# Is There a Right to Immigrate?

**How many immigrants are there?** In the United States, immigrants and their native-born children make up a significant share of the U.S. population. There are currently around 45 million first-generation immigrants, or around 15% of the population. Around half of these immigrants have already become citizens, and a little less than one-third (11 million) are here without legal authorization. There are, in addition, around 15 million second-generation children living in immigrant households (these children are U.S. citizens). These percentages are roughly similar to those that have characterized the U.S. throughout much of its history, but they represent a major change from the 1920s through the early 1970s, when the U.S. (along with many other rich countries) placed severe restrictions on immigration. These restrictions infamously led both the U.S. and the UK to deny entry to Jews wishing to leave Germany in the 1930s (a fact often brought up in debates about immigration restrictions).

**How does the U.S. currently decide which immigrants to accept?** Currently, U.S. immigration policy favors immigrants who either (1) have close family connections with American citizens (as spouses, children, parents, etc.) or (2) have high-demand skills, though strict caps keep the number of spots available quite low, relative to demand. The overwhelming majority of the nearly one million immigrants who arrive each year fall into one of these categories, and most arrive from the same areas of the world (Latin America, China, India). By contrast, the US accepts far fewer immigrants (around 100,000 per year) who arrive as refugees or as asylum seekers.The U.S. (and other rich countries) accepts relatively few people from the poorest, more violent areas of the world, especially in comparison with the numbers who desire to leave. The U.S. also deports large numbers of unauthorized immigrants each year (up to 1,000,000).

**What’s the philosophical debate about?** While it’s very difficult to tell exactly how many people *would* come to the U.S. (or other rich countries) if immigration “caps” were removed, it would likely be a sizable increase over the current numbers, perhaps numbering in the hundreds of millions, at least in the long run. This is because, in large part, because many people currently live in areas of the world with high levels of political instability, widespread poverty and famine, poor medical care, etc. Moving to a rich country (even if it were only to work a sub-minimum wage job) would offer many of these people significantly improved prospects for achieving a decent standard of living. This debate lies at the intersection between politics, economics, and moral philosophy: that is, involves both general principles about how we treat people and empirical facts about “what actually works.”

In any case, it will help to narrow our focus a bit before we start. Our main question today can be expressed as follows: **“Do citizens of rich countries have the moral right (by voting for immigration restrictions) to forcibly prevent ordinary foreign-born people (i.e., those who are not criminals, terrorists, etc.) from living and working in their countries?”** In trying to answer this question, we won’t be assuming any particular approach to ethics. And, indeed, immigration is a (relatively rare!) issue in political philosophy where people with a wide variety of approaches (liberal vs. libertarian; religious vs. secular) actually agree on a surprising number of things. There are, however, also important differences.

# The Prima Facie Right to Immigrate

The philosopher Michael Huemer offers the following vignette in a recent article on immigration:

“I ask the reader to consider the following scenario. Marvin is in desperate need of food. Perhaps someone has stolen his food, or perhaps a natural disaster destroyed his crops; whatever the reason, Marvin is in danger of starvation. Fortunately, he has a plan to remedy the problem: he will walk to the local marketplace, where he will buy bread. Assume that in the absence of outside interference, this plan would succeed: the marketplace is open, and there are people there who are willing to trade food to Marvin in exchange for something he has. Another individual, Sam, is aware of all this and is watching Marvin. For some reason, Sam decides to detain Marvin on his way to the marketplace, forcibly preventing him from reaching it. As a result, Marvin returns home emptyhanded, where he dies of starvation. What is the proper assessment of Sam’s action? Did Sam harm Marvin? Did he violate Marvin’s rights? Was Sam’s action wrong?” (Huemer 2010)

Huemer uses this argument to argue there is a *prima facie* right to immigrate. That is, it a right that holds in the absence of any other factor. Many rights are like this. So, for example, people have a prima facie right not to be killed; so, in the vast majority of circumstances, it’s morally wrong to kill them. However, this right has exceptions (e.g., the person is attempting to kill *you,* or perhaps a terminally ill patient has asked to be killed). Here’s the basic idea:

1. Sam significantly harms Marvin when he stops him from getting the food. Absent some very good reason which we don’t know about (e.g., Marvin being a known criminal), Sam’s behavior here is morally wrong, and violates Marvin’s rights.
2. Marvin is relevantly similar to many potential immigrants, who could significantly improve their lives by immigrating to the U.S.
3. Sam is relevantly similar to the U.S. government, who uses force to prevent immigrants from doing things like finding jobs and housing in the US (from perfectly willing employers and property owners). The mere fact that Sam didn’t cause Marvin’s original problems (or the U.S. didn’t cause the problems that immigrants want to escape from) doesn’t justify their behavior.
4. So, by analogy, the U.S. government harms potential immigrants by denying them entry. Absent some very good reason, this violates their rights.

