St. D
Labour rights	5	4.6%	6.62	2.43
Anti-racism	10	9.2%		
Anti-deportation	5	4.6%		
Access to healthcare/education	2	1.8%		
Police or state violence	2	1.8%		
Gender-based issues	2	1.8%		
Others	3	2.8%		
Not Applicable	73	67.0%		
Missing	7	6.4%		
What forms of protest have you participated in?	N	%	Mean	St. D
Demonstrations	8	7.3%	5.65	2.00
Online activism	17	15.6%		

What forms of protest have you participated in?	N	%	Mean	St. D
Sit-ins/occupations	2	1.8%		
Legal action	9	8.3%		
Others	4	3.7%		
Not Applicable	67	61.5%		
Missing	2	1.8%		
How frequently do you participate in protests or related activism?	N	%	Mean	St. D
Regularly	5	4.6%	3.27	0.93
Occasionally	20	18.3%		
Rarely	23	21.1%		
Never	59	54.1%		
Missing	2	1.8%		
<i>Note: N = 108 for the 1st, N = 109 for the 2nd, N = 102 for the 3rd, N = 107 for the 4th</i>				

Source: Authors' Field Survey, 2025.

Forms of protest largely consist of online activism (15.6%) and demonstrations (7.3%). The average engagement level for these forms ($M = 5.65$, $SD = 2.00$) indicates sporadic yet meaningful activism. Frequency analysis reveals that most migrants never (54.1%) or rarely (21.1%) engage in protest actions ($M = 3.27$, $SD = 0.93$). These figures highlight barriers such as fear, legal status, and access, which likely hinder participation. This aligns with the second objective of the study, suggesting that despite justifiable reasons, structural barriers and identity-based marginalization limit the exercise of protest rights among migrants.

Research Question 3: What are the systemic challenges experienced by migrants?

Table 4 evaluates the internal and systemic obstacles within migrant protest movements. A majority of respondents (36.7%) believe that not all identities are equally represented, and 43.1% are uncertain, indicating a lack of inclusivity ($M = 2.25$, $SD = 0.75$). Female identity (21.1%), Africans (11.0%), and physically challenged persons (8.3%) are frequently cited as excluded. The "Others" category (24.8%) suggests broader, unclassified exclusions. Discrimination within movements is acknowledged by 39.4% ($M = 1.70$, $SD = 0.63$), predominantly due to racism (22.9%) and sexism (6.4%).

The study also finds that fundamental rights such as freedom of expression (20.2%), legal representation (12.8%), and protection from discrimination (20.2%), are often violated during protests ($M = 4.00$, $SD = 2.08$). Only 9.2% have faced legal repercussions, primarily deportation risk (7.3%) and imprisonment (4.6%). Participation is hindered by fear of authorities (22.0%) and lack of networks (6.4%), with language barriers (5.5%) moderately impactful ($M = 3.96$, $SD = 1.52$). These findings fulfil the third objective by identifying systemic exclusions and intra-movement discrimination. Intersectionality is not only experienced through state apparatus but also within activist spaces, reinforcing the study's premise that migrant protest dynamics are shaped by layered, intersecting social identities.

