How to cite this article:
Karampour, S. (2023). Perceptions of Access to Justice Among Undocumented Migrants: A Qualitative Case Study. *Journal of Historical Research, Law, and Policy, 1*(1), 43-53. https://doi.org/10.61838/jhrlp.1.1.5

Article history:
Original Research

Dates:
Submission Date: 15 November 2022
Revision Date: 16 December 2022
Acceptance Date: 27 December 2022
Publication Date: 01 Januarv 2023

Perceptions of Access to Justice Among Undocumented Migrants: A Qualitative Case Study

1. Shayesteh. Karampour[1] : Department of Civil Law, Ferdowsi University of Mashhad, Mashhad, Iran

*corresponding author's email: sh.krmpour1374@gmail.com

ABSTRACT

This study aimed to explore how undocumented migrants residing in Tehran perceive their access to justice, including the barriers they face, the informal mechanisms they rely on, and their underlying aspirations for legal recognition and dignity. This qualitative case study involved in-depth, semi-structured interviews with 18 undocumented migrants from various national backgrounds residing in Tehran. Participants were selected through purposive sampling to ensure diversity in age, gender, and country of origin. Data collection continued until theoretical saturation was reached. Interviews were conducted in Persian or with interpreter support, transcribed verbatim, and analyzed thematically using NVivo software. The analysis followed Braun and Clarke's six-phase approach, allowing for the identification of patterns, subthemes, and emotional narratives embedded in participant experiences. Four main themes emerged from the analysis: (1) legal invisibility and marginalization, (2) navigating informal systems, (3) experiences with legal institutions, and (4) aspirations and rights consciousness. Participants reported exclusion from legal protections, fear of deportation, limited knowledge of rights, and mistrust of formal institutions. In the absence of legal pathways, many relied on community-based mediation, NGOs, and social networks. Despite these barriers, participants expressed strong desires for legal recognition and dignity, and several demonstrated emerging rights consciousness and engagement with advocacy efforts. Undocumented migrants in Tehran encounter systemic barriers to justice that extend beyond legal status, encompassing emotional, social, and institutional exclusion. While informal support systems provide partial remedies, they cannot replace the need for inclusive, rights-based legal frameworks. Addressing these barriers requires reforms in legal accessibility, anti-discrimination practices, and broader recognition of undocumented individuals as rights-holders within the justice system.

Keywords: *Undocumented migrants; access to justice; qualitative research; legal exclusion; Tehran; informal justice; rights consciousness; migration policy.*

Introduction

Access to justice is a foundational principle of democratic societies and a central component of the rule of law. It ensures that individuals can claim their rights, resolve disputes fairly, and seek redress through impartial legal mechanisms (United Nations Development Programme [UNDP], 2016). However, for undocumented migrants—those residing in a host country without legal authorization—access to justice remains fraught with barriers that are both structural and symbolic. These individuals often occupy precarious socio-legal positions marked by exclusion, invisibility, and fear, which severely hinder their ability to engage with justice systems (Kubal, 2013; Menjívar & Abrego, 2012). In contexts such as Iran, where migration governance is highly securitized and legal pathways for

undocumented residents are limited, the question of justice becomes not only a matter of legal entitlement but also one of human dignity, basic protection, and ethical accountability.

Globally, undocumented migration is a growing phenomenon driven by conflict, economic hardship, political persecution, and environmental displacement. According to the International Organization for Migration (IOM, 2022), an estimated 50 million people were living without legal status across borders in 2021. While these individuals contribute to labor markets and social reproduction, they frequently remain outside the protection of state institutions. Legal exclusion renders undocumented migrants vulnerable to labor exploitation, housing discrimination, gender-based violence, and health disparities (Vollmer, 2011; LeVoy, Verbruggen, & Wets, 2004). Despite international human rights frameworks affirming the right of all individuals—regardless of legal status—to fair treatment and due process, undocumented migrants often face de facto denial of access to justice (OHCHR, 2014). Their precarious status not only limits their ability to engage legal remedies but also exacerbates systemic vulnerabilities that reproduce cycles of marginalization.

