



Migration Restrictions in the West:

Some Ethical Concerns

EU INSTITUTIONS & POLICIES

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Summary

- Migration policies have divided the world in two groups: the walled world of Western countries and the rest.
- The EU system of migration control is the most extensive, given that Europe is surrounded by a series of regions with high migration potential.
- Migration restrictions do not enhance and may serve to reduce the opportunities of the worse-off and, as such, are at odds with international fairness.
- Negative externalities from richer to poorer countries, triggered by migration policies themselves or monetary or climate policies, make migration restrictions even more unfair.
- The growth of the migration control system ends up threatening human rights within Western countries.
- It is necessary to explore all possible ways to reverse migration restrictions and promote more open migration policies.

As the British government is currently considering withdrawing from the European Convention on Human Rights (ECHR) to implement immigration restrictions more freely, I offer in this piece a reflection of normative political theory to develop our conceptual understanding of the ethical concerns that stem from immigration restrictions in the West. Higher-income Western countries have been isolating themselves from the low- and middle-skilled in lower-income countries for decades to form a sort of global gated community. This situation creates ethical concerns in terms of international fairness, given the negative externalities from richer to poorer countries, and for the spill-over of migration controls to the native population – all of which a British exit from the ECHR would encapsulate. As such, I suggest re-examining the direction of current policies and indicate in conclusion possible pathways to consider.

Over the past half century, a global gated community has been consolidated.

Over the past half century, a global gated community has been consolidated. Its limits pass through the US-Mexico border, around Fortress Europe, on Israel's security wall, around Singapore, in Northern Australian waters, and in the Korean Demilitarized Zone. The United States, Canada, the European Economic Area plus the United Kingdom and Switzerland, Israel, Singapore, Australia, New Zealand, Taiwan, South Korea, and Japan are part of the walled world.

Among those countries, the EU system of migration control has been the most extensive and elaborate because Europe has been surrounded by regions with high migration potential. The first element of this migration control system includes selective migration policies. From the late 1960s onwards, work immigration opportunities in Western countries became dependent on a high level of skills and the capacity to generate high earnings. The other pathways for immigration, including family reunification and asylum, received an increasingly narrow interpretation – especially following the collapse of the Soviet bloc. The recent pandemic has shown that public health arguments can also serve to curb immigration drastically.

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The implementation of this restrictive legislation has relied first on growing physical infrastructures at borders and deportations. About [1,000 kilometres](#) of walls have been built in Europe since the 1990s to keep migrants out. They include the walls around the Spanish enclaves of Ceuta and Melilla in North Africa. They are nearly [8 meters high](#), '[three layers deep ... monitored 24/7 with infrared cameras, motion sensors and watch towers](#)'. The Evros Wall was built in 2012 along the Greek-Turkish border. The impossibility of crossing the border at regular entry points has led migrants to risk maritime journeys subject to a combination of rescue operations under the law of the sea and asylum claims under refugee law. Thousands have died at sea in recent years as a result. Detention centres with appalling conditions on Greek islands have been a Greek and European deliberate policy to deter immigrants. Among those who pass those various obstacles, hundreds of thousands are still deported by Western countries back to their countries of origin or transit.

Walls, detention centres, and deportations are the most emblematic aspects of immigration restrictions, but they are far from guaranteeing the control restrictive states contemplate. To achieve more control, they also depend on cooperation with countries of origin or transit. The EU system of migration control has included readmission agreements with the strategic countries of transit Morocco and Turkey. Spain signed an [agreement with Morocco](#) as early as February 1992, so that Morocco readmit non-Moroccan nationals who had entered Spain after transiting through Morocco. In March 2016, the [EU-Turkey statement](#) provided that Turkey would readmit all new irregular immigrants

arriving from Turkey to the Greek islands and whose asylum applications were inadmissible in the EU.