Table 4. Challenges experienced by migrants

Do you feel that all identities are equally represented in migrant protests?	N	%	Mean	St. D
Yes	20	18.3%	2.25	0.75
No	40	36.7%		
Unsure	47	43.1%		
Missing	2	1.8%		
If Not, which identities or issues are often excluded or overlooked?	N	%	Mean	St. D
Female	23	21.1%	5.55	3.68
Male	7	6.4%		
Employed	4	3.7%		
Africans	12	11.0%		
Non-Africans	1	0.9%		
Physical challenged	9	8.3%		
Senior Citizens	5	4.6%		
Others	27	24.8%		
Missing	21	19.3%		
Have you heard of, witnessed or experienced discrimination within migrant protest movements themselves?	N	%	Mean	St. D
Yes	43	39.4%	1.70	0.63
No	56	51.4%		
Prefer not to say	10	9.2%		
If Yes, choose from the options below. If No, choose Non applicable.	N	%	Mean	St. D
Sexism	7	6.4%	4.56	1.95
Racism	25	22.9%		
Xenophobia	5	4.6%		
Transphobia	2	1.8%		
Others	2	1.8%		
Not Applicable	67	61.5%		
Missing	1	0.9%		
What rights do you believe are most often violated in the context of migrant protests?	N	%	Mean	St. D
Freedom of movement	14	12.8%	4.00	2.08
Freedom of expression	22	20.2%		
Right to legal representation	14	12.8%		
Right to safety	13	11.9%		
Right to healthcare	8	7.3%		
Protection from discrimination	22	20.2%		
Others	16	14.7%		

Have you ever faced legal repercussions for participating in a protest?	N	%	Mean	St. D
Yes	10	9.2%	2.01	0.44
No	88	80.7%		
Prefer not to say	11	10.1%		
What are these repercussions?	N	%	Mean	St. D
Imprisonment	5	4.6%	5.17	1.55
Risk of Deportation	8	7.3%		
Loss of Job	6	5.5%		
Arrest	6	5.5%		
Others	3	2.8%		
Not Applicable	81	74.3%		
What barriers have you faced in participating in protests?	N	%	Mean	St. D
Language	6	5.5%	3.96	1.52
Fear of Authorities	24	22.0%		
Lack of Access to Networks	7	6.4%		
Others	6	5.5%		
Not Applicable	65	59.6%		
Missing	1	0.9%		
<i>Note: N = 107 for the 1st, N = 88 for the 2nd, N = 109 for the 3rd, 5th and 6th, N = 108 for the 4th and 8th</i>				

Source: Authors' Field Survey, 2025.

Research Question 4: How does the use of protest empower Migrant community?

Table 5 investigates how protests contribute to the empowerment of African migrant communities through support structures, advocacy, and inclusive organizing. A significant portion (52.3%) did not identify needing specific support during protests, but among those who did, legal aid (11.0%) and media coverage (10.1%) were most reported. The high mean for legal aid ($M = 5.94$, $SD = 2.57$) indicates strong perceived importance among those needing it, suggesting a critical gap in legal support during protest involvement. Ratings for support from local activist groups or NGOs show mixed perceptions, with a mean of $M = 3.64$ ($SD = 1.45$), indicating moderate satisfaction but also variability in experiences.

Respondents believe allies should primarily provide support (27.5%) and amplify migrant voices (20.2%). This item had a mean of $M = 2.65$ ($SD = 1.34$), reflecting moderate agreement on ally roles but also uncertainty (26.6%). On desired improvements, 32.1% advocate for more solidarity-based organizing, while 18.3% seek attention to multiple identities, aligning closely with the study's fourth objective of understanding how protests empower migrants. Notably, 43.1% affirm that intersectional perspectives strengthen migrant protest movements ($M = 2.05$, $SD = 0.96$), underscoring the necessity of inclusive frameworks. These findings suggest that protest can serve as an empowering mechanism when it integrates intersectional approaches and targeted support systems.