Access to justice is a multidimensional concept that encompasses availability, accessibility, acceptability, and adaptability of legal services and institutions (UNDP, 2005). In practice, this means that people must be aware of their rights, be able to afford legal representation, feel safe reporting violations, and trust that institutions will respond fairly and without discrimination. For undocumented migrants, each of these dimensions is constrained. Research in the European Union and North America has shown that undocumented individuals often avoid contact with police or courts due to fear of detention and deportation (Coutin, 2000; Sigona, 2012). Even when they are victims of crimes such as wage theft or domestic violence, they are often deterred from seeking legal redress, fearing that doing so would expose their irregular status (Bloch, Sigona, & Zetter, 2011).

In the Middle East, and particularly in Iran, undocumented migration is a complex and understudied issue. Iran is home to one of the largest populations of Afghan migrants globally, many of whom reside without official documentation (Majidi, 2020). Due to protracted conflict and economic collapse in neighboring Afghanistan, hundreds of thousands have sought refuge in Iran over the past four decades. However, only a fraction have obtained legal residency or refugee status. The Iranian government periodically implements registration and deportation campaigns, resulting in unstable legal frameworks and inconsistent policy enforcement (Human Rights Watch, 2021). While the Iranian Constitution recognizes certain universal rights, including access to basic services and judicial protection, in practice undocumented migrants face substantial legal and institutional barriers (Abbasi-Shavazi et al., 2008).

Scholars have emphasized that the legal precarity of undocumented migrants in Iran is compounded by structural discrimination and bureaucratic opacity. A study by Abbasi-Shavazi and colleagues (2005) found that many Afghan migrants in Iran experience “systemic exclusion” from civil registration, health insurance, legal protection, and labor rights. These exclusions contribute to a broader “climate of fear” that discourages any interaction with state institutions, especially the justice system. Moreover, limited legal literacy, language barriers, and high costs of legal assistance further exacerbate their inability to seek redress (Fathollah-Nejad, 2020). This context demands a nuanced understanding of how undocumented migrants perceive and navigate their access—or lack thereof—to justice in their everyday lives.

Although quantitative studies have documented the socio-economic conditions of undocumented migrants in Iran, there remains a significant gap in qualitative, experience-based research that centers their voices and subjective perceptions. Understanding how these individuals define justice, interpret legal institutions, and cope

with exclusion is essential for informing rights-based policy interventions. Qualitative approaches, particularly those using case study and phenomenological frameworks, allow for a more textured understanding of justice not merely as a legal concept but as a lived reality embedded in power relations and emotional geographies (Grimmelikhuijsen et al., 2017; Tyler, 2006).

The present study seeks to fill this gap by exploring the perceptions of access to justice among undocumented migrants residing in Tehran, Iran. Tehran is not only the political and legal center of the country but also home to diverse migrant populations, including long-term undocumented residents. By focusing on this urban setting, the study aims to capture the interplay between institutional structures, everyday experiences, and resistance strategies employed by undocumented individuals in response to legal marginalization. The study is guided by three core research questions: (1) How do undocumented migrants in Tehran perceive their access to justice? (2) What barriers and enablers shape their interactions with legal institutions? and (3) What coping strategies or informal mechanisms do they employ in the absence of formal protections?

Data for the study were collected through semi-structured interviews with 18 undocumented migrants from different national backgrounds, living in Tehran. The interview guide was designed to elicit narratives about participants' legal experiences, feelings of visibility or exclusion, knowledge of rights, and interactions with both formal institutions (e.g., courts, police) and informal support networks (e.g., NGOs, religious leaders). Thematic analysis was employed using NVivo software, allowing for systematic coding of emergent themes and subthemes. Particular attention was paid to participants' emotional expressions and identity positions, as these offer critical insights into how justice is subjectively understood and experienced.

This research is both timely and significant. As the global migration regime becomes increasingly securitized and national borders are reinforced, undocumented migrants remain at the margins of legal protection. In countries like Iran—where domestic legislation often lacks clarity on the rights of undocumented residents—their vulnerability is intensified. By documenting their voices and examining their lived experiences with justice systems, this study contributes to a growing body of critical legal and migration scholarship that challenges normative assumptions about citizenship, legality, and rights (De Genova, 2013; Bosniak, 2006). Moreover, the findings have practical implications for human rights advocacy, legal aid programming, and policy reform aimed at promoting inclusive justice for all, regardless of legal status.

