

OPEN PEER REVIEW

Digital Borders and Virtual Walls: Legal Responses to Online Migration Control

Mariana. Figueiroa¹ , Salma. Benyoussef^{2*} 

¹ Faculty of Law, University of São Paulo, São Paulo, Brazil

² Department of Political Science, Hassan II University, Casablanca, Morocco

* Corresponding author email address: salma.benyoussef@uh2c.ma

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EDITOR: Eman Shenouda  Associate Professor, Department of Psychology, Isfahan (Khorasgan) Branch, Islamic Azad University, Isfahan, Iran. Email: ens01@fayoum.edu.eg			
REVIEWER 1: Jeremiah Thuku Thuku  Department of Literary and Communication Studies, Laikipia University, Nyahururu, Kenya. Email: jerethukuthuku@gmail.com			
REVIEWER 2: Agwu Sunday Okoro  Lecturer & Clinical Law Administrator at Baze University Abuja, Abuja, Nigeria. Email: agwuokoro@gmail.com			

1. Round 1

1.1. Reviewer 1

Reviewer:

Consider briefly suggesting what such a response could involve (e.g., international treaty reforms, AI transparency guidelines) to strengthen the contribution of the abstract.

The article could benefit from a table contrasting physical vs. digital border mechanisms, legal instruments involved, and responsible actors.

The authors should consider referencing current geopolitical debates around digital sovereignty (e.g., the EU's data localization initiatives or China's Cybersecurity Law).

This is an important point. Recommend including one or two examples of judicial interpretations (e.g., from the ECHR) that attempted to adapt these frameworks to digital surveillance.

Strengthen the legal analysis by referencing any jurisprudence or legal scholarship on algorithmic discrimination under international human rights law.

Consider citing specific international principles (e.g., UN Personal Data Protection Principles) that emphasize consent and proportionality.

Consider recommending the harmonization of standards or referencing current proposals from international bodies (e.g., OECD AI principles, UN Global Compact on Migration).

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

This is a valuable insight, but it would benefit from a specific citation or example of an implementation project, such as the UNHCR's blockchain identity pilot.

Suggest integrating a historical context or timeline that traces key legal milestones to clarify how the analog-to-digital transition has outpaced legal reform.

The authors could clarify how this review distinguishes itself methodologically and thematically from prior syntheses in the field.

The section would be enriched by referencing case law, such as *S. and Marper v. United Kingdom* (ECHR), to show how courts have approached biometric data misuse.

Consider discussing the extraterritorial application of human rights obligations here in greater depth, especially in light of the *Hirsi Jamaa* case (ECHR, 2012).

This is a critical point; it could be enhanced by providing one example of a private tech firm that was held accountable—or not—under these principles.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.