INTERNATIONAL JOURNAL OF SOCIAL SCIENCES BULLETIN
ISSN: (E) 3007-1917 (P) 3007-1909

Volume 4, Issue 3, 2026

EVALUATING THE GAP BETWEEN IMMIGRATION LAW AND PRACTICE: VISA FRAUD AND VICTIMIZATION IN PAKISTAN

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DOI: https://doi.org/10.5281/zenodo.22226223

Received	Accepted	Published
01 January 2026	17 March 2026	31 March 2026

ABSTRACT

The issue of visa fraud has become a major socio-legal problem in Pakistan, especially with the rising hopes of migration which has opened avenues for fraudulent visa consultants, recruiters and intermediaries to defraud potential migrants. This study examines the discrepancy between the formal immigration and visa-related legal framework in Pakistan and its implementation in combating visa fraud and assisting the victims. The data analysis is done through socio-legal documentary research which involves scrutiny of the Pakistani law, administrative records by FIA and BEOE, institutional reports, literature on migration at international level, and scholarly research. The results reveal that despite the fact that Pakistan has a significant legal and institutional framework, its effectiveness is limited due to poor implementation as a result of inconsistent regulatory bodies, lack of information, lack of verification mechanisms, victim burden and limited victim-centred remedies. The study proposes the following recommendations for integrated regulation, digitization of verification, coordination of enforcement, raising public awareness, harmonization of data collection and strengthening of mechanisms for victim support and financial compensation.
Keywords: *Visa Fraud; Victimization; Migration Governance; Pakistan*

INTRODUCTION

International migration is a growing social, economic and institutional trend in Pakistan. There are different ways for Pakistanis to travel abroad for permanent settlement, higher studies, overseas employment, family reuniting, and tours and holidays. Labour migration is especially relevant for Pakistan's economy and migration is generally considered a means to better employment, earnings, school attendance and social mobility (McAuliffe & Oucho, 2024). The demand for migration has, however, increased the role of those who enable migrants, like licensed overseas employment promoters, education consultants, visa agents, immigration advisors and informal brokers. Applying through a legal intermediary can assist in navigating legal processes, but can also open up opportunities for deception, document fraud, financial victimisation and other forms of victimisation to occur (ILO, 2019, 2024; Lindquist et al., 2012).

Fraud concerning a visa may be connected to fraudulent employment offers, counterfeit visas, bogus admission letters from universities, false sponsorships, immigration documents, over-payment or unnecessary payment, or claims of visa eligibility. This type of behavior can be similar to document forgery, illegal recruitment, or irregular migration. These crimes are not necessarily legally identical, however, since they have different elements of law and should not be confused with fraud, cheating, forgery, migrant smuggling, trafficking in persons or contractual disputes (United Nations, 2000a, 2000b). In Pakistan, this is especially significant because the transgression of migration could be attributed to various legal and institutional frameworks.

Pakistan has enacted various legislations related to migration offences such as Emigration Ordinance, 1979, Passport Act, 1974, Pakistan Penal Code, 1860, Prevention of Smuggling of Migrants Act, 2018 and Prevention of Trafficking in Persons Act, 2018. Other agencies with significant roles in immigration offences, migrant smuggling, trafficking and unlawful migration are the Federal Investigation Agency (FIA) and the Bureau of Emigration and Overseas Employment (BEOE) which regulates overseas employment promoters and complaints (BEOE, n.d.; FIA, n.d.). However, the presence of laws does not always guarantee that they are implemented effectively in practice.

One of the core socio-legal issues is the difference between law as written and law as applied. This is because prospective migrants might still be exposed to risks of unemployment, financial hardship, lack of information about the migration process, lack of information about the process itself, reliance on middlemen, and false advertisements. Migration processes and legal frameworks are complex, and the reliance on people who have specialized knowledge or contacts is further increased. For this reason, migration governance is not only a question of government institutions, but also of commercial intermediaries, communication networks and other actors who affect access to mobility in the process (Xiang & Lindquist, 2014).