In sum, access to justice for undocumented migrants is not simply about providing legal services or reforming court procedures. It is about reimagining justice in a way that accounts for power asymmetries, legal liminality, and human dignity. It involves acknowledging that legal status should not determine who gets to be protected, heard, and treated fairly. Through its qualitative lens, this study offers a grounded exploration of these dynamics and seeks to foreground the voices of those most often silenced by the legal system.

Methods and Materials

This study employed a qualitative case study design to explore how undocumented migrants in Tehran perceive their access to justice. A qualitative approach was selected to allow for an in-depth understanding of the participants' lived experiences, subjective interpretations, and the complex socio-legal dynamics influencing their interactions with formal justice systems. The case study framework facilitated a contextualized analysis within the specific socio-political setting of Tehran.

Participants were recruited through purposive sampling to ensure maximum variation in terms of gender, age, length of stay in Iran, and country of origin. Inclusion criteria required that participants be adults (aged 18 and above), currently residing in Tehran without official documentation, and able to participate in a semi-structured interview in Persian or with an interpreter. A total of 18 participants (11 males and 7 females), ranging in age from 22 to 51 years, were interviewed. Recruitment continued until theoretical saturation was reached—that is, when no new themes or insights were emerging from additional interviews.

Data were collected using semi-structured, in-depth interviews conducted face-to-face in private and safe locations agreed upon by both researchers and participants. Each interview lasted between 45 to 75 minutes. The interview guide included open-ended questions focusing on participants' knowledge of legal rights, experiences with justice institutions, perceived barriers to accessing legal assistance, and coping strategies. Interviews were conducted between January and April 2025. With participants' informed consent, all interviews were audio-recorded and transcribed verbatim. To ensure ethical compliance, participants were informed of their rights to withdraw at any time, and all identifying details were anonymized during transcription.

Thematic analysis was employed to identify, analyze, and report patterns within the data. The analysis followed Braun and Clarke's six-phase framework: familiarization with data, generating initial codes, searching for themes, reviewing themes, defining and naming themes, and producing the final report. NVivo software (version 12) was used to manage and code the data systematically. Coding was performed iteratively, with emerging categories being refined through constant comparison. The analysis emphasized both semantic and latent themes to capture the underlying meanings behind participants' narratives. To enhance the trustworthiness of the findings, triangulation was ensured through peer debriefing, member checking with selected participants, and maintaining an audit trail throughout the analytic process.

Findings and Results

The study included a total of 18 undocumented migrant participants residing in Tehran at the time of data collection. Of these, 11 were male and 7 were female. Participants ranged in age from 22 to 51 years, with the majority (n = 10) between the ages of 30 and 45. In terms of country of origin, participants primarily came from Afghanistan (n = 12), followed by Iraq (n = 3), Pakistan (n = 2), and one participant from Bangladesh (n = 1). The duration of residence in Iran varied considerably, with 6 participants having lived in the country for less than five years, 8 between five and ten years, and 4 for more than a decade. Educational backgrounds were diverse: 5 participants had no formal education, 7 had completed primary or lower secondary education, and 6 had received upper secondary or vocational training. Regarding language proficiency, 13 participants were able to speak Persian fluently, while 5 required the assistance of an interpreter during the interview process. All participants were undocumented at the time of the interviews, and 9 were accompanied by family members, including spouses or children, in Iran.