Beyond those readmission agreements, more extensive cooperation became necessary with transit or origin countries. Spain signed other migration cooperation agreements with Mauritania in 2003 and Senegal in 2006 and linked its development aid for African countries in the Plan Africa 2006–2008 to cooperation on migration control. Cooperation with Morocco went further with the March 2019 agreement to dismantle networks supporting irregular immigration. In southern Libya, the EU invested dozens of millions of euros to [reinforce border controls](#) and train Libyan border guards. In 2018, the EU increased the budget of its border management mission in Libya to [61.6 million euros](#). The overall amount of funds allocated to migration control in the EU Trust Fund for Africa exceeds 30 billion euros for the 2021–2027 period.

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Other countries in the walled world have also stepped up their migration control apparatus. In 2016, the UK completed the 1-kilometre-long and 4-meter-high concrete wall of Calais, on the French coast, in cooperation with France. From the time of the Clinton administration onwards, the US began to systematically build physical barriers along the 3,145 kilometres of the US-Mexico border. The US also reached out to Latin American countries to stabilise migrants on their territories in exchange for financial aid and other assistance. Australia paid island nations in the Western Pacific to keep immigrants away.

Now that we have analysed the immigration control apparatus at the borders of the rich world, let us turn to making explicit the ethical predicament that this situation creates.

This migration control system creates an ethical predicament for Western countries for three reasons. The first reason is that it contravenes the principle of justice as fairness as theorised by John Rawls: fairness is the attribute of an institutional arrangement in which ‘an inequality of opportunity’ is justified only if it ‘enhance[s] the opportunities of those with the lesser opportunity’. Concretely, if there is an asymmetry of opportunities between people in the West on the one hand and people in the rest of the world on the other hand, then the institutional arrangements between those two groups of countries should enhance the opportunities of those in the rest of the world to receive the attribute of fairness.

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From the beginning of the nineteenth century onwards, with the industrial revolution in Western countries in full swing and Western colonialism across the world, inequality between countries, rather than within countries, came to constitute a major part of global inequality. The new hierarchy of income and wealth per capita has placed at the top the United States, followed by its allies: Canada, Western Europe, Persian Gulf countries, Japan, South Korea, Taiwan, Australia, and New Zealand. Countries in the Global South, by contrast, have occupied the lower range of the international economic hierarchy. In 2009, the countries of the walled world represented 14 percent of the world’s population, but 73 percent of its income. The average monthly income was €2,500, compared with €150 in the rest of the world.

Far from offering more opportunities to the inhabitants of the rest of the world, the institutional arrangements regulating migration flows have reinforced the inequality of opportunity. People in the rich world generally enjoy visa-free international mobility. By contrast, those who could multiply their income by simply changing country face significant obstacles. As a result, even though global survey data show 15 percent of the

world's adults would be ready to emigrate to the West and transportation and information technologies should allow them to do so, a fraction only can do it.

Some have attempted to put forward that those who eventually move are often not among the worse-off in their countries. As a result, they have suggested migration restrictions by Western countries might not be detrimental to the opportunities of the ultimate worse-off. However, this line of reasoning is incorrect. First, more open migration policies could allow more to emigrate among the worse-off – given the drop in transportation and information costs. Second, there is no evidence that current restrictions towards the migrants from lower-income countries have any positive effect on the worse-off in those countries. Third, there is evidence that, through the remittances those who emigrate send back to their countries, they contribute to development at large in those countries.

The fairness argument becomes even more imperious if restrictive countries are currently, at least partly, responsible for the difficulties in the countries of emigration.

Therefore, the principle of justice as fairness implies that current migration restrictions should be replaced by more open policies, allowing those who want to migrate to do so, take up jobs in destination countries freely, and transfer their earnings to their countries of origin equally freely.

In addition to the question of fairness, the second reason why the current migration control system creates an ethical predicament for Western countries is because there are, in parallel, negative externalities from the West to lower-income countries. The fairness argument becomes even more imperious if restrictive countries are currently, at least partly, responsible for the difficulties in the countries of emigration. Then, not only institutional arrangements related to migration do not enhance the opportunities of those with the lesser opportunity, but they also serve to consolidate the effects of other arrangements that decrease the opportunities of those with the lesser opportunity.