Table 5. The use of protest to empower Migrant community

What forms of support do you receive or need during migrant protests?	N	%	Mean	St. D
Legal aid	12	11.0%	5.94	2.57
Translation services	3	2.8%		
Media coverage	11	10.1%		
Safe housing	7	6.4%		
Psychological support	7	6.4%		
Community alliances	6	5.5%		
None	6	5.5%		
Not Applicable	57	52.3%		
How would you rate the support from local activist groups or NGOs?	N	%	Mean	St. D
Excellent	7	6.4%	3.64	1.45
Good	19	17.4%		
Fair	27	24.8%		
Poor	9	8.3%		
Not applicable	44	40.3%		
Missing	3	2.8%		
What role do you think allies (non-migrant activists) should play in these movements?	N	%	Mean	St. D
Provide support	30	27.5%	2.65	1.34
Amplify their voices	22	20.2%		
Connect protesters to broader network	18	16.5%		
Unsure	29	26.6%		
Others	8	7.3%		
Missing	2	1.8%		
What changes would you like to see in how migrant protests are organized and supported?	N	%	Mean	St. D
More flexible and accessible protest format	17	15.6%	2.99	1.26
Narrative shift and media justice	15	13.8%		
More collaborative efforts/increase solidarity across protest movements	35	32.1%		
Effective intersectional organizing by paying more attention to overlapping identities	20	18.3%		
Others	14	12.8%		
Missing	8	7.3%		
Do you think intersectional perspectives strengthen migrant protest movements?	N	%	Mean	St. D
Yes	47	43.1%	2.05	0.96
No	9	8.3%		
Unsure	52	47.7%		
Missing	1	0.9%		
<i>Note: N = 109 for the 1st, N = 106 for the 2nd, N = 107 for the 3rd, N = 101 for the 4th, N = 108 for the 5th</i>				

Source: Authors' Field Survey, 2025.

8. RESEARCH FINDINGS

8.1. Intersectionality and Protest as Social Change

Layered Grievances Drive Protest: the findings reveal that migrants' decisions to relocate and subsequently engage in activism are shaped by multiple overlapping vulnerabilities. The study reveals that education (31.2%) and better welfare (32.1%) were primary migration motivations. Around 35% reported victimization including xenophobia, racism, marginalization, or gender-based violence highlighting intersecting oppressions. These harms operate at different levels of identities including gender, race, class, nationality and collectively illustrate how structural inequalities intersect to shape the lived realities of migrants.

Systemic Exploitation: Severe economic exploitation ($M = 7.00$, $SD = 2.80$) reflects structural injustice that is intensified through the intersections of class, race, and precarious legal status. These systemic injustices amplify migrants' demands for right protection and explains why protest becomes necessary

8.2. Migrants' Rights to Protest

Limited Engagement: despite high levels of victimization, migrants' participation in protest remained limited. Only 22.9% protested during victimization incidents, and an even smaller 17.4% participated in organised protests. Engagement mainly took the form of online activism (15.6%) or occasional demonstrations (7.3%). This reflects the danger of physical protest especially in environments considered unsafe or hostile.

Barriers to Participation: Fear of authorities, insecure legal status, language barriers, and weak social networks significantly limited participation. Even though migrants have grievances that motivates protest, some of the barriers significantly restrict their ability to exercise their right to protest.

8.3. Systemic Challenges

Exclusion within Movements: a central finding is the degree of exclusion that migrants experience even within protest spaces that claim to be inclusive. 36.7% felt underrepresented in protests; 43.1% were unsure. Women, Africans, and people with disabilities were most frequently overlooked.

Internal Discrimination: 39.4% noted internal biases (22.9% racism; 6.4% sexism), indicating that activist spaces often mirror external inequalities.

Legal Repercussions and Barriers: migrants face significant risks when protesting. 9.2% experienced consequences such as deportation risk, detention, or job loss. Main barriers included fear of authorities (22%), language gaps (5.5%), and lack of networks (6.4%). These barriers reinforce the vulnerability of migrants and underscore the fact that right to protest is often constrained in structural and legal pressures.

8.4. Empowerment through Protest

Support Needs: for migrants who participated in protest, access to support was uneven and often insufficient. Among those who protested, 11% needed legal aid, and 10.1% needed media coverage to amplify their cause; more than half reported broader support gap. This shows that existing solidarity structures do not adequately address unique vulnerabilities of migrants. Without the necessary support, migrants may struggle to protest safely.

Intersectional Organizing and Solidarity: despite the challenges, migrants recognised the transformative potential of intersectional organizing. 32.1% advocated for solidarity across movements while 18.3% sought more intersectional organizing. Notably, 43.1% believed intersectional perspectives strengthened their movements.