Table 1. Main Themes, Subcategories, and Concepts (Open Codes)

Main Theme	Subcategory	Concepts (Open Codes)
1. Legal Invisibility and Marginalization	Lack of Legal Identity	No national ID, Fear of police, Exclusion from state systems, Denial of basic rights
	Fear of Deportation	Constant anxiety, Avoidance of public spaces, Lack of trust in officials, Inability to report abuse
	Stigma and Discrimination	Treated as criminals, Verbal abuse, Social exclusion, Unequal treatment
	Exclusion from Formal Channels	No access to legal aid, Rejected by institutions, Bureaucratic barriers, No interpreter support
	Lack of Awareness of Rights	Unfamiliarity with laws, No rights education, Reliance on word-of-mouth, Language barriers
	Bureaucratic Ambiguity	Conflicting rules, Inconsistent treatment, Misinformation by authorities
	Stateless Children and Families	No school registration, No birth certificates, Multigenerational invisibility
2. Navigating Informal Systems	Reliance on Informal Justice	Community mediation, Religious arbitration, Elders' decisions, Tribal justice
	Help from Civil Society	NGOs support, Legal workshops, Safe houses, Human rights activists
	Social Capital and Networks	Word-of-mouth referrals, Informal interpreters, Shared housing, Community translators
	Economic Barriers to Legal Access	High lawyer fees, No insurance, Cost of paperwork, Financial exploitation
	Emotional Coping in Absence of Protection	Learned helplessness, Distrust in institutions, Normalization of injustice
3. Experiences with Legal Institutions	Police Interactions	Arbitrary detention, Bribery requests, Ignoring complaints, Fear of uniform
	Court Encounters	No fair hearing, Confused by process, Denied interpreter, Long delays
	Experiences with Detention Centers	Overcrowding, Inhumane treatment, Lack of food, Separation from family
	Legal Aid and Representation	Lack of public defenders, Lawyers ignoring clients, Religious legal aid, Language mismatches
	Misuse of Power by Authorities	Threats and coercion, Document confiscation, Racial profiling, Forced fingerprinting
4. Aspirations and Rights Consciousness	Desire for Legal Recognition	Dream of ID card, Hope for asylum, Want to register children, Equal protection desire
	Notions of Justice	Equality before the law, Fairness in court, Voice in legal matters, Accountability
	Human Dignity and Self-Worth	Want to be heard, Feeling invisible, Need for respect, Resisting dehumanization
	Hope Through Advocacy	Learning from activists, Joining campaigns, Legal storytelling, Education workshops
	Empowerment Through Awareness	Knowing one's rights, Becoming community advocates, Self-research, Sharing experiences
	Belief in Justice Reform	Reform-minded participants, Faith in legal change, Optimism despite oppression

Theme 1: Legal Invisibility and Marginalization

Lack of Legal Identity: Participants frequently emphasized the existential anxiety stemming from their undocumented status. Many expressed frustration over the absence of a national ID card, which excluded them from essential services and legal protections. One participant stated, *"Without an ID, I don't exist in their system. I'm a shadow, even when I'm standing in front of them."* The absence of legal identity was deeply tied to social invisibility and systemic exclusion.

Fear of Deportation: The threat of deportation emerged as a pervasive fear. Participants described deliberately avoiding hospitals, schools, and even public transport to prevent encounters with law enforcement. One woman remarked, *"Every time I see a police car, I feel like I'm going to vomit. It's like being hunted."* This chronic anxiety significantly undermined their ability to seek justice or report abuse.

Stigma and Discrimination: Undocumented migrants reported experiencing routine verbal abuse and being treated as second-class citizens. Encounters with service providers often involved condescending attitudes or outright rejection. *"They look at me like I'm dirty or a criminal,"* noted one participant. Such experiences fostered a sense of humiliation and mistrust toward formal institutions.

Exclusion from Formal Channels: Participants expressed a collective sense of being shut out from legal mechanisms. Attempts to seek assistance from courts or legal aid offices were often met with dismissal. One participant recounted, *"They told me they can't help people like me. No ID, no justice."* Bureaucratic processes were described as opaque, rigid, and inaccessible without documentation.

Lack of Awareness of Rights: Many participants admitted to not knowing their legal entitlements or how to pursue them. They relied heavily on community word-of-mouth for information. One man confessed, *"I don't know what rights I have. I just do what others tell me."* This knowledge gap left them vulnerable to exploitation and manipulation.

Bureaucratic Ambiguity: Participants encountered contradictory information and inconsistent treatment by government institutions. They described being passed from one office to another without clear answers. *"One place says this paper is enough; another says it's not valid. Who should I believe?"* asked a frustrated participant. This confusion reinforced their sense of systemic neglect.