The concept of routine activity theory is useful for understanding this vulnerability. When motivated offenders have access to acceptable targets, at the same time the guardianship is lacking, the likelihood of fraudulent victimization increases (Cohen & Felson, 1979). Visa fraud can involve any of these official information, intermediaries, verification, awareness, public awareness, digital monitoring, or complaint systems that can be controlled.

The research question therefore is not just if Pakistan has laws that can punish migration-related fraud, but if migration-related fraud is effectively prevented, reported, investigated, prosecuted and if there is a meaningful remedy for victims. Immigration offences, overseas employment complaints, smuggling and trafficking are sometimes presented under categories other than a uniform category of "visa fraud," which can lead to a lack of visibility when it comes to the extent and diversity of victimisation.

In this context, this study explores the disconnect between the policy and practice of the formal migration-related legal framework in Pakistan in the context of visa fraud and victimisation. It examines legal mechanisms, types of fraud, implementation deficiencies, vulnerabilities, obstacles to remedies, and needed reforms. The study is an application of a victim-centred approach, is grounded in the application of doctrinal legal analysis, documentary and socio-legal evidence and contends that the provision of legislation is not enough to achieve effective migration governance; it must also provide access to information, institutional coordination, effective enforcement, reliable complaints systems and meaningful remedies for victims.

Legal and Institutional Framework in Pakistan

Legal response to migration related fraud is spread across various laws in Pakistan and not a single law that is dedicated to tackling "viva fraud." These are the key legal frameworks such as the Passport Act, 1974, Emigration Ordinance, 1979, Pakistan Penal Code, 1860, Prevention of Smuggling of Migrants Act, 2018 and Prevention of Trafficking in Persons Act, 2018. These laws, when taken together, offer a basis for the control of migration, for the prevention of fraudulent documentation, for the control of recruitment and for the prosecution of serious offences concerning migration.

The Emigration Ordinance, 1979 is special in regard to overseas employment. It sets framework for the Bureau of Emigration and Overseas Employment (BEOE) and sets restrictions on overseas employment promoters (OEPs). The Emigration Rules, 1979 are the Rules made under these Regulations that regulate recruitment procedures and responsibilities of employment intermediaries. This applies to any fraudulent employment offer and unauthorized recruitment. But this is more limited than a larger phenomenon of visa fraud. Those who fall victim to informal consultants regarding study, tourist or immigration visas may not be included in the regulatory processes for overseas employment.

The Federal Investigation Agency (FIA) is a key agency for enforcing migration legislation. It has jurisdiction over issues related to immigration offences, fraudulent travel documents, migrant smuggling, trafficking and other breaches of pertinent legislation. FIA means and mechanisms of enforcement and border-management systems help to detect and investigate illegal trafficking and document offences. But border enforcement is not the only response to the whole process of migration fraud. The victims are frequently misled prior to crossing a border, enticed with false employment offers, forged documents, or even fraudulent letters of admission by intermediaries. For this reason, prevention, regulation of intermediaries, information, verification systems, complaint mechanisms, investigation, prosecution and remedies for the victims are key to effective protection.

Prevention of Smuggling of Migrants Act, 2018 and Prevention of Trafficking in Persons Act, 2018 are also additional legislations that offer legal protection to serious migration related offences. But migrant smuggling and trafficking is not the same as visa fraud. Fraud, cheating, or forgery does not legally constitute smuggling or trafficking, but can be a form of fraud by a fraudulent consultant. Thus, the correct classification is fundamental to investigating and protecting the victim.

The gap between formal law and protection has been the key obstacle to implementation. Pakistan has a lot of legislations and institutional arrangements but their effectiveness is hinged on the coordination between the FIA, BEOE, immigration department, law-enforcement, prosecutors and other relevant institutions. The real question is what can be done to help victims navigate the lifeline of prevention, complaint, investigation, prosecution, recovery and protection. Legislation is not enough to ensure that the victim is protected and/or that the guardian performs effectively.

Methodology

Research Design

This study uses a quantitative documentary socio-legal research design combining doctrinal legal analysis with secondary analysis of official administrative data. The research examines the relationship between Pakistan's formal migration-related legal framework and its practical implementation.