Other libertarian-leaning philosophers (Caplain 2011) have supplemented this argument appeal to economic data about the benefits of immigration. For example, economists recently have estimated that open borders could almost *double* world GDP, and more than double the income of many immigrants. It could significantly alleviate (or even eliminate) the sort of poverty-related conditions that kill over 20,000 people each day. To put this into context, this is more people than are murdered every *year* in the U.S. The basic idea is the same: given these massive benefits to human well-being, the citizens of rich countries would need to have very good reasons to close their borders, and to use physical violence (or the threat of physical violence) to keep people out.

**Does the U.S. have very good reasons?** The above argument doesn’t show that the U.S. government (or Sam, for that matter) is necessarily in the wrong by restricting immigration. It just shows that the government would need to have a good reason that could *overrule* the prima facie right to immigrate. What might this reason be? We’ll turn to this in the next section.

*A Brief Note of Immigration and Crime and Terrorism.* While discussions of crime and terrorism play a big role in public discussions of immigration, they don’t tend to play a major role in the academic debate over immigration quotas. This is, in large part, because there’s widespread consensus that immigration (even in very high levels) hasn’t led to increased crime levels, especially in the U.S. Moreover, when considering the danger posed by specific sorts of criminals (e.g., those planning to carry out large-scale terrorist attacks), we don’t have any strong evidence for thinking that immigration restrictions of the sort we’re discussing here would even help (since they still might come a visitors, guest workers, or any number of other ways).

# Arguments for Restricting immigration

Huemer’s argument above is meant to show that immigration restrictions are a form of **harmful coercion** and, as such, are prima facie wrong. In other words, there is a strong presumption against using force or violence (armed police, military, or border patrol) to *make* others (potential migrants) do what you want them to (not go certain places). However, there are at least some cases where harmful coercion is OK, such as if we need to use it to prevent greater harm to others (e.g., police arresting a murderer). With this in mind, let’s turn to common arguments FOR restricting immigration.

## Arg 1: Immigration hurt Natives Economically

One common concern about immigration has to do with its effect on native workers. In its most extreme form, the worry is that immigrants, by accepting wages well below the current median wage, will actually drive down the wage of the average native worker. This might be compounded by other bad economic effects: e.g., they may drive up the cost of rental housing (especially in already crowed coastal cities). If it really is the case that natives are significantly hurt by immigration, then restricting it might be perfectly OK. So, for example, perhaps Sam could defend his actions to Marvin by arguing that Marvin’s purchases would drastically raise the price of bread, to the point where natives could no longer afford to eat.

**Problem with Arg 1:** While this argument has intuitive appeal, there’s little reason to think its basic premise—regarding the negative consequences for natives—is true. The economic effects of immigration have been widely studied, using all sorts of methodologies, in wide varieties of settings, and by people with all sorts of different agendas. This has all led to a surprisingly robust consensus that increased immigration either *helps* the citizens of rich countries or, at worst, doesn’t have much impact at all. This is largely because most natives of rich countries have skills (numeracy, literacy, technical training, etc.) that put their jobs well out of reach for newly arrived immigrants. Moreover, these same natives actually benefit from immigrants in a variety of ways: by driving down the cost of consumer products they help make, by buying the goods/services provided by natives, and so on. Some studies have also found that immigrants drive up home value, pension values, etc.

In any case, the existing research on this issue seems relatively clear. The median American citizen (e.g., one with at least a high school education, and perhaps some college) probably doesn’t lose from immigration, at least in the long run.