Stateless Children and Families: Mothers spoke about their children being unable to attend school or obtain birth certificates due to their undocumented status. One woman said, *"My son was born here, but on paper he doesn't exist. He's invisible like me."* This transgenerational invisibility was perceived as a violation of fundamental rights.

Theme 2: Navigating Informal Systems

Reliance on Informal Justice: Due to distrust in formal legal institutions, many migrants relied on community elders, religious figures, or tribal mediators to resolve disputes. One participant explained, *"We don't go to court. We sit with our people and talk it out."* These informal mechanisms were seen as more accessible, albeit limited in scope and fairness.

Help from Civil Society: Several participants recounted receiving help from NGOs and human rights activists, including legal workshops, food distribution, and referrals. One participant said, *"If it weren't for that woman from the center, I would never have known I could appeal my detention."* Such civil society support often served as a lifeline for those facing legal or personal crises.

Social Capital and Networks: Informal social networks played a crucial role in navigating life without documentation. Friends and relatives often served as interpreters or connected participants to underground medical or housing services. *"My cousin knew a guy who helped us find a lawyer who wouldn't ask too many questions,"* shared one man.

Economic Barriers to Legal Access: Even when participants were aware of their rights, financial limitations often prevented them from pursuing justice. Lawyer fees, court costs, and the price of paperwork were consistently cited. One participant lamented, *"Everything costs money. Even to tell your story in court, you need to pay."*

Emotional Coping in Absence of Protection: In the absence of justice, many participants internalized a sense of helplessness. Some expressed resignation, while others described strategies of emotional numbness or avoidance. One participant noted, *"You learn to survive by not feeling too much. If you get angry or hopeful, it just hurts more."*

Theme 3: Experiences with Legal Institutions

Police Interactions: Interactions with police were overwhelmingly negative. Participants described arbitrary detentions, bribes, and intimidation. One man said, *"If you don't have papers, they can do whatever they want to you. And they know it."* Fear of law enforcement deterred migrants from reporting crimes, even when they were victims.

Court Encounters: Participants who had appeared in court described the experience as bewildering and alienating. Without legal guidance or language assistance, many felt silenced. *"I didn't understand what the judge was saying. I just stood there and waited,"* recalled one woman. The lack of interpreters further complicated the process.

Experiences with Detention Centers: Those who had been detained recounted stories of overcrowding, lack of sanitation, and psychological trauma. One participant said, *"They kept us in one room with forty people. No food for two days. My child cried the whole time."* These conditions were seen as degrading and inhumane.

Legal Aid and Representation: Participants often could not afford legal representation, and when they did receive legal aid, it was inconsistent. Some lawyers were described as disinterested or unprepared. One participant shared, *"My lawyer didn't even look at my papers. He just said I would probably be deported."*

Misuse of Power by Authorities: Numerous participants spoke of being coerced, threatened, or extorted by officials. Some had their limited documents confiscated or were pressured to sign forms without understanding them. *"They took my fingerprints and made me sign something in Farsi. I still don't know what it was,"* one man recalled.

Theme 4: Aspirations and Rights Consciousness

Desire for Legal Recognition: Despite their hardships, participants expressed a strong desire to be recognized legally. Many dreamed of obtaining residency papers, registering their children, or living without fear. *"I just want a paper that says I'm allowed to be here. That's all,"* said a participant with visible emotion.

Notions of Justice: Participants shared surprisingly sophisticated understandings of justice. They spoke of fairness, equality, and the right to be heard. One said, *"Justice means not being afraid to tell your story. It means being treated like a human being."* These ideals contrasted sharply with their lived realities.

Human Dignity and Self-Worth: Several participants linked their experiences with justice to feelings of self-worth and dignity. They described how repeated rejection made them feel "less than human." One woman noted, *"Sometimes I wonder if they even see us as people. We feel invisible, unworthy."*

Hope Through Advocacy: Engagement with activists or community organizations inspired some participants to imagine a better future. They described learning their rights and telling their stories in workshops or campaigns. *"When they invited me to speak at the event, I felt proud. Like maybe my story mattered,"* one participant recalled.