9. RECOMMENDATIONS

Ensuring that migrants can exercise their protest rights safely and meaningfully requires a multidimensional approach that addresses legal doctrine, institutional culture, and structural inequality. This study therefore submits as follows:

Adopt an Intersectional Approach: Protest movements should have an intersectional view which acknowledges and tackles the interrelated types of oppression that migrants experience because of overlapping identities. To guarantee that all migrants are included and that their rights are upheld, this strategy should give priority to the opinions and experiences of under-represented migrant groups.

Promote Solidarity and Allyship: In order to strengthen group power and confront structural injustices, migrant protest organisations ought to encourage solidarity and allyship between various migrant groups and social justice movements. Migrants can strengthen their voices, more successfully defend their rights, and bring about long-lasting social change by banding together and helping one another.

Public Awareness: Educating the public on the intersectionality of rights in migrant protests should be a top priority for migrant protest movements. Movements can foster empathy, solidarity, and support for migrant rights among the general public by drawing attention to the variety of experiences and difficulties encountered by migrants.

Legal and Institutional Frameworks Reform: on the part of the states, there must be a reform of their legal and institutional frameworks to eliminate discretionary restrictions that disproportionately affect migrant communities. The use of immigration status as a basis for limiting access to public space or civil liberties must be abolished, and legal guarantees of protest rights must be explicitly extended to all individuals, regardless of nationality or documentation. States should also leverage platforms such as the Universal Periodic Review and regional commissions to evaluate their own treatment of migrant protesters and respond to civil society reports of abuse.

Access to Legal Aid and Remedies for Migrants: States must prioritize access to legal aid and remedies for migrants. This entails expanding legal assistance programmes

to include non-citizens, funding multilingual and culturally competent legal services, and allowing civil society organisations to pursue representative litigation in defence of migrant protest rights. Courts must be equipped to engage with the complexities of intersectional disadvantage.

Data Transparency: Data transparency must be prioritized, governments should collect and publish disaggregated data on arrests, detentions, and legal proceedings arising from protests, including breakdowns by immigration status, race, gender, and employment type. Without such data, systemic discrimination remains invisible and unaddressed.

10. CONCLUSION

The right to protest is universally acknowledged as a cornerstone of democratic participation and a key mechanism through which individuals can contest injustice, demand accountability, and seek redress. Yet, for migrants particularly those situated at the intersections of racial, gendered, and economic marginality, this right remains deeply contested, unevenly protected, and frequently suppressed. This paper has demonstrated that despite the formal guarantees embedded in international human rights instruments, regional conventions, and domestic constitutions, the enforcement of protest rights is mediated by legal, institutional, and social barriers that are disproportionately disadvantage to migrant communities.

Through the lens of intersectionality, the paper has illustrated how the experience of protesting as a migrant is shaped not only by one's legal status but also by a complex interplay of identity factors such as class, gender, race, and economic precarity. These identities do not simply add up to create vulnerability, they multiply it. Migrant protest movements are often met with a combination of bureaucratic inertia, legal invisibility, and overt state repression. Permit regimes are selectively enforced, legal protections are diluted by status-based exclusions, and access to justice is constrained by linguistic, cultural, and procedural obstacles. In many cases, courts defer to state security narratives, leaving migrant protestors without meaningful recourse.

What emerges from this analysis is the urgent need for legal systems to move from a position of rhetorical inclusion to one of substantive protection. Protest rights must be protected not only in law but in practice, for all persons, regardless of immigration status or perceived social value. If the right to protest is to be a truly universal right, its protection must be unconditional. It must extend beyond the citizen, beyond the documented, and beyond those who are politically convenient to support. To achieve this, states must confront and correct the structural inequalities that limit legal access, judicial protection, and public legitimacy for migrant-led dissent. The right to protest should not be a privilege of citizenship, but a reflection of shared human dignity.

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