First, the very restrictions to immigration are causes of negative externalities. As Western countries close their borders, the closest transit countries face the pressure of migrants aiming to continue their journey but prevented from doing so. Turkey and Libya have had recently to support large inflows of migrants prevented from proceeding further in their journeys, with dramatic consequences on political stability, as xenophobia against migrants rises and they become the victims of human rights violations. The selected restrictions against the low-skilled also are a source of negative externalities as rich countries generally aim to return to the countries of origin those with the lowest economic potential.

A second cause of negative externalities lies in monetary policies: those policies in the destination countries of global migration tend to affect origin countries negatively. A striking example is for those countries of emigration in Latin America or Africa that use the US dollar or the euro or have currencies pegged to the US dollar or to the euro. When central banks in the US or the Eurozone expand their money supply to fund government programmes, they take advantage of the fact that their currencies are used globally to cushion the increase in prices triggered by monetary expansion. Their inflation is spread globally. In the Global South, the purchasing power of savings or wages declines, in terms of real goods, whereas those countries do not benefit from the government programmes that monetary expansion has served to fund. These mechanisms create a transfer of wealth from the Global South to the Global North.

A third cause of negative externalities lies in climate policies. Western countries have been systematically reducing investment and increasing taxes in the fossil fuel sector. Both factors could shrink the supply of fossil fuel energy, which will remain available only in the

markets with the highest prices. Regarding the alternative forms of energy, nuclear energy requires levels of investment and skills that most countries in the Global South do not possess. The high production costs of wind and solar energy also make them unprofitable in lower-income countries. If Western countries may be prosperous and advanced enough to proceed with reducing carbon emissions, lower-income countries in Latin America, Africa, South and Southeast Asia are still crucially dependent on cheap fossil fuel energy to lift their populations out of poverty and even maintain their demography.

That, at the same time, the Western countries responsible for those policies are also preventing outflows from lower-income countries to the West is particularly problematic.

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In addition to these questions of parallel negative externalities, the third reason why the current migration control system creates an ethical predicament in Western countries is because this control system could spill over and threaten human rights and civil liberties within those countries. This is exactly what a British exit from the ECHR would demonstrate. The migration control system in Western countries is the result of a historical development, through which governments have reinforced their instruments of control over immigrants, but also over the native population. To control immigrants' employment conditions, governments have reinforced their controls over employers. To control their borders, governments have reinforced their controls over residents in border areas and those likely to help migrants move. To control immigrants' housing, governments have reinforced their controls over landlords. As immigrants have been forced to live clandestinely and rely on irregular jobs and alternative security organisation, the police state just grew stronger to hunt down immigrants and dismantle new criminal networks.

Today, the migration control system has reintroduced camps as a permanent feature of state policies, especially in the EU, near external borders, but also elsewhere. Camps are, however, an existential threat for human rights. This is in camps, Hannah Arendt argued shortly after the Holocaust, that the ultimate stage of totalitarianism – the destruction of the human person – can take place. In camps, people become a mass of undifferentiated elements. This is the prelude to their physical elimination. The return of camps in Europe could testify on the coercion spiral underlying the rise of the migration control system in the West.

To conclude, a migration control system has transformed the West into a global gated community through a variety of policies that became more and more extensive. This growth is the source of serious ethical concerns. Such a predicament suggests exploring all the pathways that can help reduce migration controls and move towards more open migration arrangements. [In my research](#), I have explored how a certain configuration of the international system can become favourable to more open migration policies. A regional hegemon with freely adjusting labour markets characterized by expanding demand and with an interest in stabilizing and unifying its regional system can lead other states towards more open migration policies regionally. In parallel, a domestic path too can be considered, with the gradual unwinding of the spiral of immigration restrictions at the domestic level. Those various paths should be explored further to prevent a moral chaos at Western borders in this century.