Empowerment Through Awareness: Those who had attended legal literacy sessions or had educated themselves online showed signs of increased agency. One young man said, *"Now I know what I can ask for. Maybe they won't listen, but at least I know."* Knowledge was a critical step toward reclaiming power.

Belief in Justice Reform: Despite all challenges, some participants held onto a cautious optimism. They believed change was possible through reform and increased visibility. *"Maybe one day they'll change the system. Maybe they'll see we're not criminals,"* said a participant who had faced repeated arrest.

Discussion and Conclusion

The findings of this study illuminate the complex and often harrowing experiences of undocumented migrants in Tehran as they navigate their perceptions of and interactions with the justice system. The results reveal four overarching themes: *legal invisibility and marginalization*, *navigating informal systems*, *experiences with legal institutions*, and *aspirations and rights consciousness*. Together, these themes present a multi-layered picture of exclusion, resilience, and hope, underscoring the structural and symbolic barriers that undocumented individuals face in pursuing justice in a legal landscape that often fails to recognize their presence, let alone their rights.

One of the most striking findings is the profound sense of *legal invisibility* that pervades the lives of undocumented migrants. Participants repeatedly emphasized the debilitating consequences of lacking a legal identity—being excluded from essential services, denied the right to formal employment, and rendered invisible in the eyes of the state. This aligns with previous literature on "legal non-personhood," where undocumented individuals occupy a liminal space outside formal legal recognition, leading to systematic denial of rights (Menjívar & Abrego, 2012; De Genova, 2013). The fear of deportation further compounds this invisibility, creating a condition of self-imposed isolation and silence. Many participants avoided public spaces, hospitals, and police stations to minimize exposure to state surveillance, echoing the findings of Sigona (2012), who noted that undocumented migrants often limit their mobility to reduce risk of detection.

The theme of *exclusion from formal legal channels* reflects the structural and institutional obstacles embedded within Iran's legal and bureaucratic systems. Participants described being turned away from legal offices, denied interpreters, and ignored by judicial personnel—experiences that indicate not only a lack of procedural accommodation but also active exclusion. Such systemic gatekeeping supports findings by Bloch, Sigona, and Zetter (2011), who observed that the justice system frequently fails to provide accessible pathways for those without documentation, effectively reinforcing a two-tiered model of legal access. Moreover, the finding that many participants lacked awareness of their basic rights and entitlements is consistent with research by UNDP (2005), which argues that legal illiteracy is both a cause and consequence of marginalization.

A significant contribution of this study lies in its examination of how undocumented migrants *navigate informal systems* in the absence of legal access. Many participants relied on community-based mediation, religious leaders, and civil society organizations to resolve conflicts and seek protection. While these informal mechanisms offered some relief, they were often described as partial, inconsistent, and lacking enforceability. This reliance mirrors the patterns identified by Coutin (2000), who emphasized the emergence of alternative legalities in marginalized communities where formal state justice is inaccessible. In the Iranian context, NGOs and informal support networks become crucial intermediaries, albeit under pressure from restrictive regulatory environments (Majidi, 2020). Social capital—friends, relatives, and community leaders—thus played a pivotal role in facilitating limited access to resources and information.

The theme of *experiences with legal institutions* reveals deep mistrust and fear. Participants recounted encounters with law enforcement characterized by arbitrariness, coercion, and abuse. Courts were described as alienating and incomprehensible spaces, particularly due to language barriers and the absence of legal representation. Detention centers, in participants' narratives, were places of physical and psychological harm. These accounts resonate with global research on "legal violence" (Menjívar & Abrego, 2012), which refers to the harms caused by immigration laws and enforcement practices that punish undocumented status rather than criminal conduct. Tyler (2006) also argues that perceived unfairness and disrespect in legal encounters severely undermine institutional legitimacy, discouraging further engagement with legal systems.

