

Making Sense on Immigration

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Harris/Daily Mail Poll, 19-20 November



Political hostility towards immigrants



Fleeing by sea to Lampedusa



The Rawlsian assumption

- ‘A well-ordered society is conceived as an ongoing society, a self-sufficient association of human beings which, like a nation-state, controls a connected territory ... a closed system; there are no significant relations to other societies, and no one enters from without, for all are born into it to lead a complete life.’ (J. Rawls, ‘Kantian Constructivism in Moral Theory’, in J. Rawls, *Collected Papers*, ed. S. Freeman (Cambridge, MA: Harvard University Press, 1999), p. 323)

Joshua Harney, Chartist, 1848

‘The exile is free to land upon our shores, and free to perish of hunger beneath our inclement skies.’

Henry Sidgwick, *Elements of Politics*, 1891

‘A State must obviously have the right to admit aliens on its own terms, imposing any conditions on entrance or tolls on transit, and subjecting them to any legal restrictions or disabilities that it may deem expedient. It ought not, indeed, having once admitted them, to apply to them suddenly, and without warning, a harsh differential treatment; but as it may legitimately exclude them altogether, it must have a right to treat them in any way it thinks fit, after due warning given and due time allowed for withdrawal.’

The welfare state social contract

- Participants contribute through working and paying taxes, and draw benefits – health care, unemployment benefit, pensions, etc – when needed.
- The terms of the contract cannot be strictly enforced: they depend upon willingness to comply.
- For the contract to persist, participants must trust that others will play their part.
- Cultural diversity, especially when accompanied by physical separation, tends to erode trust.

Who counts as a refugee?

- The Geneva Convention (1951, amended 1967): "A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."
- A wider definition (UNHCR): "Persons who are outside their country of nationality or habitual residence and unable to return there owing to serious and indiscriminate threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order."

Obligations to refugees

- Non-refoulement: "No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social or political opinion".
- Limitations:
 1. States may take steps to deter potential refugees from reaching their borders (e.g. by imposing liability on airlines and other carriers)
 2. Refugees who reach the border may be sent on to third countries where (it is believed) their life or freedom would not be threatened.

Fair division of responsibility

- States that have contributed to creating the circumstances that generate refugee flows have a special responsibility towards those refugees.
- States that are better able to accept and integrate refugees, by virtue of territorial extent, population size, GDP etc, should take in a larger share of the remainder

Conclusion

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- Refugees who cannot return to their countries of origin within a reasonable length of time should be entitled to apply for permanent residence and eventually citizenship.
- These obligations must as a matter of justice be discharged before other, possibly more desirable, immigrants are accepted.