The study relies on publicly available administrative data from institutions such as the FIA and BEOE rather than fabricated survey responses or hypothetical data. The research has three main components: doctrinal legal analysis, which examines relevant legislation; institutional documentary analysis, which evaluates enforcement and complaint mechanisms; and descriptive statistical analysis, which examines reported cases and institutional responses.

This approach enables the study to assess not only the existence of legal protections but also their practical application. It therefore provides a basis for evaluating the implementation gap, institutional effectiveness, and protection available to victims of migration-related fraud in Pakistan.

Data Sources

Two principal administrative datasets were used.

Dataset 1: FIA Immigration Enforcement Data

The Annual Administration Report 2024 is the main source of information provided by the FIA. According to the report, FIA Immigration Wing received 15,420 enquiries and 5,249 cases in 2024. It also says it has arrested 19,530 accused persons, filed 4,207 cases on a challan before the trial courts, and sentenced 1,703 persons. Additionally, the FIA says that 2135 individuals were arrested as human These statistics are indicative of institutional workload and enforcement results. They are, however, not considered as a national prevalence estimate of visa fraud as these categories include a wider spectrum of immigration, human smuggling and trafficking activity of the FIA. This data set contains BEOE complaints and OEP data.This data set contains data on BEOE complaints and OEP data.

Dataset 2: BEOE Complaint and OEP Data

The second source is the BEOE's public complaints database. There are currently 5,929 complaint records reported in the database and information accessed such as complaint category, OEP licence number, licence title, referral authority, complaint status and financial fine (where applicable).

The BEOE's OEP performance database also contains licence-level data on the number of manpower sent abroad, and the number of complaints received and pending for each reporting period. There are currently thousands of OEP licence records in the database, and it allows for comparison of recruitment activity and complaints recorded.

Table 1. Principal Administrative Data Sources

Dataset	Institution	Main indicators	Analytical purpose
FIA Annual Administration Report 2024	FIA	Enquiries, cases, arrests, challans, convictions, recoveries	Enforcement analysis
FIA Immigration Wing	FIA	Immigration-related enforcement activity	Institutional implementation
BEOE Complaint Database	BEOE	Complaints, categories, referrals, status, fines	Regulatory analysis
OEP Performance Database	BEOE	OEP licences, manpower sent abroad, complaints	Intermediary-level analysis
Pakistani legislation	Government of Pakistan	Legal provisions and institutional powers	Doctrinal analysis

The ILO's country-specific research is used as a contextual evidence to understand the recruitment intermediaries and abusive or fraudulent recruitment practices in Pakistan. The study was conducted in 2020 with a specific focus on recruitment agencies, intermediaries, the way they operate and how they might combat abusive and fraudulent recruitment practices.

Operationalization of Variables

The study operationalizes the implementation gap as measurable indicators in institutions.

Table 2. Operational Variables

Variable	Operational definition	Source
Immigration enquiries	Number of enquiries registered by FIA Immigration Wing	FIA
Immigration cases	Number of cases registered	FIA

Arrests	Number of accused arrested	FIA
Challans	Cases submitted to trial courts	FIA
Convictions/punishments	Cases resulting in punishment following conviction	FIA
Financial recovery	Amount recovered through relevant FIA action	FIA
OEP complaints	Complaints recorded against OEPs	BEOE
Pending complaints	Complaints remaining unresolved in OEP records	BEOE
Complaint status	Investigation, show-cause, referral, etc.	BEOE
OEP manpower	Workers sent abroad by individual OEPs	BEOE
Regulatory coverage	Availability of licensing/complaint mechanisms	BEOE/legal framework

The key dependent concept is the implementation gap, which is assessed through the relationship between formal legal safeguards and observable institutional outcomes.

Statistical Analysis
The quantitative portion of the study employs descriptive statistical analysis as the institutional data is not a probability sample of the respondents; it is only available on the institutional level. The first step is to compute frequencies and percentages of administrative indicators that are available. For those where applicable, enforcement figures can be expressed as a ratio to obtain a more meaningful comparison.