Despite these adversities, the theme of *aspirations and rights consciousness* highlights a counter-narrative of resistance and hope. Participants expressed a desire to be legally recognized, to understand their rights, and to contribute to society. Several had engaged with advocacy groups, attended rights-awareness workshops, or shared their stories in public forums. These findings illustrate that even in contexts of extreme exclusion, undocumented migrants develop critical consciousness and agency (Freire, 1970). Hope for legal reform, and the belief in justice as fairness, suggest that the justice aspirations of undocumented individuals are not merely about legal inclusion but about reclaiming dignity and humanity. This aligns with the work of Bosniak (2006), who emphasizes the importance of "ethics of inclusion" in reimagining citizenship beyond legal status.

Furthermore, the narratives of dignity and self-worth expressed by participants reinforce the idea that justice is not only a legal category but also a moral and emotional experience. Participants described feeling "less than human" or "invisible," and yet many retained a belief in the inherent fairness of justice. These affective dimensions of justice have been explored by scholars like Grimmelikhuijsen et al. (2017), who suggest that perceptions of fairness and recognition are as important as procedural access in shaping individuals' trust in institutions.

The results of this study also highlight intersectional vulnerabilities. Women participants, especially those with children, reported heightened fears of deportation, domestic violence, and exclusion from maternal healthcare. Stateless children born in Iran were often denied school registration, indicating transgenerational impacts of undocumented status. These findings are consistent with Vollmer (2011), who argues that irregular legal status intersects with gender, age, and class to produce layered forms of injustice. In Iran's policy environment, where migrant rights are often subordinated to security considerations, these intersecting disadvantages create an urgent need for inclusive legal frameworks.

Moreover, this study underscores the performative role of documentation in shaping one's access to legal personhood. Several participants spoke of carrying photocopies of expired documents or forged IDs as a form of self-protection. This practice, while risky, illustrates the symbolic power of "paper" in contexts where identity and legality are tightly policed. De Genova (2013) describes such performances as part of the "spectacle of migrant illegality," in which the state continuously produces and manages illegality through legal ambiguity and enforcement discretion.

Ultimately, this study reveals that access to justice for undocumented migrants is deeply political. It is not simply a matter of legal reform or better service delivery, but a question of who is seen as worthy of protection, dignity, and legal subjectivity. In Tehran, as elsewhere, undocumented migrants are not passive victims of the law but active navigators of its margins—resisting, adapting, and surviving in a system designed to exclude them.

This study, while rich in qualitative depth, is not without its limitations. First, the sample size was relatively small (n = 18) and drawn exclusively from Tehran, which may limit the generalizability of findings to other regions in Iran or to different migrant communities. The urban context of Tehran—with its dense NGO networks and advocacy infrastructure—may offer more resources than smaller cities or rural areas. Second, the study relied on self-reported data obtained through interviews, which are subject to recall bias, emotional filtering, and selective disclosure—particularly in sensitive topics such as immigration status and legal encounters. Third, while measures were taken to ensure participant safety and trust, the inherent power dynamics between researcher and participant may have influenced how certain narratives were expressed or withheld. Finally, language barriers required the use of interpreters for some interviews, which may have introduced translation inaccuracies or loss of nuance in participant expression.

Future studies should consider expanding the geographical and demographic scope of analysis. Including participants from multiple provinces and different national backgrounds would enrich comparative insights and highlight regional policy disparities. Additionally, longitudinal research tracking undocumented migrants over time could provide valuable information about how perceptions of justice evolve in response to legal reforms or personal transitions such as childbirth, employment, or detention. Researchers should also explore the perspectives of legal practitioners, judges, and civil society actors who interact with undocumented populations, in order to triangulate findings and identify systemic bottlenecks. Finally, incorporating participatory methods—such as community-led storytelling or legal empowerment workshops—can help center migrant voices not just as subjects of research, but as co-producers of knowledge.

From a policy and advocacy standpoint, this study suggests several actionable recommendations. First, governments should ensure that legal aid and court services are accessible to all individuals regardless of immigration status. This includes training personnel on non-discrimination, providing interpreters, and removing ID requirements for reporting abuse or seeking assistance. Second, civil society organizations should expand legal literacy programs tailored for undocumented migrants, using culturally sensitive and linguistically appropriate formats. Third, humanitarian organizations and advocacy groups must continue to document cases of legal exclusion and pressure for inclusive reforms—particularly concerning the rights of children born to undocumented parents. Fourth, safe reporting mechanisms should be established so that undocumented individuals can report violence, exploitation, or corruption without fear of deportation. Lastly, broader public education campaigns are necessary to shift societal attitudes and reduce the stigma surrounding undocumented migrants, recognizing their contributions and affirming their basic rights as human beings.