## Arg 2: Immigration hurts vulnerable natives

George Borjas (an economist) is among the most important and widely cited supporters of immigration restrictions. He grants many of the points made above, but thinks they overlook the effects of immigration on a particular groups of especially vulnerable native workers:

“What does it all add up to [for native workers]? The fiscal burden offsets the gain from the $50 billion immigration surplus, so it’s not too farfetched to conclude that immigration has barely affected the total wealth of natives at all. Instead, it has changed how the pie is split, with the losers—the workers who compete with immigrants, many of those being low-skilled Americans—sending a roughly $500 billion check annually to the winners. Those winners are primarily their employers. And the immigrants themselves come out ahead, too. Put bluntly, immigration turns out to be just another income redistribution program.” (Borjas 2016)

The basic idea here is a simple one: even if immigration doesn’t have much effect on natives *overall,* there are some natives who really are harmed. In particular, Borjas is thinking of native workers with less than a high-school education (around 12%), and in particular those with limited English proficiency (these are often first- or second-generation immigrants). We can use this to formulate an argument for immigration restrictions. To the extent that we (as US citizens) should “look out for our own,” we have reason to protect the U.S. citizens who might be harmed by immigration, even if the harm they suffer isn’t as large as the potential benefits to migrants (as Borjas is happy to grant). These harms are compounded by the fact that natives must help for the social services consumed by the immigrants (and their native born children).

In Borjas’s worst-case scenario (modeled by the Mariel Boatlift, which increased Miami’s workforce by 7% overnight), the wages of the worst-off natives might have fallen by around 6% in the short run. This assumes a number of pessimistic assumptions that have been the focus of much debate. It also ignores both the costs and benefits of the government programs (unemployment insurance, etc.) designed to minimize these impacts. Nevertheless, it seems plausible to think that these workers really were harmed.

We can again express this idea in terms of Huemer’s Sam and Marvin analogy. For example, Sam might try to justify the threat/use of force against Marvin, by noting that *were* Marvin to buy bread, this would cause bread prices to rise, which would make bread more expensive for Sam’s daughter, who’s already having problems making ends meet. Or perhaps Sam has a policy of always buying bread for poor people, but he can’t afford to buy any more bread, so he doesn’t want Marvin to show up. (The analogy here is the social insurance programs like Medicare, Medicaid, Social Security, minimum wage, etc.).

**Problem with Arg 2:** While it is certainly plausible that we might have *some* special duties toward fellow citizens, it is less plausible to claim we can simply treat non-citizens however we like. So, it seems clearly unacceptable for Sam to do something that causes Marvin to die, just to secure a much smaller benefit for his daughter. Borjas’ own work seems to suggest that the harms to even the most vulnerable groups are relatively small (in long run, a 3% wage cut, again ignoring potential government programs). The same things can be said of the fiscal impact (of increased federal spending on social programs) is almost insignificant, at around $50 billion a year (versus a U.S. GDP of $18 trillion). Of course, economics can’t solve the value the question here: how do we weigh the value of lives—immigrant vs. native—in a way that is fair?

A separate response to this argument has focused on the availability of other policy responses (besides restricting immigration). So, for example, if the worry is compensating vulnerable native workers, perhaps newly arrived immigrants could be taxed at a higher rate, and the revenue paid to these natives, in the form of unemployment insurance, retraining, etc. Conversely, if the worry is overtaxed social services, these fees could be used to make sure the programs stay solvent. While nearly all of the policy proposals of this type can (and have) led to heated arguments among liberals, libertarians, etc., it’s important to remember that, for many potential migrants, almost *anything* would be preferable to the status quo (which involves rich countries denying entry altogether). Going further, one might also reasonably wonder *why* native-born citizens *morally deserve* better welfare benefits than others (especially when we are talking about children, as we often are).

## Arg 3: Immigration Threatens Native Culture or politics

“Admission and exclusion are at the core of communal independence. They suggest the deepest meaning of self-determination. Without them, there could not be communities of character, historically ongoing associations of men and women with some special commitment to one another and some special sense of their common life.” (Michael Walzer)

Outside of economic worries, the most commonly offered reason for restricting immigration is that the arrival of large number of low-skill immigrants would change the “culture” in ways current citizens would dislike. This argument is advanced not only in the U.S. and Europe, but also in places like China and Japan (where legal immigration rates are very low). While this criticism comes in many forms, some common worries include the following:

1. The immigrants’ language, religious beliefs, and culture practices would change public spaces (everything from schools to parks to businesses to newspapers to entertainment) in ways that natives dislike.
2. The immigrants may have religious beliefs or practices that, while perfectly legal, the natives find morally objectionable, and wish to shield their children from.
3. The immigrants arrive in numbers sufficient to make the difference in elections, and vote for candidates or policies that natives dislike. (In particular, immigrants may vote for policies that economically benefit their groups, at the expense of other groups).
4. At the most extreme, the worry may be that the immigrants will arrive in sufficient numbers to overthrow the central institutions of liberal, democratic society, or to make collaborative social action (regarding foreign policy, trade, etc.) impossible.