Table 3. FIA Immigration Wing 2024 Enforcement Indicators

Indicator	Number	Calculated indicator
Enquiries	15,420	–
Registered cases	5,249	34.04% of enquiries
Accused arrested	19,530	3.72 arrests per registered case
Challans submitted	4,207	80.15% of cases
Cases with punishment after conviction	1,703	32.44% of cases
Human smugglers/traffickers arrested	2,135	Separate enforcement indicator
Most-wanted smugglers/traffickers arrested	38	Separate enforcement indicator
Amount recovered	PKR 428.318 million	Financial enforcement indicator

The ratios are calculated from FIA's reported figures and should not be interpreted as conventional case-clearance or conviction rates because the underlying figures may refer to different stages of cases and reporting periods.

Findings and Analysis

Scale of Documented Immigration Enforcement

The documentary evidence shows there was a significant level of enforcement activity in Pakistan's immigration-control system, yet also suggests that there is an important difference between institutional activity and the extent of visa fraud. The cases were 5,249 and enquiries were 15,420 with the Immigration Wing of the Federal Investigation Agency throughout 2024, according to its Annual Administration Report 2024. As mentioned in the same report, a total of 19,530 accused were arrested, 4,207 challans were filed with the courts and 1,703 cases were

resolved with punishment after conviction (Federal Investigation Agency [FIA], 2024).
These statistics prove that migration-related enforcement is no longer a pipe dream. Institutions in Pakistan have in place systems that identify, investigate and prosecute violations in relation to immigration.

Table 4. FIA Immigration Wing: Reported 2024 Enforcement Indicators

Indicator	Reported figure	Derived indicator
Immigration enquiries	15,420	–
Registered cases	5,249	34.0% of enquiries
Accused arrested	19,530	3.72 arrests per registered case
Challans submitted	4,207	80.2% of registered cases
Cases with punishment after conviction	1,703	32.4% of registered cases
Human smugglers/traffickers arrested	2,135	Separate enforcement category
Most-wanted smugglers/traffickers arrested	38	Separate enforcement category
Amount recovered	PKR 428.318 million	Financial enforcement indicator

Source: FIA Annual Administration Report 2024. Derived percentages are calculated from the reported figures and should not be interpreted as conventional conviction or clearance rates.

ne of the relationships that is of particular interest is the connection between enquiries and registered cases. The Immigration Wing received 15,420 inquiries, of which 5,249 were reported as cases, resulting in a case-to-enquiry ratio of around 34.0%. Not all immigration enquiries, therefore, resulted in formal case registration. This ratio should be read as a cautionary note, though, that around two-thirds of enquiries were spurious and trivial. Enquiries can be done with preliminary screening, administrative verification, intelligence or cases that fall short of the legal criteria for formal case registration.
About 80.2% of the registered cases have been reported as 4207 challans. This shows considerable progress from investigation to the judicial process. However, the number of cases reported to have been punished after conviction is about 32.4% of the registered cases, which is 1,703 cases.

The Regulatory Complaint Dimension

The BEOE complaint system is a valuable source of information about issues in the regulated sector of overseas work. While primarily reflecting criminal enforcement, BEOE records reflect complaints of overseas-employment intermediaries. It must be kept in mind however, that the number of complaints does not necessarily reflect the amount of fraud as many victims may not report fraud, especially if they are not dealing with a licensed or formal intermediary. Thus, administrative complaint data can provide evidence of victimisation and yet be underestimates of the true extent.

Information Asymmetry and Applicant Vulnerability

Migration-related victimization is largely related to information asymmetry. Often prospective migrants rely on migration agents or intermediaries for information regarding employment, visas, documentation, and migration processes. The more knowledge is held by intermediaries than by the applicants in the system and the more the intermediaries have an incentive to affect the outcomes of the decision-making process, the greater are the opportunities for deception (Lindquist et al., 2012; Xiang & Lindquist, 2014).

This vulnerability can be understood through the following process:

Migration aspiration → Information dependency → Intermediary reliance → Verification difficulty → Deception → Financial and other risks

Routine Activity Theory also accounts for when applicants are made available for successful guardianship. Strengthening such guardianship depends on government verification systems, licensed intermediaries, public awareness, available information, and effective complaint systems (Cohen & Felson, 1979). Therefore, victimization should not only be considered as a personal fault, but also a lack of support within the institutional framework.