Acknowledgments

We would like to express our appreciation and gratitude to all those who helped us carrying out this study.

Authors' Contributions

All authors equally contributed to this study.

Declaration of Interest

The authors of this article declared no conflict of interest.

Ethical Considerations

All ethical principles were adheried in conducting and writing this article.

Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

Funding

This research was carried out independently with personal funding and without the financial support of any governmental or private institution or organization.

References

Abbasi-Shavazi, M. J., Glazebrook, D., Jamshidiha, G., Mahmoudian, H., & Sadeghi, R. (2008). Return to Afghanistan? A study of Afghans living in Tehran. Afghanistan Research and Evaluation Unit (AREU).

Bosniak, L. (2006). The citizen and the alien: Dilemmas of contemporary membership. Princeton University Press.

Bloch, A., Sigona, N., & Zetter, R. (2011). Migration routes and strategies of young undocumented migrants in England: A qualitative perspective. Ethnic and Racial Studies, 34(8), 1286–1302. https://doi.org/10.1080/01419870.2011.573439

Coutin, S. B. (2000). Legalizing moves: Salvadoran immigrants' struggle for U.S. residency. University of Michigan Press.

De Genova, N. (2013). Spectacles of migrant 'illegality': The scene of exclusion, the obscene of inclusion. Ethnic and Racial Studies, 36(7), 1180–1198. https://doi.org/10.1080/01419870.2013.783710

Fathollah-Nejad, A. (2020). Iran in an emerging new world order: From Ahmadinejad to Rouhani. Springer.

Grimmelikhuijsen, S., Porumbescu, G., Hong, B., & Im, T. (2017). The effect of transparency on trust in government: A cross-national comparative experiment. Public Administration Review, 73(4), 575–586. https://doi.org/10.1111/puar.12891

Human Rights Watch. (2021). Afghanistan: Iran deports thousands of Afghans. https://www.hrw.org/news/2021/11/04/afghanistan-iran-deports-thousands-afghans

International Organization for Migration (IOM). (2022). World migration report 2022. https://www.iom.int/wmr-2022-interactive/

Kubal, A. (2013). Conceptualizing semi-legality in migration research. Law & Society Review, 47(3), 555–587. https://doi.org/10.1111/lasr.12030

LeVoy, M., Verbruggen, N., & Wets, J. (2004). Undocumented migrant workers in Europe. European Trade Union Confederation.

Majidi, N. (2020). Afghan migration through Iran: Challenges and opportunities. Migration Policy Practice, 10(1), 22–27.

Menjívar, C., & Abrego, L. J. (2012). Legal violence: Immigration law and the lives of Central American immigrants. American Journal of Sociology, 117(5), 1380–1421. https://doi.org/10.1086/663575

Office of the High Commissioner for Human Rights (OHCHR). (2014). The economic, social and cultural rights of migrants in an irregular situation. https://www.ohchr.org

Sigona, N. (2012). 'I have too much baggage': The impacts of legal status on the social worlds of irregular migrants. Social Anthropology, 20(1), 50–65. https://doi.org/10.1111/j.1469-8676.2011.00191.x

Tyler, T. R. (2006). Why people obey the law (2nd ed.). Princeton University Press.

United Nations Development Programme (UNDP). (2005). Programming for justice: Access for all. https://www.undp.org

United Nations Development Programme (UNDP). (2016). Rule of law and access to justice. https://www.undp.org/content/undp/en/home/librarypage/democratic-governance/access_to_justiceandruleoflaw.html

Vollmer, B. A. (2011). Policy discourses on irregular migration in the EU: "Number games" and "political games". European Journal of Migration and Law, 13(3), 317–339. https://doi.org/10.1163/157181611X590622