So, in terms of Sam and Marvin, perhaps Marvin is (an especially well-spoken) advocate of a religion whose dogmas Sam finds disagreeable or dangerous, and Sam really doesn’t want to give Marvin the chance to convert people. While Marvin can credibly promise that \*he\* won’t do anything illegal or immoral, Sam worries about long-run effects of allowing Marvin in. So, *that’s* why Sam feels like it is OK to forcibly stop Marvin from buying food. (A sidenote: Walzer explicitly says that his argument does NOT entail that we can exclude whoever we wish, or that we don’t have any duties to those in other nations. He’s mostly worried about Sam letting Marvin in, but not granting Marvin full citizenship rights).

**Problems with Arg 3:** The first problem here is a factual one: while many of us find it easy to *imagine* these absolutely terrible things happening, we don’t currently have much evidence that immigration (even in very large numbers) presents these risks. In particular, the worry is we find it far too easy to overestimate how radically immigrants will change things, and underestimate how much things would have changed anyways. So, for example, most studies of immigrants suggest that tend to vote at lower levels than natives, and that they basically show a “status quo” bias toward the political system (e.g., they tend to accept a “that’s the way things work here,” as opposed to wanting to change them drastically). This discussion also risks leaving out the positive changes to culture driven by immigrants, who tend to be overrepresented in many creative/scientific fields, and who make many smaller contributions to the local cultures in which they live (new restaurants and festivals, support for religious institutions, etc.).

A more serious problem with this argument is the moral one. It is, for example, true that first-generation immigrants are less Christian or conservative than the average native (they are, in general, more likely to identify as independents). They are also \*much\* less likely to be Evangelical Protestant (versus Catholic or Orthodox). So, the arrival of large numbers might weak the political and cultural power of native conservative evangelicals. However, it’s hard to see how this fact (all by itself) could justify immigration restrictions. After all, these exact same arguments can be (and historically, actually have) been used to argue against extending the vote to the poor, to women, to racial minorities, etc., both in the U.S. and abroad. The basic moral idea is as follows: given the high stakes for the potential immigrants, the mere fact that there *might* be bad consequences for natives isn’t enough to justify restrictions.

Again, it’s worth considering the extent to which these worries are realistic. Historically, conservative groups in countries like the U.S. and U.K. have worried that new groups (the poor, women, Irish Catholics, etc.) would use their political power to change the country in ways that would harm their interests. And it’s true that our country has changed as the vote has been extended, sometimes in ways that really did disadvantage these groups. However, in the long run, the arrival of these groups on the political scene didn’t spell demographic disaster for conservative political power, as some worried. Instead, the political preferences of these groups pretty quickly converged with those of natives as whole. Recent studies of second- and third-generation immigrants show that they identify as conservatives nearly as frequently as natives do.

## Citizenship as a “Club”: The Right To exclude

Many recent arguments for restricting immigration have granted much of what we have said so far. In particular, they grant that open borders would help immigrants much more than it would hurt natives economically, and those natives who are harmed could be compensated in other ways. Similarly, while cultural and religious differences might be relevant, they can’t (by themselves) ground the right to violently prevent people from doing things like crossing borders, seeking employment, or cultivating personal, business, or romantic relationships with citizens of different countries. Nevertheless, some prominent philosophers have argued that the citizens of a given country have at least *some* right to exclude, in just the same way that clubs have the right to exclude new members, or home owners have the right exclude unwanted guests.

Christopher Wellman, for example, has argued that states have the same sort of “freedom of association” that individuals and clubs do. So, for example, Canada has the freedom to join NAFTA, and also the freedom not to rejoin the UK, and not to absorb the U.S. state of Minnesota (even if the Minnesotans wanted to join!). For this same reason, Wellman argues, nations have the right to exclude immigrants. After all, he argues, large numbers of immigrants can rapidly change the character of the state as such, and these changes may be unfair to the natives who’d made certain political decisions (e.g., regarding the structure of health care, education, aid for children/elderly) on the assumption that the population wouldn’t change in this way. Wellman argues that we need to respect these rights, even if they don’t always lead to the best consequences for everyone effected. (A sidenote: Most research suggests that popular support for government programs is inversely proportional to cultural diversity—the more diverse the society, the more fiscally conservative people become.)