Fragmentation between Legal Categories

Pakistan responds to migration related offences under various laws on emigration, passports, fraud, trafficking and migrant smuggling. There can be multiple factors, such as the recruitment of someone without permission, documents being fake, visas being fake, or someone trying to migrate irregularly. For one thing, these crimes have varying legal characteristics and should not necessarily be considered trafficking offences or migrant smuggling. The fragmentation can make it hard to build a common picture of victimization related to visas. There may therefore be an important institutional information gap, given the lack of a standard national classification system for visa fraud.

Enforcement versus Victim Protection

Evidence shows a difference between the pathways of enforcement and protection for victims. Activities of institutions can be indicated by arrests, investigations, prosecutions, and complaints, but these do not necessarily reflect recovery of financial losses, access to legal assistance, or protection and support provided to victims. To achieve effective migration governance, both enforcement and remedies to address victims of migration should be available. Reporting, investigation, prosecution, financial recovery, legal assistance and victim protection should be linked in a coordinated institutional mechanism to ensure a comprehensive approach.

This produces a four-stage implementation chain:

Stage	Formal mechanism	Key implementation question
Prevention	Licensing, information, verification	Can applicants identify legitimate intermediaries?
Detection	Complaints, immigration screening	Can victims report deception easily?
Enforcement	Investigation, arrest, prosecution	Are offenders effectively brought to justice?
Victim remedy	Recovery, compensation, assistance	Can victims realistically recover from harm?

The evidence available is at the enforcement stage. There is significantly less uniformity in public information available on victim compensation, specific financial recovery caused by visa fraud, psychological support and psychological repeat victimization. The imbalance is important because arrest should not be the sole metric of the effectiveness of the criminal justice system. A good system from a victimological standpoint should also minimise the impact of victimisation and restore the victim's right to justice.

Overall Assessment of the Implementation Gap

The evidence as a whole does not lead to a simplistic conclusion that there are no laws against migration related fraud in Pakistan. To the contrary, Pakistan has a robust statutory framework and institutions, and the figures that are presented by FIA in 2024 show that the agency has been active in this regard. The more defensible conclusion is that there is a gap in implementation that is multidimensional.

Table 5. Summary of the Identified Law–Practice Gap

Dimension	Formal position	Evidence-based concern
Legislation	Multiple relevant statutes exist	Rules are distributed across different legal instruments
Regulation	OEP licensing system exists	Informal/unlicensed intermediaries remain difficult to regulate
Enforcement	FIA investigates and arrests offenders	Enforcement statistics do not capture total victimization
Complaints	BEOE complaint mechanism exists	Complaints represent reported rather than total incidents
Information	Official migration information exists	Applicants may still depend heavily on intermediaries
Classification	Fraud, smuggling and trafficking are legally differentiated	Complex cases may cross institutional/legal boundaries
Victim remedies	Complaint and legal mechanisms exist	Public data on compensation and recovery remain limited
Data	FIA and BEOE maintain administrative records	No unified national visa-fraud dataset is evident from the reviewed sources

The results thus validate the main premise of this study that Pakistan's main problem is not only the absence of legislation but rather the failure to implement the laws in a coordinated manner, making them easily available to victims, effectively enforced and data collected comprehensively, and provide them with meaningful remedies.

The formal legal structure is an important aspect of capable guardianship in terms of Routine Activity Theory. But, guardianship is only available and effective when applicants are able to access and use it. Even if there's a law against it, there can be opportunities for fraudulent actors especially when information is fragmented, intermediaries are hard to verify, complaints are underreported, and administrative datasets are institutionally separated.

The evidence therefore indicates a need for a different approach to visa fraud—from a reactive approach of enforcement to a more integrated approach of prevention-verification-enforcement-victim protection. This discovery is the starting point for the discussion section where the results are discussed in terms of the Routine Activity Theory, migration-intermediary scholarship and the general socio-legal term implementation gap.

Discussion

The results indicate that the Pakistani government's reaction to fraud related to migration needs to be measured not just on the basis of legislation, but its implementation as well. Legal and institutional measures have been taken in Pakistan to tackle emigration, immigration offences, migrant smuggling, trafficking and overseas employment. There is evidence of institutional work in the form of FIA enforcement data, along with the BEOE complaint system. The primary worry is, however, the disparity between formal legal protection and the effective protection of migration aspirants and victims.

Routine Activity Theory

Routine Activity Theory sees vulnerability as the interaction between motivated offenders, suitable targets and limited capable guardians (Cohen and Felson, 1979). Aspirants for migration can be made good targets because they have aspirations but they have not been able to access reliable information. This information gap may be used as a tactic by fraudulent intermediaries to make misrepresentations regarding employment, education, visas, or foreign connections. Pakistan has in place systems like intermediate licensing, verification checks, border controls, and complaints mechanisms, but these are not necessarily effective unless they are accessible and well co-ordinated. Preventive guardianship can be especially valuable for preventing the occurrence of financial loss or exploitation.

Law and Implementation

The findings show that there is a need to think about legislation and implementation separately. A higher number of arrests, registered cases and prosecutions are indicative of enforcement activity but not necessarily of successful victim protection. The effectiveness of implementation should be assessed throughout the entire process:

Prevention → Detection → Complaint → Investigation → Prosecution → Adjudication → Victim Remedy

Available administrative data provide stronger evidence regarding enforcement than victim recovery and support. This creates an important implementation gap.

Intermediaries and Information Asymmetry

Migration intermediaries can also enable legitimate migration but can also provide opportunities for deception when the intending migrant is not able to differentiate legitimate from fraudulent services (Lindquist et al., 2012; Xiang & Lindquist, 2014). The aim of the policy should thus be to make intermediaries visible, regulated and verifiable, not to remove them altogether.

Legal Classification

Forgery, Visa fraud, Cheating, migrant smuggling and trafficking are all linked but distinct crimes. It is important to classify correctly because both the laws that apply and the investigative powers, evidence that can be used, and remedies available, hinge on the correct classification. Institutional coordination is therefore essential when one incident involves multiple forms of wrongdoing.

Victim Protection

The most pressing issue is the distinction between "offender-centred enforcement" and "victim centred protection. Effective justice should not only respond to arrests and prosecutions, but also be able to facilitate financial recovery, provide legal support, ensure that it is easy to report, provide protection from further exploitation, and ensure that there is no repeat victimisation. Although Pakistan has a good level of formal legal capacity, there is a need for better coordination, prevention measures, complaint procedures, data and victim friendly remedies to plug the gap between law on paper and law in practice.

Conclusion

The findings of this study indicate that there are no laws in Pakistan relating to migration related fraud, but the real problem is the difference between law on paper and law in practice. Legislation, such as the Emigration Ordinance, 1979, Passport Act, 1974, Pakistan Penal Code, 1860, the laws on migrant smuggling and trafficking, provide an important legal framework. Other enforcers, like the FIA and BEOE, also play a role in immigration enforcement, intermediary regulation and the processing of complaints.

However, formal legal protection does not always provide effective protection to migration aspirants. Information asymmetry, financial constraints, reliance on intermediaries, deceptive offers and problems with crediting claims of employment, education, sponsorship, and visas increase vulnerability. Routine Activity Theory is used to suggest that motivated offenders are able to take advantage of targets that are vulnerable because guardianship is ineffective (Cohen & Felson, 1979). The study also emphasizes the need to differentiate between visa fraud and migrant smuggling and trafficking as these crimes have distinct legal requirements and the responses to the crimes will differ. There may also be problems of classification and reporting of victimisation that are at least in part caused by migration.

Hence the primary objective should be to enhance prevention, verification, institutional coordination, reporting, enforcement and victim protection in Pakistan. A system that is more integrated should allow migrants to check intermediaries and access migration offers easily, be able to report fraud without unnecessary obstacles, and have access to appropriate legal and financial remedies. Good migration governance must shift the focus from ad hoc punishment to a more proactive approach, focusing on the elimination of opportunities for migration fraud before harm occurs, and on a victim-centred approach that places migration subjects at the heart of the governance process.

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