Michael Blake, in contrast to Wellman, doesn’t think that states have this sort of general right to association. He does, however, think that certain *sorts* of groups might have the right to exclude (or, at least, to selectively admit) immigrants. In particular a group might have a right to exclude if (1) it’s current members we involved in some long-term project (whether this be scientific, business, political, etc.) that stood to benefit everyone, and (2) letting in immigrants would make achieving this project more difficult.. So, perhaps the long-standing local chess club meets in a small basement, and is preparing for an important tournament. In this case, it seems perfectly reasonable for them to be picky about which new members they admit, and to care about things like the applicant’s skill in chess. Similarly, overcrowded communities, or those suffering from very high rates of unemployment in certain industries, might have some right to exclude certain sorts of immigrants, at least for a while. Like Wellman and Walzer, Blake is careful to note that this isn’t a defense of immigration restrictions as they currently exist: rather, it’s a conceptual argument regarding their permissibility in principle.

**Problems with Arg 4:** Both Wellman and Blake (despite their disagreements with each other, and with the proponents of open borders) think that citizens of rich countries have much stronger obligations to aid people in developing countries than in usually thought. So, it’s worth making the following distinction: (1) would it be OK for rich countries to exclude immigrants, on the assumption that they do all they can to alleviate world poverty, promote stable governance, etc. and (2) is it OK to exclude immigrants, given that rich countries don’t do these things. Huemer gives the analogy of a “club” that has exclusive access to the potable water in a neighborhood. Does this club \*really\* have the right to exclude new members, given that exclusion means death from dehydration? This seems highly unlikely.

# Other Debates about Immigration

**Is it morally OK to recruit high-skilled immigrants?** The immigration policies of many rich countries allows easier entry for people in certain high-demand fields, such as medicine or engineering. From the point of the view of the citizens of rich countries, this has considerable appeal: these highly skilled immigrants are net contributors in terms of taxes, drive down the costs of valuable services, and (often) seem more culturally “similar” to natives than low-skilled immigrants would be. When combined with tight restrictions on low-skill labor (of the sort discussed above), however, this raises significant moral concerns. In particular, these policies can (and some studies suggest, already have) created severe shortages of these professionals in the countries from which they immigrate.

**What should we do about undocumented immigrants?** Even if we manage to figure what our ideal immigration policy would look like going forward, this would leave the problem of how to address the undocumented immigrants who are already here. (Again, we’ll be focusing on the “typical” case, rather than violent criminals, etc.) There at least two ethical considerations here, which go in opposing ways. On the one hand, mass deportation (either by arrest or by forcing “self deportation”) would have large, negative costs for the immigrants (most of whom have been here for over a decade), for their families, and for their communities as a whole. GDP would almost certainly contract, and the enforcement effort would likely lead to significantly diminished trust in governmental institutions for immigrant communities (e.g., they may be less willing to seek police or medical help, or even send their children to school). On the other hand, failure to enforce existing laws can *also* lead to diminished respect for the law among both natives and immigrants, and may make citizens less willing to consider reforming the laws they do have (since they can’t be confident their decisions will actually be enforced).

**What does this mean for individuals?** Many of the issues we’ve talked about are large-scale social and political issues, and ones over which individuals have very little direct control. That being said, the debates about immigration bring to the foreground a number of important moral principles. First, it seems plausible that, as citizens of rich countries, we may not do enough to aid those living in the poorest areas of the world, regardless of our views on immigration. Moreover, we make a mistake when we try to think about it in terms of what we’ve experienced in terms of the poverty we’ve witnessed or experienced in rich countries. People living in absolute poverty make less money than all but a tiny percent of U.S. citizens, and they lack access to any of the social services (health, food, shelter) that are available here. Moreover, their environments make social mobility all but impossible—there’s no “pulling oneself up by one’s bootstraps.” Second, and related to this, when thinking of immigration policy, it’s important to remember that the people voting on the policies are, overwhelmingly, NOT the people most directly affected by it. So, it’s important to distinguish between two different things: “How would I feel about having more immigrants in my neighborhood?” vs. “Is this a good policy for people on balance, including both immigrants and natives?”